DISARMING NICARAGUAN WOMEN: THE OTHER COUNTERREVOLUTION

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INTRODUCTION

Women became involved in the Nicaraguan Revolution primarily due to traditional maternal concerns.[1] Yet, in the process of involving themselves in politics for the sake of others, they became conscious of the need to launch their own revolution and make demands for themselves as women. In part, the courage to make demands came from the sense of accomplishment and entitlement they derived from their invaluable contribution to their country. Swept away by Sandinista declarations of the

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[1] In searching for sources to write this Article, I was disappointed to find that despite the large volume of literature devoted to the Nicaraguan Revolution, there was very little written about women's participation in it or about its effect on women's lives. I was also disappointed to find that later sources derived much of their information from earlier sources.

Much of the information I used came from a series of interviews conducted by Margaret Randall. These interviews are found in Margaret Randall, Sandino's Daughters: Testimonies of Nicaraguan Women in Struggle (Linda Yanz ed., 1981), [hereinafter Randall, Sandino's Daughters] and in Margaret Randall, Sandino's Daughters Revisited: Feminism in Nicaragua (1994) [hereinafter Randall, Sandino's Daughters Revisited]. While the interviews present a first hand account of women's lives and include the period leading up to the Revolution, the Sandinista Regime, and the election of Violeta Chamorro, the current president, they also make it difficult to generalize, since one woman's experience may or may not be representative of others. Overall, I tried to show how the revolution affected women in different sectors of society, as well as the various levels of commitment and involvement of these women. I am aware that in doing so I overlooked those women who supported the Somoza dictatorship and/or opposed the leadership of the National Sandinista Liberation Front (FSLN).

For more information on the political history of Nicaragua, see Dennis Gilbert, Nicaragua, in Confronting Revolution: Security Through Diplomacy in Central America 88 (Morris J. Blachman et al. eds., 1986); Walter LaFeber, Inevitable Revolutions: The United States in Central America (1983).

right to human dignity and work,[2] the women's revolution[3] was an attempt to redefine the role of Nicaraguan women, both as mothers and as women. As mothers, women wanted the same rights and privileges which men enjoyed with respect to their children, employment opportunities, and political participation. As women, they wanted the right to bear arms, to defend their country, and to exercise control over their bodies, including the right to contraceptives and abortion.

During the Sandinista Revolution, women armed themselves with both physical and ideological weapons and participated at all levels. Through the Association of Nicaraguan Women Confronting the Nation's Problems (AMPRONAC)[4] and the Luisa Amanda Espinosa Nicaraguan Women's Association (AMNLAE),[5] they became politically active, undertaking consciousness-raising and educational campaigns designed to mobilize other women. Younger women became active primarily through student political and Christian organizations. Many of these women opted to participate through armed combat and joined the National Sandinista Liberation Front (FSLN).

The war also changed the lives of women who were not active participants in the Revolution. During the time of the Revolution it became common for women with small children to be abandoned by their husbands or partners. Women became the head of the household in roughly one-half the families in Nicaragua and were forced to leave their homes in search of work.[6] Thus, women stepped outside of their traditional roles and moved

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[2] The FSLN pledged to satisfy the basic needs of the impoverished majority of Nicaraguans. This meant implementing aggressive redistributive policies in areas such as agrarian reform, education, health, and nutrition. See Gilbert, supra note 1, at 96. The FSLN also pledged to establish political pluralism. See id.

[3] What I refer to as the women's revolution is women's attempts to shift the power balance between men and women in Nicaragua. The FSLN has used the term "the women's revolution" in a slightly different way. The term is used by them to refer to the movement of women from the private sphere into the public sphere, such that economic independence as well as integration into the armed forces are recognized as liberating accomplishments for women. See Tomas Borge, Nicaragua: La Mujer en la Revolución 5-12 (Jaime Martin ed., 1984).

[4] The Association of Nicaraguan Women Confronting the Nation's Problems (AMPRONAC) was the first women's organization in Nicaragua which managed to obtain the support of women from all sectors of society. This organization was founded in 1977, having been conceived of and directed by the FSLN with the goal of involving women in the revolution. See Randall, Sandino's Daughters, supra note 1, at 2–8.

[5] The Luisa Amanda Espinosa Nicaraguan Women's Association (AMNLAE) was the successor organization to AMPRONAC. See Randall, Sandino's Daughters Revisited, supra note 1, at 24–25.

[6] See Helen Collinson, Women and Revolution in Nicaragua (Helen Collinson ed.,

into the public sphere to adopt the historically male role of supporting the family. Soon women became extensively integrated into the national economy. Their new circumstances enabled them to become intimately familiar with the political and economic conditions of their country. These circumstances also enabled women to have direct contact with the FSLN and other political groups, making them aware of the various roles they could play in overthrowing the Somoza dictatorship and protecting their loved ones from the human rights violations of the National Guard.

In general, Nicaraguan society and the FSLN leadership encouraged women's adoption of the male role with respect to economic support of the family. Indeed, the Revolution's goal of rebuilding the national economy and educating its people was dependent on women's continued integration into the economy. With roughly fifty-percent of families headed by women,[7] it became critical that women be able to take advantage of the prestigious and/or skilled employment generally reserved for men. This Article argues that, because women's involvement in the economy and in politics could be contained by characterizing their transgressions as simply normal maternal responses to extraordinary conditions, this involvement was not perceived as much of a threat. Ironically, the women's movement into the public sphere, particularly the market place, helped discharge male responsibility with respect to economic support while maintaining male privilege.

Despite the encouragement women received as they integrated themselves into the national economy, when they chose to participate in the Revolution through armed combat, men did not tolerate what they perceived to be a further encroachment on their role. Having lost the privilege and respect which came from supporting the family, they were unwilling to allow women to remain in the armed forces beyond the revolutionary victory. Integration into this section of the public sphere encroached on the last distinguishing factor between men and women—war and its corresponding glory—which men could declare to be a natural aptitude legitimizing their superior status. This Article argues that to reinstate the waning patriarchal structure men launched a counterrevolution which infiltrated every aspect of women's lives. In the context of the armed forces, men undermined women's military achievements by emphasizing either the extraordinary conditions under which they arose or the superhuman nature of the particular woman.

In a more intimate context, men fought to keep *machista* traditions which dictated that men have access to and control over women's bodies.[8]

1990).

[7] See infra note 177.

[8] See Clara Murguialday, Nicaragua, Revolución y Feminismo (1977–89) 27–28

Accordingly, when women began demanding contraceptives and the legalization, or at least decriminalization, of abortion, men fought to restore the old power structure. This Article contends that at the core of the Nicaraguan abortion debate was the issue of male privilege. Men's core identities were dependent on women's child bearing because fathering children in Nicaragua is considered a physical manifestation of male potency.[9] Further, the FSLN's complicity in the counterrevolution stemmed from ideological biases about feminism common to left-wing parties in Latin America,[10] and the belief that the Revolution's survival was contingent upon repopulating the nation.[11]

In short, this Article will demonstrate that the FSLN facilitated women's participation in the economy and politics only as long as doing so furthered the goals of the Revolution. However, once women's demands challenged male privilege, the FSLN was unwilling to lend its support, despite rhetoric to the contrary. Part I of this Article discusses women's lives under the Somoza dictatorship, describing how the circumstances of this era, along with *machismo*, helped create a class of mothers abandoned by their husbands or partners. Part II examines how women's political and social participation in the Revolution originally stemmed from maternal concerns with preserving the family. It also discusses women's participation in the armed forces, as well as the gender-specific torture and prison conditions women endured while they were held captive by the National Guard. Part III examines women's lives under the FSLN. It discusses the FSLN's enactment of laws designed to benefit women as workers, mothers, and working mothers. It also discusses the FSLN's refusal to support women's demand that male privilege be severely limited by holding men responsible for supporting their children. Finally, it discusses the attacks launched against women who took advantage of the contraceptives available at the state health centers, and against women who demanded the legalization of abortion. Overall, this article concludes that the efforts by women to gain equality in both the public and private spheres of society were supported by the FSLN only as long as these efforts simultaneously aided in the advancement of the revolution.

I. WOMEN'S LIVES UNDER SOMOCISMO

(1990); Elizabeth Maier, Nicaragua: La Mujer en la Revolución 26–30 (1980).

[9] See Murguialday, supra note 8, at 27.

[10] See infra text accompanying note 247.

[11] See infra text accompanying note 227.

Since the nineteenth century, the people of Nicaragua have been plagued by civil unrest and by the United States' intervention in its political and economic activities. Beginning in 1856, American William Walker led the first military expedition into Nicaragua.[12] Investment opportunities for Americans were facilitated by successive governments in the latter half of the nineteenth century.[13] These investors allied themselves with the wealthy Europeans who had earlier colonized Nicaragua, and along with the help of the United States Marines, began to "expropriate" the most productive lands from the indigenous and peasant populations.[14] In 1933, after having trained the National Guard, the Marines placed Anastasio Somoza Sr. as head of the National Guard.[15] Throughout the Somoza dictatorship, Somoza Sr., and later Somoza Jr., enjoyed the full economic and military support of the United States.[16]

During the years of the Somoza dictatorship, the majority of the Nicaraguan people lived in rural communities. Traditionally, family members were assigned gender-specific tasks through which they all contributed to the economic support of the family. The husband owned a small plot of land and made all the decisions with respect to its cultivation.[17] In order to obtain currency to satisfy the family's needs which the land could not provide for, surplus from the harvest was sold at the local farmer's market.[18] The husband maintained absolute control over the family money. During the harvests, he would supplement this income by working on the large plantations.[19] It was the husband's skill in

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[12] Collinson, supra note 6, at 4.

[13] Id.

[14] Collinson, supra note 6, at 38–39. Over the decades of the Somoza dictatorship, more and more land was appropriated to create huge private farming estates or haciendas for cash crops such as cotton, tobacco, coffee, and sugar cane. Plantations of cotton, introduced in the 1950s, expanded 120-fold between 1949 and 1955. To make way for these cash crops, thousands of peasant families were thrown off their land and forced to join the growing army of landless laborers drifting from one hacienda to another in search of paid work. See id.

[15] Somoza's position would later become that of leader of the nation. In the years in which Somoza ruled, his family managed to appropriate much of the country's infrastructure and up to 30% of the country's arable lands. LaFeber, supra note 1, at 68–69.

[16] In 1979, the Carter administration stopped all aid to Nicaragua and sharply reduced U.S. diplomatic personnel because of its concern for human rights abuses. Id. at 231–233.

[17] Murguialday, supra note 8, at 15.

[18] Id.

[19] Id.

decision-making with respect to the land which ensured the family's survival.[20]

Women were considered to be the absolute property of their husbands and were (and still are) valued primarily for their ability to bear children.[21] Women were responsible for the household chores, rearing the children, keeping track of the small farm animals, and even helping in the fields during the sowing and harvests.[22] Despite making a valuable contribution to the family's survival, the wife was denied recognition for her work.[23] Instead, her actions were believed to require no skill or critical thinking and were considered to be natural aptitudes associated with being born female.[24]

The land expropriations which began in the nineteenth century destroyed the traditional lifestyle of Nicaraguans.[25] The men in these communities had never formally acquired title.[26] Technically, the families

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[20] Id. at 15.

[21] Large families are desirable among the peasants and indigenous populations because children are needed to labor in the family plot or to help the father at the plantations. See id.

[22] Murguialday, supra note 8, at 15.

> I'm 36 and I've been married for eighteen years. I've had nine children; only four are left. Most of them died young, some at birth and others around the age of two . . . . The life of the peasant woman isn't easy. She gets up at two in the morning to slap out the day's tortillas and to make the food she is going to leave for her children. Then she goes off to work in the fields alongside her man. She brings him his noonday meal. Perhaps only some pozol—a ball of well-cooked cornmeal. That's usually all. It's not much in the way of nourishment. She's got to help her husband plant the corn and beans . . . . Often the children must be left locked in the house. The mother leaves food for them there—boiled beans with a little salt—and they just eat when they want. They're on their own. . . . It's a life of suffering and the kids are sacrificed because that's just the way life is. Whether they have a small plot of land or work as field hands on the large haciendas, life is about the same.

Randall, Sandino's Daughters, supra note 1, at 81–82 (quoting Amanda Pineda, a mountain peasant woman).

[23] Most paid work in the countryside was for men, but women were called upon as a source of cheap labour during peak harvest times when there was a shortage of workers . . . . Some 40% of coffee pickers before 1979 were women, yet their labour was not included in hacienda payrolls as it was assumed that men as 'heads of households' received a wage for the whole family group. Collinson, supra note 6, at 39.

[24] Murguialday, supra note 8, at 15.

[25] Id. at 16.

[26] Murguialday, supra note 8, at 16.

were squatters on national land, which made the expropriations, at least on paper, relatively easy.[27] Those men who challenged the expropriations were given loans with which to purchase their farms, though at such high interest rates that they were soon forced into bankruptcy.[28] Families were then forced to seek lands in the north and center of Nicaragua or to migrate to the cities in search of work.[29]

Families which migrated to the north and center of the country found lands of inferior quality to those they had previously held.[30] These lands were unable to yield enough crops to sustain the family, let alone provide a surplus which could be sold at the market. Thus, during the harvests, the men were forced to return to work on the expropriated plots, which had been consolidated by Somoza into large tracts and given to the coffee, cotton, and sugar growers to develop.

While the men were gone, the women had to continue to fulfill their responsibilities in the home, as well as take over the family plot.[31] Impoverished economic conditions forced them to invent ways for the family to survive until the husband returned with his pay.[32] Some women began making homemade products to trade for other necessities with their neighbors.[33] Many others were abandoned by their husbands. Gone for months at a time, the men were beginning new families with women they met while at the harvests.[34] This disruption of the Nicaraguan farmer's lifestyle destroyed the traditional patriarchal division of labor and helped create a class of impoverished, abandoned mothers under Somoza.

Gender roles also contributed to this problem. Nicaraguan gender roles require that men be aggressive and acquire a reputation for being sexually

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[27] Id.

[28] Id.

[29] Unlike in other Central American countries, such as Honduras, very few families in Nicaragua were able to find new land to farm. Despite the fact that Nicaragua's national person-to-land ratio was favorable, over 200,000 Nicaraguans were left without land after the dictatorship's expropriations. By the end of the 1970s, "the landless rural labor force in some areas was more than 1,000 percent larger than during the fifties." LaFeber, supra note 1, at 164.

[30] Murguialday, supra note 8, at 16. The families who moved to the cities, although relatively few, also had difficulty obtaining employment. Thus, the men were forced to migrate seasonally in search of work on the plantations. See id.

[31] Id. at 18. Often the women leaned on the eldest daughter so that the daughter's responsibilities as a mother began before she married and had her own family.

[32] Id. at 19.

[33] Id.

[34] Id. at 27; Collinson, supra note 6, at 9.

potent.[35] *Machismo* ideology espouses the idea that men must demonstrate their virility by fathering many children.[36] Women have been indoctrinated to play the perfect match for the male role. Catholic ideology imposes on women that they must be "chaste, submissive, pliant, and forgiving and to lead lives of service to others," mostly their husbands.[37] It is a woman's duty to bear as many children as possible or she is accused of going against her natural duty to her husband and society.[38]

Traditionally, men in Nicaragua have been only morally obligated to support any children they father. Most commentators, in holding Somoza responsible for the economic impoverishment of the country, hold him responsible for the men's lack of willingness to fulfill this obligation.[39] Others believe it is the underlying *machista* ideology which ultimately voids male responsibility and allows fathers to neglect their children.[40] Rather

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[35] Murguialday, supra note 8, at 25–27; Maier, supra note 8, at 26–30.

[36] See id; Collinson, supra note 6, at 9 ("*Machismo*, which is deeply ingrained in Nicaraguan society (particularly on the Pacific Coast), demands that, in order to prove his virility to other men, a man must father many children. Men, therefore, often expect 'their' women to bear many children, while they are free simply to abandon their family."). The FSLN also addressed machismo in its 1987 address to women:

> *Machismo* expounds a supposed male superiority; it excludes women from activities and work which it considers appropriate only for men; it vindicates the right of men to physically abuse women; it establishes prerogatives and rights which women may not enjoy. *Machismo* attempts to establish, by immutable principals, what has been the result of the exploitation of man by man [woman].
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> As an ideological phenomenon, *machismo* affects both men and women and has come to reproduce itself through distinct ideological vehicles, such as the family, the school, the church and the commercial propaganda . . . .

El FSLN y la Mujer en la Revolución Popular Sandinista 12 (March, 1987) [hereinafter El FSLN y la Mujer].

[37] Randall, Sandino's Daughters Revisited, supra note 1, at 15.

[38] Murguialday, supra note 8, at 28. In part because of the large numbers of women abandoned by their husbands, and in part because of the instability which war brings to intimate relationships, unions without marriage are common in Nicaragua. While the Catholic Church may disapprove of these relationships and contend that sexual relations should occur only between a married couple, the rest of society has largely accepted these unions. With this acceptance, however, came the imposition of traditional norms for the couple. Thus, women are expected to fulfill the duties of wives with their partners, including childbearing. Id. at 27–30. Unions by unmarried couples are so common in Nicaragua that they have been given the same rights and protections which marriages enjoy. See infra note 177 and accompanying text.

[39] Murguialday, supra note 8, at 27.

[40] See id.; see also supra note 34; infra section III.B.1.

than alter their behavior, which would lead to the loss of a privilege—access to, and control over, women's bodies—poverty merely excused the otherwise tenuous support obligation. Seasonal migration only served to encourage men to abandon their children, leaving the mother to fulfill both roles.

II. WOMEN'S PARTICIPATION IN THE REVOLUTION

A. Political and Social Activism

The duties of caring for the family and the home have historically ensured women's isolation in the private sphere.[41] However, under *Somocismo*, fulfilling these duties came to mean political activism and participation in the Revolution at all levels.[42] Under the Somoza dictatorship, economic necessity forced women to participate extensively in the local economy.[43] Thus, caring for the family included demanding that wages be raised, and prices be lowered and stabilized. It also meant denouncing the human rights violations of Somoza's National Guard.[44] Though the impulse to participate in the Revolution stemmed from traditional maternal concerns, gradually women developed a feminist political consciousness and began to make gender-specific demands.

1. Extensive Integration Into the National Economy

Many of the women abandoned by their husbands were forced to migrate to the cities in search of work, thereby transcending the patriarchal role which prescribed that women be confined to the home and the family. Yet, women soon realized that their inability to read or write,[45] and the

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[41] Murguialday, supra note 8, at 70; Randall, Sandino's Daughters, supra note 1, at vii.

[42] Randall, Sandino's Daughters, supra note 1, at 10–14.

[43] Id.

[44] See Randall, Sandino's Daughters, supra note 1, at 184–203.

[45] By the end of the 1970s the overall illiteracy rate was 50.35%. However, this figure increased to more than 93% for women in the countryside and to 100% in some mountain communities. Murguialday, supra note 8, at 10. In 1977, 29% of all women never had even one year of schooling. Maier, supra note 8, at 37. The popular sentiment was that women were to get married and take care of their homes and

burden of several children limited them to few work alternatives, and resulted in a life of poverty.[46] Some women turned to other men to help support their families, but this was usually a temporary solution.[47] These men eventually left, leaving them with even more children to feed and clothe.[48]

An urban planning study conducted by the Nicaraguan Statistics and Census Institute (INEC) in 1980 on the integration of women in the work force revealed the occupations in which women tended to be concentrated as a result of their lack of education and marketable skills.[49] Thirty-eight percent of the women worked in the service industry, mostly as domestics.[50] An additional thirty-six percent of the women worked in commerce.[51] These women were mostly street vendors who sold food at local markets and outside work centers, or who stood on street corners selling clothing, fruit, or homemade products.[52] Some women were lured to the city with promises of work as a domestic or waitress and were then forced into prostitution.[53] To ensure the women did not leave, they were

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families. Giving them an education was considered unnecessary. See Randall, Sandino's Daughters, supra note 1, at 91. A forty-two year old woman with six children who collaborated with the FSLN stated, "My grandmother used to say, 'Why should women learn to read and write when what they need to do is to learn to make *tortillas* so they can earn a living.'" Maier, supra note 8, at 35.

[46] Murguialday, supra note 8, at 27. The majority of the women in the country shared this predicament and would take whatever job was offered in order to feed their children. Randall, Sandino's Daughters, supra note 1, at 13. By the end of the 70s, women were 51% of the population yet comprised two-thirds of the poorest sectors in the country. Murguialday, supra note 8, at 10.

[47] Id. at 25–27.

[48] Id.

[49] Id. at 22–23 (citing the Nicaraguan Statistics and Census Institute (INEC), La inserción de la mujer en la producción social: el caso del area urbana de Nicaragua (1981)).

[50] Id. at 23. By 1979, 38% of those who worked in the service industry were domestics. They worked a 14-hour day in "labor conditions close to slavery" with part of their labor recompensed with food and shelter. Id. Often they were raped or coerced into having sexual relations with the owner of the house. Id. at 9. Because of the steady stream of women migrating from the rural parts of the country, wages were unusually low. In turn, the low cost of having a domestic extended the practice far beyond the upper class. Collinson, supra note 6, at 66–67.

[51] Murguialday, supra note 8, at 23.

[52] Id.

[53] Id. at 97.

either physically restrained or kept in debt by those who owned the prostitution houses.[54]

The same study also revealed that almost half of the women living in cities worked outside the home, with the proportion varying significantly depending on the role held within the home.[55] Among women who were head of the household, 85% worked outside the home, as did 40% of all women who were married or lived with a partner.[56] The INEC study also revealed that two out of three women between the ages of thirty and forty whose children were old enough to stay home alone worked.[57] Thus, the role traditionally assigned to women in Nicaragua was in complete contradiction to the reality of their daily existence. Simple necessity forced women to transcend their predetermined patriarchal role and become wives and mothers who worked outside the home.

Even in households where the parents remained together, the economic conditions in Nicaragua, both during the dictatorship and later during the reconstruction period, made the traditional roles of mother and father virtually impossible to fulfill. Despite male pride, men could not afford to keep their wives confined in the private sphere of the home and family. The traditional role assigned to women was possible only among the wealthy. Most Nicaraguan women successfully managed a household, raised several children, and participated in the public sphere as productive members of society.[58]

Not all women who decided to join the Revolution did so in response to deteriorating economic conditions. The indiscriminate political assassinations and the torture of prisoners led many women of petit bourgeois and bourgeois background to join the struggle against the dictatorship by protesting and demanding the release of their husbands, sons, and daughters.[59] At one point, political freedoms were so sharply curtailed

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[54] Id.

[55] Id. at 22–23.

[56] Id.

[57] Id.

[58] Women's involvement in the revolution is a result, in the first place, of their class condition. Working class and peasant women have been very involved in the revolutionary process. These women have had to fight each day for the bare necessities of life. They've had to struggle just to survive. And these are the conditions which pushed them to become involved in the revolution. Women have become aggressive, developed tough characters. They are capable of making sacrifices.

Randall, Sandino's Daughters Revisited, supra note 1, at 13 (quoting Gloria Carrion, General Coordinator of the Luisa Amanda Espinosa Nicaraguan Women's Association).

[59] Id. at 13. The Somoza National Guard was absolutely brutal and spared no one.

that even the peaceful, bourgeois-owned Nicaraguan press was subjected to the brutality.[60]

Many young women became involved in the Revolution through student political organizations[61] or the Christian Youth Movement, a primarily middle-class student-Church alliance.[62] Some argue that the concern with the poor which the Church began to exhibit during the 1960s and 70s masked an attempt to prevent its congregation from turning to the Marxism of the Sandinistas.[63] Other women, however, point to individual priests and nuns who were sincerely concerned with the welfare of the poor.[64] These religious figures organized charitable activities at the local level which, among other things, consisted of distributing food to the poor, building latrines,[65] and praying for the release of political prisoners.[66]

Yet, desperation forced many to join the Revolution despite their fears. Luis Alfonso Velasquez, a boy from Managua, joined the FSLN at the age of seven. He was active organizing classmates, speaking at university rallies, collecting money, and building bombs until he was gunned down by one of Somoza's assassins before his tenth birthday. Id. at 13–14.

[60] Pedro Joaquin Chamorro was the editor and publisher of *La Prensa*, Nicaragua's bourgeois opposition newspaper under Somoza. Chamorro was also one of the leaders and coordinators of the anti-Somoza activities. His assassination on January 10, 1978 was followed by massive spontaneous demonstrations from all socio-economic classes and sectors of Nicaragua. Id. at 5–6.

[61] Student organizations such as the Revolutionary Students Front participated in the Revolution by engaging in support work for the people in the mountains. They bought clothes, and food supplies, located medicines and weapons, and provided safehouses for the FSLN. Id. at 44. They also took part in the demonstrations for political prisoners and the strikes. Id. at 60.

[62] The fundamental difference between the Christian movement and the Sandinistas was that the Sandinistas believed armed insurrection was the only means to liberation. Id. at 61–62. However, it is difficult to state the Church's position because it is politically divided in two: the traditional Catholic hierarchy which opposed the FSLN, and the liberation theology-based popular church which supported the Revolution. See Martha I. Morgan, Founding Mothers: Women's Voices and Stories in the 1987 Nicaraguan Constitution, 70 B.U. L. Rev. 1, at 18 (1990).

[63] Randall, Sandino's Daughters, supra note 1, at 62.

[64] Randall, supra note 1, at 15–16. La Asunción, a school for the daughters of the Nicaraguan bourgeoisie, was run by a group of nuns committed to helping the poor. Several women who were interviewed by Margaret Randall, such as Vidaluz Meneses, Michele Najlis, Gioconda Belli, and Aminta Granera, were influenced by the nuns at La Asunción and went on to become instrumental in the Revolution and the rebuilding of Nicaragua. Id.

[65] Id. at 16.

[66] Randall, Sandino's Daughte's, supra note 1, at 61–62. A former member of the

Yet, with greater frequency, these same women did not derive the same satisfaction which previous generations had derived from giving alms, praying, and doing charitable work.[67] They began to look at alternative ways of eliminating the poverty and miserable living conditions in which the majority of Nicaraguans lived.[68] The FSLN, which pledged to destroy the political and ideological structure responsible for producing and perpetuating these conditions, was the obvious choice for many women.

2. *AMPRONAC*

Though women's desire to participate in the Revolution stemmed from the socio-political and economic circumstances within the country, their ability to do so is partly attributable to the leadership of the FSLN. In 1977, the Association of Nicaraguan Women Confronting the Nation's Problems (AMPRONAC) was conceived and established by the FSLN.[69] The goal of the FSLN leadership was to build a broad based women's association in order to encourage women from different sectors to

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Christian Youth Movement, Monica Baltonado participated in visits to local chapels to pray to the Virgin Mary for the release of political prisoners. Like others, she became convinced that armed insurrection was the only way to defeat the Somoza regime so she left the Christian movement and joined the FSLN. See id.

[67] Randall, Sandino's Daughter Revisited, supra note 1, at 16.

[68] The bourgeois girls who attended private Catholic schools were taught that it was their duty to be giving and participating in charitable activities. Id.

> [T]here was this one sister at La Asunción—Mother Mireille was her name, she was a French nun—and she began taking us to teach catechism classes in one of the poor neighborhoods down by the lake . . . . That was my initiation into the reality that something was really wrong here, because the people in that neighborhood lived in subhuman conditions. They ate garbage, none of the men had work, the children's bellies were swollen with parasites, the women were battered and downtrodden.
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> That experience made me think. Here I was, living in such happiness and order, and there were these other people living like that. And I began to ask myself what difference it could possibly make to them that I came down there to teach about the trinity, about 'the one true God.' What difference could those catechism classes make in their lives? 'Father, Son, and Holy Ghost,' I'd tell them, and they'd just sit there staring back at me. As young as I was, I understood that with those kinds of problems this sort of teaching was senseless.

Id. at 128 (quoting Milu Varga, an attorney who has consistently worked for women's rights and a co-founder of AMPRONAC).

[69] Randall, Sandino's Daughters, supra note 1, at 2.

collectively denounce the human rights violations.[70] Lea Guido, a founding member of AMPRONAC, claims that she and others viewed it as an opportunity to recruit women for the Revolution by convincing them of the important role they could play in solving the country's political and economic problems.[71] AMPRONAC provided women with the political vehicle through which they could organize.

The first meeting drew mostly bourgeois women and a few journalists, but the few members were determined to launch a campaign to build a broad based organization.[72] The political and economic climate and the fact that the middle class began to mobilize by the end of 1977, calling for a general strike, made their task easier.[73] Soon women began to hear of AMPRONAC and sought to help in organizing base committees.[74]

By April 1978, the organization was heavily involved with its own base committees and took part in a peasant march where the women were violently attacked by the National Guard.[75] This marked a turning point for the organization, setting off much internal debate and revealing two political trends. One of these pushed for the forceful overthrow of the government, and the other for *Somocismo* without Somoza, or 'modernizing' the dictatorship. The tension within the group arose primarily because the

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[70] Id.

[71] Id. at 6.

[72] Id. at 2–3. The class position and occupation of the bourgois women allowed them access to men in powerful positions, such as the head of Public Relations for the National Guard, and to international forums without fear of being arrested. Id.

[73] See id. at 5–8. During the national strike, women joined in the twelve day occupation of the United Nations Office. On the last day, AMPRONAC held a demonstration outside the U.N. during which 600 women were subjected to tear gas and beaten by the National Guard. Id. at 6–7.

[74] Id. at 7–8 (base committees are more or less analogous to local chapters). Lea Guido: "Our time had come. People were spontaneously beginning to demand participation. I remember once when I went to Siuna, to the mines. The Christian communities had a broad-based project going and the FSLN was involved. . . . A hundred peasant women came down from the mountains on foot! We explained the general situation in the country and a commission of women was set up on the spot. Those women really wanted to get involved." Id. at 7.

[75] One of the women had half of her foot blown off and several children were murdered. Id. at 15.

majority of the original members came from comfortable bourgeois backgrounds and questioned allying themselves with peasant and indigenous women.[76] To resolve the conflict, meetings were held at the local level, followed by a national meeting in which delegates were sent to represent the more than 3,000 members of AMPRONAC.[77] At the national meeting, the AMPRONAC delegates voted to join the United People's Movement, an umbrella organization for anti-Somoza groups, including the FSLN.[78] Thus, the women of AMPRONAC officially joined the armed insurrection.

Having wholeheartedly committed themselves to the revolutionary effort, the women became responsible for creating and sustaining the infrastructure and support activities necessary to overthrow Somoza.[79] AMPRONAC's first priority shifted to mobilizing everyone, not only women, against the dictator. The members organized civil defense committees, provided neighborhoods with wood block mimeograph machines and medicines, organized first-aid courses, set up make-shift clinics, and promoted massive inoculation programs. They also set up a number of neighborhood grocery stores which were covers for storehouses of basic foods, such as rice and beans.[80] Furthermore, the women transported arms, made homemade bombs, erected barricades, and spied on the movements of the National Guard.[81] In addition, they acted as messengers and even fought in armed confrontations with the Guard.[82]

3. *AMNLAE*

In September of 1979, two months after the Sandinista victory, AMPRONAC became the Luisa Amanda Espinosa Nicaraguan Women's

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[76] Id. By this time, bourgeois women had become a minority within the organization. These women could not comfortably ally themselves with the peasant and working class women because of competing economic interests. The bourgeois women stood to lose economically because they were aware of the Sandinistas' desire to pass favorable labor laws for workers and to expand the welfare system. Thus, any alliance with the peasant and indigenous women would mean a vote against their own class interests.

[77] Id.

[78] Id. at 16.

[79] Murguialday, supra note 8, at 56.

[80] Randall, Sandino's Daughters, supra note 1, at 18, 23.

[81] Murguialday, supra note 8, at 48.

[82] Id.

Association (AMNLAE).[83] Gloria Carrion, the first General Coordinator of AMNLAE, described the goal originally advanced by the founding members of the association:

> Our association's most general goal is to help women become involved in all areas. We want them to become totally integrated into society. This means having a presence in the political arena, in the labour force, in production, in culture and in every other area of society. We want our association to be an instrument for women, a guarantee to their fulfilling their life possibilities. Through the association women will be able to break with the obstacles that have prevented their full participation in the past.[84]

However, because AMNLAE, like AMPRONAC, was ultimately under the direction of the Sandinistas, it primarily functioned to ensure women's participation and support in rebuilding the nation and in fighting the Contra War.

From its inception AMNLAE was unable to effectively develop and implement its own agenda.[85] Aside from having to address the Sandinista's concerns, AMNLAE was confronted by strong public sentiment accusing it of being divisive by pitting women against men.[86] In addition, some women were disappointed and claimed that the organization did not

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[83] Luisa Amanda Espinosa was the first FSLN woman to be killed by the National Guard during the Revolution. She died on April 3, 1970, at the age of 21. She was known by her colleagues as someone who was very committed to the FSLN and who believed that women had just as much right as men did to participate in the Revolution. She worked very hard to improve herself, particularly her reading and writing skills. Randall, Sandino's Daughters, supra note 1, at 24–30.

[84] Id. at 35.

[85] Murguialday, supra note 7, at 136–138; Randall, Sandino's Daughters Revisited, supra note 1, at 250. The Sandinista leadership maintained relative control over AMNLAE throughout its regime and resisted all efforts at independence. The most significant power struggle occurred on March 8, 1989, when AMNLAE demanded political independence from the Sandinistas. The organization was ready to elect its own national leader when the all-male national directorate intervened and appointed Doris Tijerino, the National Chief of Police. Many of the women resented her presence. They "saw her as the policewoman sent to keep them in line." Randall, Sandino's Daughters Revisited, supra note 1, at 211.

[86] Murguialday, supra note 8, at 118.

go far enough in addressing women's concerns.[87] In the end, AMNLAE attempted a compromise. It integrated women's liberation into the broader liberation of Nicaragua by stating that women's oppression was just another form of oppression which the Revolution would work to eliminate.[88]

Despite its inability to function effectively as a women's organization, AMNLAE was a political vehicle through which women could continue to be socially and politically active after the overthrow of Somoza. Participation in the Revolution gave women confidence in their capabilities, which in turn prompted them to participate in the FSLN's social welfare programs after the Revolution to aid in rebuilding Nicaragua. For instance, two out of three AMNLAE members joined the literacy brigades.[89] For middle-class women, participation in these brigades meant leaving the comfort of their homes and living in the mountains for five months. Women also joined the brigades of the National Health Campaign, whose services managed to reach seventy percent of the population.[90] According

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[87] Randall, Sandino's Daughters Revisited, supra note 1, at 28.

[88] Murguialday, supra note 8, at 118.

[89] Overall, women made up 60% of those who joined the literacy brigades. AMNLAE, at 15 (Sept. 1984). Out of the 406,441 people who learned to read during the literacy campaign, 195,688 were women. Murguialday, supra note 8, at 108. Even before the Revolution was successful in overthrowing Somoza, members of the FSLN were being taught to read and write with materials produced by the FSLN. Elizabeth Maier, Las Sandinistas 35–45 (1985). It was essential for the FSLN to teach Nicaraguans to read and write so that they could use education to teach the masses about the Revolution and so they could be better prepared to rebuild the nation after the victory. The FSLN also wanted those who lived in the cities to experience the brutal conditions under which the majority of Nicaraguans lived in the country. Collinson, supra note 6, at 124. However, despite managing to lower the illiteracy rate to 13%, the efforts of the Nicaraguan people were undermined by the Contras, who destroyed hundreds of literacy centers and killed about 100 teachers. Id. at 125.

[90] Murguialday, supra note 8, at 87. By the end of 1981, the number of health centers had increased three-fold. Polio was eliminated, and jaundice, tuberculosis and infant malnutrition were reduced by 80%. Id. at 87–88. In 1984, the six-person Canadian Church and Human Rights Delegation spent 10 days in Nicaragua observing the 1984 elections. According to their report,

to an AMNLAE propaganda publication, over seventy percent of those participating in the health brigades were women.[91] Overall, women made up seventy-five percent of the brigade members in the Sandinista campaigns for literacy, health care, and hygiene.[92] Because of their participation, women faced accusations from their families, churches, and social circles that they neglected their husbands, their children, and their homes.[93]

AMNLAE also assisted the Antisomoza Popular Tribunals which conducted the trials for human rights violations against the National Guard.[94] The women located witnesses and compiled evidence with which to convict the accused. Furthermore, AMNLAE was actively involved in shaping the laws enacted by the Sandinistas to benefit women and children.[95]

B. Women's Participation in the Armed Forces

1. Enlisted Women

Despite the fact that women's presence in the Sandinista forces became notorious during the last two years of the Revolution, female soldiers were

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> The health sector provides some remarkable examples of people participating in the development and delivery of services . . . . Popular health days are an impressive achievement. For example, 80,000 people at the community level were trained and mobilized to vaccinate all Nicaraguan children in one day. During a three-day campaign against malaria, everyone in the country was taught to understand the nature of the disease and to recognize the need for its control, so that everyone took the prescribed medication to break the infectious cycle of malaria . . . . The willing participation of the people was vital to achieving such results. At the same time as improving health statistics, the campaigns serve [sic] to establish democratic patterns and structures.

Canadian Church and Human Rights Delegation, Nicaragua 1984: Democracy, Elections, and War 11 (1984).

[91] AMNLAE, supra note 89, at 15.

[92] Murguialday, supra note 8, at 88. More than 78,000 men and women volunteered for the brigades. Id.

[93] Id. at 108.

[94] Id. at 105.

[95] See infra Sections III.A.5 and III.B.1.

always a minority.[96] The Sandinistas welcomed the participation of women as rearguard and support, but in order for women to be able to fight alongside the men, the women had to demand inclusion.[97] Some men were very comfortable fighting alongside women and treated them as equals and with respect. Yet most men, at least initially, advocated the traditional patriarchal division of women in the private sphere of the home, and men in the public sphere of politics and war.[98] These men were adamant that women could only participate by carrying out domestic tasks or serving as messengers.[99] Essentially, women's participation in the Sandinista army disrupted the "natural order" where men find glory and recognition through war and politics, and women through motherhood.[100]

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[96] Approximately 30% of the Sandinista fighters who participated in the overthrow of Somoza were women. Murguialday, supra note 8, at 51; Randall, Sandino's Daughters Revisited, supra note 1, at 296. In 1981, during the second promotion of FSLN militants, 38% of those honored were women. El FSLN y La Mujer, supra note 36, at 24.

[97] Randall, Sandino's Daughters, supra note 1, at 114.

[98] Many peasant and working class women, particularly those in the north, had considerable trouble adjusting to the new roles women were adopting. Because the FSLN worked directly with men, these women were often overlooked and not given an opportunity to discuss their concerns. Id. at 136–37. Thus, it was up to the women who joined the FSLN to politicize them. The dialogue between the FSLN women and the peasant women was valuable in that it allowed them to discuss politics and women's situation in Nicaragua. The women soldiers would take advantage of the opportunity to explain that women, as women, were also exploited. Id. at 132–133.

[99] Id. at 66.

> The problem of male chauvinism was evident among comrades in the FER (Revolutionary Students' Front, the university-level organization representing the FSLN) and FSLN. Some men harboured distinctly sexist attitudes toward women . . . . Some said women were no good in the mountains, that they were only good 'for screwing,' that they created conflicts—sexual conflicts. But there were also men with very good positions. Carlos Fonseca, for example, was a solid comrade on this issue.

Id. Carlos Fonseca, Commander in Chief of the Nicaraguan Revolution, was killed in combat on November 8, 1976. Yet, he was so well-regarded that even before the revolutionary victory, the anniversary of his death was commemorated by the Nicaraguan people. Id. at 75.

[100] Out of necessity, women successfully conquered the male role of

Traditionally, a woman who attempts to integrate, or successfully integrates, herself in the armed forces is "disarmed" in one of the following ways: 1) emphasis is placed on her femininity, particularly those aspects considered to be female virtues such as chastity, beauty, or motherhood; 2) her role as a warrior is diminished because it is assumed that her courage is the product of extraordinary circumstances; or 3) emphasis is placed on her capabilities as a fighter but only to highlight the fact that she is not like other "normal" women—she is a superwoman.[101] Under these rationales, a woman's participation in a revolutionary army can always be explained either as a product of exterior pressures which act upon her or as the inherent ability of a woman who is in some way supernatural.

The resistance of the men in general forced the first women to prove themselves as exceptional warriors.[102] Myths about women's capabilities

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integrating into the economy. To Nicaraguan men, working outside the home was no longer exclusively a part of the male identity. Redefining the role of women to account for their integration into the economy could be justified as an extension of the women's role in the private sphere since all good mothers make sacrifices in order to care for their children. In addition, by maintaining a gendered division of labor in the public sphere with respect to the war effort, the men were able to maintain and exercise control over the public sphere.

War and politics were the last sectors of the public sphere left to men where they could maintain the sexist division of labor—women were only competent as rearguard, while men were the true warriors. Redefining these roles to include women meant redefining the male identity at its core.

[101] Sharon MacDonald's work is centered around demonstrating that "the images of women that are found on the sidelines of the domain of warfare are not simply accidentally or irrelevantly there, but rather that they play an important part in defining the domain, and in 'symbolically articulating' the social order and its values." Sharon MacDonald, Images of Women in Peace and War: Cross Cultural and Historical Perspectives (1987), at 1–26.

[102] On March 8, 1978, Nora Astorga participated in the execution of "Dog" Vega, one of the most infamous torturers in the National Guard. Randall, Sandino's Daughters, supra note 1, at 15. On August 22, 1978, Dora Maria was the second in command of an FSLN commando unit when she entered and occupied the National Palace during a legislative session. The FSLN took hundreds of hostages and later exchanged them for the release of political prisoners, a million dollars, and the publication of a manifesto. Id. at 17. Ana Julia was named head of the rearguard coming in from Honduras where the training camps were located. Id. at 132–33.

began to emerge. Stories were told about the superhuman feats and strength of some women.[103] Thus, women were disarmed as superwomen or as ordinary women acting under extraordinary conditions during the Revolution.

After the war, when it was time to form a peace-time army, the FSLN, as well as much of society, placed considerable emphasis on returning women to their traditional role of mother. Strong resentment surfaced on the part of men who questioned the right of women to participate in the peace-time army.[104] At the Carlos Aguilero Military School, men and women began to train separately, though they had always trained together in the mountains.[105] The official explanation assured women that it was not because they were incapable or because the Sandinistas were implementing a policy to exclude them from full participation.[106] Rather, the inability of those men (who had never fought alongside women) to relate to women as anything other than women was given as the reason.[107] Once

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[103] Murguialday, supra note 8, at 64–65.

[104] The women were met with the same resistance with respect to the reserves. Originally, only men were allowed to join despite the fact that the battalions were part of the regular army. Id. at 113. AMNLAE leaders, along with a couple of the Commandante Guerrilleras, confronted the FSLN leaders, demanding to be included. Id. at 113–14. The result was the formation of all-women battalions, with the training pace scaled back. In the time it took to recruit and train ten male battalions, only one female battalion was ready. Id. at 114. By 1982, participation among women dropped sharply. AMNLAE does not attribute this to lack of interest, but to lack of time. Homemaking, childcare, and work outside the home left little time for anything else. Id. at 113.

[105] At the time when the Sandinista Popular Army (EPS) was formed in 1979, 25% of the forces were female. Id. at 110.

[106] Randall, Sandino's Daughters, supra note 1, at 138–139.

[107] Id. at 139. The Sandinitos, a group of soldiers primarily between the ages of thirteen and fifteen at the time of Somoza's defeat, entertained a radically different perspective from that of most adult male soldiers. The Sandinitos were a group of young men and women who were trained to fight together. The women reported that during the training phase at the military schools "an incredible solidarity" was built among the comrades. Id. at 131. The comrades were not only given the same training, but were trained together. They studied political, cultural and military issues, with an emphasis on military training. They were also taught basic nursing techniques. Id.

the men developed more discipline, it was said, both sexes would train together.

Women's full participation was contingent upon men accepting them in a new role, which in turn was contingent upon men redefining their own role. It meant men had to accept that some women were no longer willing to bear and raise their children while the men trained to defend the country. In fact, it meant that mothers, perhaps the men's own wives, might be sharing in the glory of war and defense. Essentially, this placed women on equal footing with men with respect to politics and war.

Among the officers, women fared even worse, so that a clear gender-based division of labor was apparent.[108] The women were displaced into police work or administrative tasks, attaining a significant presence teaching politics in the *Ejercito Popular Sandinista* (EPS) schools.[109] By 1980, only six percent of the women in the armed forces were officers.[110] Three women, as opposed to twenty-nine men, had the title of *Commandante Guerrillera*, an honorable distinction for their contribution to the Revolution.[111]

Some believe that women's seeming disposition to perform administrative tasks and their prioritization of motherhood facilitated these displacements.[112] AMNLAE believes the burden of childcare, the negative attitude of husbands, and the accusations of being an "irresponsible mother" are to blame.[113] Also to blame was the general exhaustion facing women who managed households, worked outside the home, and participated in the projects to rebuild the nation. Additionally, certain prejudices, such as denial of access to the private military schools of other countries, impeded women's success in becoming officers.

2. *Gender-Specific Torture*

As revolutionaries, whether as civilians or as soldiers, women and men were subjected to the same repressive tactics of the National Guard. Additionally, women were subjected to systematic rape as a gender-specific

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[108] Murguialday, supra note 8, at 110.

[109] At one point, women were 93% of all political science professors in the Managua Sandinista Popular Army (EPS) schools. Men, however, mostly specialized as military instructors. Id. at 111.

[110] Id.

[111] Id.

[112] Id.

[113] Id. at 112–113.

form of torture. The practice of rape, in the context of a revolution, is commonly used as an instrument of state coercion. It is a political act which oppresses the double transgression of women who participate in a war.[114] Within the Latin American context of *machismo*, a woman's participation in the revolution, particularly if she bears arms, may be viewed as an offense both against the state and against the men who are an integral part of the state's repressive apparatus.

The state institutions and its repressive apparatus are essentially masculine, having been conceived of and established by a male-serving vision of the state. As a revolutionary, a woman challenges the masculinity of both the state and its agents by becoming politically active and transcending her role as wife and mother. This challenge, coming from someone deemed by the dominant ideology (*machismo*) as unworthy of participating in the political discourse, is offensive and unacceptable. Further, the state agents with whom a woman comes into direct contact are men. These men view her political participation as a personal attack against their masculinity.[115] The act of rape is thus a political act designed to disarm women both physically and psychologically; it is designed to intimidate them into returning to their "proper" place as women. After all, war, and its corresponding glory, belongs to men.

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[114] Maier, supra note 8, at 97. According to Elizabeth Maier,

> [F]or the rapist [rape] is not only a psychopathological manifestation, it is a political act: the rapist is the oppressor, the victim is the oppressed; both lose their identities as human beings and become objectified through their sexuality. For the rapist, it is a voluntary act which reaffirms his domination, his essence as an oppressor; for the victim it is imposed, an act in which she must give in and submit. In addition to repeating the societal class structures in which the exploiting class denies the humanity of the exploited class, stomping on their dignity as human beings; sexual violations represent the most inhumane manifestation of the relationship of domination and submission which has historically developed between men and women.

Id. (author's translation).

[115] According to Catholic tradition, women are supposed to be submissive, supportive, and obedient. Above all, they must never challenge the male's superior capability and status. Nicaragua's strong Catholic influence combined with *machismo* ideology served to reinforce the men's determination that women did not belong in war. See Randall, Sandino's Daughters Revisited, supra note 1, at 15.

In Nicaragua, rape was used by the National Guard to humiliate, degrade and oppress women. Furthermore, because women are considered to be the property of their husbands or lovers, rape also symbolized a political and personal attack between men of different ideological tenets. Traditionally, men in Nicaragua have rejected women once the women have been raped, particularly if they become pregnant.[116] However, in Nicaragua, there were instances in which men reportedly understood the instrumentality of rape and were able to view it as a consequence of the political struggle.[117]

Amanda Pineda's horrifying story is typical of the experiences women suffered at the hands of the National Guard:

> That night, several of them came to where they were holding me. They raped me. I struggled and they began to beat me. My legs were black and blue, my thighs, my arms. I had bruises all over me. That's the way they treated all the peasant women they picked up; they raped them and tortured them and committed atrocities. It was just those three days, but those three days were like three years to me—three years of being raped by those animals. They came round whenever they wanted, all the time. It's horrible—it's *nothing* like going to bed with your husband. It's not the same at all. Just before they captured me, there was a young woman who'd only been married for a month. That woman couldn't even stand up when they were through with her. They grabbed one leg and the other . . . . I've never seen anyone bleed like that. When they let her go she had to steady herself against the wall so she wouldn't fall down. She had to hold on to the branches of the trees till she got to her house.[118]

Before releasing Amanda, they tortured and beat all of the other prisoners in front of her. They then burned them alive and half-buried them in ant hills.[119] In a bizarre twist, they told her to bathe, giving her soap, powder, and deodorant. Finally, they asked if she would like to stay and cook for them.[120]

3. *Prison Conditions*

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[116] Randall, Sandino's Daughters, supra note 1, at 88–90.

[117] Id.

[118] Id. at 80 (quoting Amanda Pineda, a Nicaraguan woman from the hills).

[119] Id. at 88.

[120] Id.

Under Somoza's direction, the National Guard used the Central Jail in Managua as a model prison to show human rights organizations and the press that the prisoners were receiving humane treatment.[121] The men and women in this prison were primarily members of the FSLN or those who sympathized with the revolutionaries.[122] Interestingly, the living conditions in the male and female quarters varied significantly, with the women claiming that the men received preferential treatment:

> [T]he worst part of being in jail was the cell itself. The stench was so bad you couldn't sleep. They tied you to the wall and you had to sleep like that. The experience toughens you. They say it prepares you to break and finally talk, but actually it helps you grow . . . . We learned how to protest, to scream, to demand sun. They treated us even worse than the men prisoners. The men comrades had a collective kitchen, ping-pong tables, a television set . . . we had nothing. We were stuck in tiny cells all day; we barely managed to keep sane. We began throwing ourselves against the walls, and since the Central Jail was visited by people the authorities didn't want seeing such spectacles, we finally got them to give us sun, longer visiting hours, and other concessions. We never did get conjugal visits like the men.[123]

C. The Cost of Participation

To become politically active, women made profound sacrifices and endured considerable suffering, shouldering almost overwhelming responsibilities.[124] Women had to withstand the backlash from their own families, comrades and husbands. In addition, they often lost the very children or families they set out to safeguard.[125] Most of the women

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[121] Id. at 70.

[122] Id.

[123] Id. (quoting Monica Baltodano, Guerrilla Commander).

[124] See Id. at 184-203.

[125] Marina Solis, a woman who was very active in the trade unions, speaks of the day she learned of her son's death:

> He was fourteen . . . . They occupied Calvary Church in a peaceful sit-in. They didn't even have weapons . . . . I went out that day and was told Calvary Church was surrounded. I rushed straight over there. When the Guard spotted us, they moved in our direction, their guns raised . . . but I didn't back off. I kept walking and then I heard someone say, "They killed every last one of them." I went

worked outside of the home to support their families, then spent their evenings participating in the revolutionary tasks. At the same time, they struggled to fulfill their obligations at home.

> It wasn't easy being politically active with my kids and all. I nearly abandoned them, not because I wanted to, but in order to fight for what we have now. It wasn't just me taking part; there were lots of women. Hard as it was we had to figure out how to participate. And believe me it was hard. For instance, when we were organizing the civil defense committees we had to meet in little tiny rooms—sometimes there would only be space to stand—and we could see the patrol cars going by on the street. We'd have to talk real quiet, in that little room, trying to plan our role in the war.[126]

Often, the women's children were scattered among various relatives.[127] Women who fought alongside the men would leave the struggle long enough to give birth and were then separated from their children for months or even years.[128] For men, however, there was no contradiction between integrating themselves into the Sandinista Liberation Forces and being fathers. As in everyday life, the men were not burdened by the responsibility of children.

Their relationship with their children was not the only relationship women sacrificed to gain a better life for their family and themselves. Women were forced to choose between their marriage and the Revolution by husbands who disapproved of women's political participation.[129] Some

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> blank. They threw some of them from the bell tower and others down the steps. They even mutilated some of the bodies. It was a nightmare. When we got to the morgue to claim our children they made us pay 80 *cordobas* for each of them. They said, "You have to pay us for the bullets these sons of bitches cost us."

Id. at 197. Of those comrades who participated and were killed during the final insurrection, 72% were under 24 years old. Murguialday, supra note 8, at 68.

[126] Randall, Sandino's Daughters, supra note 1, at 18–21 (quoting Julia Garcia, mother of five).

[127] Id. at 90.

[128] Monica Baltodano, Guerilla Commander, was forced to leave her son at three months. Monica's mother raised him for a little more than a year. Id. at 67–70.

[129] Maier, supra note 8, at 74.

women were disowned by their parents,[130] while others incurred the disapproval of the church, traditionally a strong source of support for them.[131] Loved ones and religious leaders turned against women in an effort to undermine their determination to participate in the war.

III. WOMEN'S LIVES UNDER THE FSLN

Despite the enormous cost of becoming politically active, women did not return to their homes and become apolitical after Somoza's removal.[132]

> My husband did not want me to be running around. I have been oppressed; women here have been oppressed. We have had two very difficult struggles: we have had to struggle at home just to be allowed to take up the struggle for our people. We have had to have the ability to leave our husbands satisfied, to be able to complete every last task so that we can go out . . . . I was committed to the people's struggle and my husband was completely opposed because he was afraid. After twenty years of marriage this was the reason for our separation. He would tell me to leave those activities, that he was the man, that he wore the pants, that he made the money, and that because of this because I was his wife, I belonged to him.

Id.

[130] Many of the women who participated were members of the bourgeois, and their parents "showed differing degrees of understanding and identification." Martha Cranshaw was captured, tortured, and left in solitary confinement for a particularly long time. When she was finally released, her father disowned her. Randall, Sandino's Daughters, supra note 1, at 198.

[131] After going to the Moscow Women's Congress in the Soviet Union to speak about the condition of the Nicaraguan woman, Gladys Baez was excommunicated by the local priest. In the small town in which she lived, this effectively cut off all communication between Gladys and the rest of the town. She was a seamstress and owned her own store, but no one would buy from her. Yet, rather than give up her political life, she redoubled her efforts and managed to win back the respect of her neighbors. Eventually, her husband left her. Id. at 173–176.

[132] Nora Astorga, a lawyer and mother of four who was in charge of bringing to justice the more than 7,500 members of the National Guard and functionaries stated:

> You ask me if I think there has been any backsliding in terms of women's involvement. Maybe in some sectors. For example, maybe

Through their involvement in the Revolution, women became aware of their ability to take part in the successful execution of a political movement.[133] They now believed that they had earned the right to continue to participate and to contribute to the form and substance of the new government. As women and mothers, they insisted that the FSLN shift the balance of power between women and men by granting women the same rights and privileges which men held with respect to their children and employment. They also demanded control over their reproductive lives.

At the end of 1979, one-quarter of the Nicaraguan people were unemployed.[134] Creating jobs and taking control of the economy were high priorities for the FSLN.[135] Because women had a substantial presence in the economic sector, as well as being the sole source of support for many families, it was imperative that the FSLN address the gender-specific obstacles women faced in obtaining and maintaining employment. Thus, integrating women on an equal footing with men helped serve the overall goals of the FSLN to eliminate poverty, increase the educational level of the people, and to rebuild the national economy. While no specific mention of women was made in the 1980 and 1981 economic programs, laws designed to eliminate general inequalities were enacted.[136] Over the years, some laws were passed which directly benefited women, while others were designed to strengthen the family.

While the laws which the FSLN enacted were valuable advances toward enabling women to obtain the same wages, benefits, and job positions which men enjoyed, in and of themselves, they were not enough to eliminate employment discrimination, particularly in rural areas.[137] For the most part, the men received the newly created jobs,[138] as well as a disproportionate share of those jobs which were more permanent,

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> there are bourgeois women who are saying, "I've done my part. Now it's time to take a rest for awhile." But not many working class or peasant women. You won't find any backsliding among those women who suffered the repression head-on. There is too much at stake.

Id. at 128.

[133] Id. at 91–92, 128.

[134] Murguialday, supra note 8, at 81.

[135] Id.

[136] Id.

[137] Id. at 77–78.

[138] Id. at 81. During 1980, the FSLN created more than 100,000 new jobs, lowering the unemployment rate from 24% to 17%. Id.

mechanized, and better paid.[139] The women, on the other hand, worked almost exclusively during the harvests in tasks traditionally designated as women's work.[140]

Promotions of women in administrative, managerial, or technical enterprises were very limited.[141] Further, despite women's apparent willingness to learn new trades or occupations, they were generally reluctant to take advantage of the training courses for operating machinery.[142] Women's reluctance stemmed from their relatively low level of education, which made mastering tasks more difficult and served to undermine their self-confidence. It also stemmed from lack of time and energy due to their household and childrearing responsibilities, as well as from the strong prejudices the men held with respect to their abilities. All of these factors served to discourage women's participation.[143]

A. Laws Designed to Benefit Women as Workers and Mothers

1. The Agrarian Reform Law and the Law of Cooperatives

The Agrarian Reform Law and the Law of Cooperatives were enacted to redistribute land to the small farmer and to provide a structure through which resources could be pooled.[144] The Agrarian Reform Law mandated the expropriation of all land not in use and transferred it to the Nicaraguan peasants.[145] This law was the first of its kind in Latin America and the first in recognizing women as legal actors and direct beneficiaries of agrarian reform, without requiring that they either be the head of their household or have adult male children to qualify.[146] The Law of Cooperatives granted the peasants the right to form cooperatives.[147] It also

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[139] Id. at 77.

[140] Id. at 78.

[141] Id. at 86.

[142] Id.

[143] See id.

[144] See id. at 78–79.

[145] Id.

[146] Id. at 79.

[147] Id. at 78. In 1978, only 22 cooperatives existed in Nicaragua. By 1982, the FSLN had increased this number to more than 3,000 Id.

explicitly established the right of women to associate with cooperatives under conditions identical to those men enjoyed and to participate in the activities without any restrictions.[148]

The women who were invited to join the cooperatives benefited enormously. Like the men, they were able to obtain quality land, favorable interest rates on loans, access to modern machinery, and expert technical assistance.[149] If the cooperative decided to diversify production, the women could count on both work and income for the majority of the year. Studies conducted during this time revealed that women placed significant value in participating in discussions about credit, loans, or work organization.[150] Their involvement in the cooperatives and the courses given in technical training "not only elevated their cultural and political knowledge but also affirmed their own capabilities."[151]

Women as a whole, however, benefited little from the cooperatives and land redistribution. In 1985, the FSLN conducted a study on the impact of agrarian reform. While the reforms were significant and unprecedented, they had clearly not done enough to incorporate women into the cooperative movement.[152] The FSLN National Directorate understood and supported the need for women, especially those acting as heads of households, to enjoy the same employment benefits as men. However, they overestimated the willingness of men to share the rights and privileges gained by forming cooperatives. The belief that "men work and women stay at home," the systematic undervaluation of women's work in the agricultural sector, and the traditional belief that women are incapable of making competent decisions about production were all cited as reasons in the study for the failure of the cooperative movement to include large numbers of women.[153] Additionally, most cooperatives overlooked women on the rationale that women simply were not interested in men's work.[154]

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[148] Id. at 79.

[149] Id. at 80.

[150] Id. (citing CIERA, La mujer en las Cooperativas Agropecuarias en Nicaragua, at 80 n.7 (Managua 1984)).

[151] Id.

[152] Id. at 79. (Prior to this study, the First National Census on Cooperatives, taken in 1982, showed very few women integrated in the cooperative movement. The 1982 study revealed that women were active in 20% of the agricultural cooperatives and that women made up 60% of the involvement in the Credit and Services Cooperative. Id. at 78).

[153] Murguialday, supra note 8, at 79–80.

[154] Id. at 80.

2. *Article 3 of the Statute of Rights and Guarantees and Article 27 of the Nicaraguan Constitution*

One month after the revolutionary victory, in August of 1979, Article 3 of the Statute of Rights and Guarantees was enacted.[155] It sought to equalize the pay between men and women and to improve general working conditions.[156] To accomplish this, the Ministry of Work founded the Department of Women's Occupational Health, whose task it was to design and implement programs offering protection to women.[157] One noteworthy program addressed the issue of "white abortions," which are miscarriages caused by exhaustion, poor working conditions, and poor nutrition.[158] The Department also established subsidies for the medical care of pregnant women four weeks before delivery and eight weeks after delivery.[159]

On January 9, 1987, the new constitution became official. Article 27, known as the broadest of the equality provisions, replaced the Statute of Rights and Guarantees. It states: "All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition."[160] Having the right to equal protection of the law written into the constitution demonstrated to women a commitment by the Sandinista leadership to eliminate gender and class discrimination.

3. *Decree 7197*

Decree 7197 was issued to benefit women who worked as domestics. It established a 10-hour work day, a minimum salary, Sundays off, overtime

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[155] Id. at 82.

[156] Working hours were formally reduced to seven per day, and payment had to be in cash. Marguialday, supra note 8, at 77. Overall, there was a 30% increase in minimum real wages. Id. At the work centers, nutritious food was offered and social security was established for all workers. Id.

[157] Murguialday, supra note 8, at 82.

[158] Id.

[159] Id.

[160] Nicar. Pol. Const., art 27, translated into English in Pub. No. 9523, Department of State, Bureau of Inter-American Affairs, Office of Public Diplomacy for Latin America and the Caribbean (August 1987).

pay, and six months severance pay.[161] The decree also established the right of domestics to organize a union.[162] In addition to the practical value of this right, women appreciated the symbolic value of being recognized as a paid laborer.[163]

4. Repeal of the Civil Code of 1881 and the Civil Code of 1904 and enactment of Article 72 of the 1987 Constitution

The Civil Codes of 1881 and 1904 were repealed by the Sandinistas in an attempt to equalize the legal rights of men and women within marriage. However, social and religious traditions ensured that the power balance among men and women remained virtually the same.

The Civil Code of 1881 imposed unequal obligations upon the sexes by codifying existing patriarchal/*machista* ideology with respect to appropriate male and female roles.[164] A married woman was required to follow her husband wherever he chose to be domiciled and to obey him without question.[165] As a young girl, the woman learned that "she must stay at home with her children and her housework, and that the man has the last word in any matter relating to her or her children."[166] Additionally, the husband decided what activities his wife would be allowed to engage in, what types of relationships she could maintain, and when she could venture out of the home.[167]

Article 161 of the Civil Code of 1904 further legitimized and institutionalized unequal obligations upon the sexes.[168] Under this law, the

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[161] Murguialday, supra note 8, at 84. During Somoza's reign, domestics worked a 14-hour day, did not have days off, and were sometimes paid with food and shelter rather than cash. Id. at 23.

[162] Id. at 84.

[163] Id.

[164] Murguialday, supra note 8, at 25.

[165] Id. at 25. "Obedience" included not making personal purchases with money she had earned, unless she first received permission. Id.

[166] Id. at 15 (author's translation).

[167] Id.

[168] Id. at 26. When a couple is either married or living together, "the woman owes absolute fidelity and loyalty to the man, and it is she that assumes this norm with the same resigned impotency [sic] with which she acknowledges that 'a man is not satisfied with only one woman'." Id. Despite the fact that society, as a whole, accepted this behavior of men,

moral obligations that married men and women owed each other with respect to fidelity were largely one-sided. Once again, the law codified existing patriarchal/*machista* ideology. A husband need only claim his wife was unfaithful to obtain an immediate divorce—absolute fidelity was demanded of the wife.[169] A husband, on the other hand, had only to maintain the appearance of propriety. His wife could not obtain a divorce unless the husband either publicly flaunted his relationship with another woman or brought her to live in the marital home.[170]

The 1987 Constitution granted both parties the same rights with respect to divorce. A divorce could now be obtained either by mutual consent or upon the petition of one of the parties. According to Article 72, "Marriage and stable *de facto* unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law."[171]

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many women clearly disagreed with such behavior. A study conducted in 1987 by the Women's Legal Office revealed that in one out of two incidents of battering, the woman was punished for questioning the man's privilege to have sexual relations outside the marriage or because the husband believed he had cause to be jealous. Id. at 26.

[169] Maier, supra note 8, at 28.

[170] Id.

[171] Nic. Pol. Const., art. 72, noted in Morgan, supra note 62, at 38. This was a highly controversial change in the Nicaraguan legal system since it institutionalized the shifting balance of power among men and women. At least in theory, women were entitled to leave an abusive or unsatisfactory marriage, and could do so without fear of losing their children in retaliation. Additionally, the provision allowing for a unilateral divorce implicitly questioned the privileged access to women's bodies which men had traditionally enjoyed in marriage. This privilege had exempted them from negative consequences from both domestic violence and spousal rape. While the change in law did not mean that the state would prosecute and punish men for the violence, it did mean that the state indirectly gave women the ability to punish the men by leaving. Both the symbolic and real value of such a constitutional provision for women cannot be underestimated. While it is true that men already exercised a defacto right to abandon their family at will, men strongly opposed this law because it symbolized a considerable loss of control over women. Given these facts, the strong opposition from the Nicaraguan Catholic church and the conservative Supreme Court could be interpreted as a desire to deny women the same privilege which men enjoyed—the right to leave an abusive or

5. *From Patria Potestad to Article 73 of the Nicaraguan Constitution*

Under *Patria Potestad*, the husband needed only to demonstrate that he had financially supported the children from birth in order to automatically receive custody in the event of divorce or separation.[172] Even outside of marriage, if the father recognized the children as his and could prove his financial support, he would receive them.[173] For women whose husbands were vindictive or did not want to pay child support, this was a painful reality. Often the children were taken from her only to be left with a grandmother or the husband's new partner.[174]

In 1982, AMNLAE's representatives in the Council of State convinced the Sandinista leaders to repeal *Patria Potestad*.[175] The Council then passed The Law of Relations Between Mothers, Fathers and Children, (Law of Relations) declaring that parents had equal rights and responsibilities with respect to their children.[176] The exception to this was the mother's right

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unsatisfactory marriage.

The Supreme Court subsequently held that until the Assembly provided a new divorce law, the constitutional provision would not be enforced. In April of 1988, the new divorce law codifying the substance of the constitutional provision was enacted. Id.

[172] Murguialday, supra note 8, at 32.

[173] Maier, supra note 8, at 28.

[174] Id. at 29.

> [I]n Nicaragua there was no protection for women. In my case, my first husband preferred to take my two daughters rather than give me a dime. He did not care for them, but gave them to his mother and barred me from visiting them. When the oldest child was about five she began sneaking out of the house to come visit me. She came whenever she could get away from her grandmother.

Id. (author's translation).

[175] Morgan, supra note 62, at 38.

[176] Id. A related victory for women was the adoption of a broad definition of family in the Nicaraguan constitution. Women demanded a definition which treated all families equally and reflected the reality of Nicaragua—a reality in which an estimated 50% of the families are headed by women. Several factors have contributed in varying degrees to the absence of a father or father figure from Nicaraguan families. For example, the displacement of individual family farms forced the father or father figure

to have physical custody of any child under the age of seven.[177] This law also eliminated the difference in legal status between legitimate and illegitimate children.[178]

With little changes, the Law of Relations was incorporated into the 1987 Constitution by Articles 73[179] and 75.[180] Overall, however, the constitutional mandate had little practical effect. For the most part, men did not take the children with them when they abandoned the women. Instead, they abandoned the entire family. The few men who took the children generally did so to punish the mother. Thus, few women were actually deprived of their children under *Patria Potestad.*

Despite this, the symbolic value of the law as a recognition of the mothers' extensive contribution to the family should not be underestimated. Once the relationship or marriage dissolved, the women were left to fend for

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to become a migrant worker. Migrant workers are absent from their homes during the harvest months and often establish relationships with other women during this period. Also, male privilege fostered irresponsibility, since men had traditionally been free to leave a marriage or relationship without having to pay child support or alimony. Finally, the high volume of casualties resulting from encounters with the Somoza dictatorship and U.S.-backed Contras also contributed to the absence of a father or father figure. See id. at 35.

[177] Murguialday, supra note 8, at 128.

[178] Morgan, supra note 62, at 40.

[179] Article 73 states:

> Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.
>
> Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Nicar. Pol. Const. art. 73, translated into English in Pub. No. 9523, Department of State, Bureau of Inter-American Affairs, Office of Public Diplomacy for Latin America and the Caribbean (August 1987).

[180] Nicar. Pol. Const. art. 75, translated into English in Pub. No. 9523, Department of State, Bureau of Inter-American Affairs, Office of Public Diplomacy for Latin America and the Caribbean (August 1987). ("All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.")

themselves and their children, often "condemned to a life of poverty and exhaustive labor"; the mothers then became the sole source of support for the family.[181] During the course of the marriage or relationship, the majority of women either supplemented their husband's income or were the sole source of support for their families if their partners were unemployed. In addition, it was the mothers who fulfilled all of the household chores and child rearing responsibilities. Furthermore, women were socialized to believe that their "procreative function" defined them as women, and that "the relationship between mothers and their children [was] the fundamental relationship in [their] lives."[182] Within the Nicaraguan context, giving the husband the children was an implicit devaluation of the mother's contribution to the family, as well as a personal loss of identity for the woman.

B. The FSLN's Stance on Eliminating Male Privilege

The National Directorate's policies and reforms in the first years emphasized providing the populace with basic necessities and concentrated on improvements in health, education, transportation, housing, and nutrition.[183] These advancements were designed to benefit poor families and thus disproportionately benefited women and children.[184] Yet, once national campaigns and programs to address basic problems were underway, women began to challenge male privileges which restricted women's ability to fully participate.

It was practical necessity, rather than acquiescence to women's demands to restructure the balance of power between men and women, which led the Sandinista leadership to grant women (at least formally) full and equal participation in the market place. The ultimate goal was to rebuild the nation's economy. Most of the laws and reforms mentioned above were also enacted for the same purpose. In September of 1987, the FSLN issued the first formal statement, following the adoption of the new constitution, which addressed women and their role in the Revolution.[185] This statement revealed the ambivalence of the FSLN's position with respect to women.

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[181] Murguialday, supra note 8, at 27; see also supra section III.A.1.

[182] Murguialday, supra note 8, at 28.

[183] Id. at 87.

[184] Id.

[185] See El FSLN y la Mujer, supra note 36.

The statement began by recognizing that women had been "reduced" to working in the home and raising children.[186] The statement pledged that the Revolution would eliminate gender discrimination and it outlined seven areas where the FSLN would concentrate its efforts.[187] However, these areas all focused on enabling women to integrate into the economy, mobilizing them to participate in rebuilding the country, and legalizing the changes necessary to do so.[188] The FSLN's commitment in these areas extended to changing the role of women, as long as this avoided changing women's role as mother and primary caretaker. Its commitment was not in placing responsibility for childrearing and housework on men so that both would bear this burden and be able to participate equally in the work place.[189] Rather its commitment merely extended to "fighting so that women [could] fulfill their maternal function and family responsibilities, in increasingly better conditions, such that they [did] not become insurmountable obstacles for her [sic.] personal development and realization."[190] Interestingly, those problems which concerned women's political rights with respect to bodily integrity and autonomy, such as contraceptives and abortion, were never explicitly addressed in the statement.

The FSLN placed responsibility for addressing the "specific problems of women" on men and women alike, pledging to eliminate these

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[186] Id. at 11.

[187] Id. at 13. In eliminating gender discrimination, the FSLN pledged to do the following: 1) extend "special attention" to women and children, 2) eliminate prostitution and other social vices in order to raise the dignity of women, 3) eliminate the state of perpetual work which plagued abandoned mothers, 4) establish legal rights and benefits under the FSLN's government institutions for those children born outside of marriage which equal the rights of legitimate children, 5) establish infant care centers for the children of working mothers, 6) grant two months of maternity leave both before and after birth for working mothers, and 7) elevate women's cultural, political and vocational levels through their participation in the revolutionary process. Id.

[188] Id. at 12 ("The Sandinista Popular Revolution will abolish the hateful discrimination which women have suffered with respect to men; it will establish economic, political and cultural equality.") (Author's translation).

[189] This law provoked heated discussions even among the Council of State. Though it was eventually passed, the National Directorate refusal to ratify it ensured it was never enforced. Morgan, supra note 135, at 39.

[190] El FSLN y la Mujer, supra note 36, at 37 (author's translation).

problems.[191] However, it then qualified its commitment by stating, "We reject those [feminist] tendencies which propose women's emancipation as a result of a war against men and as an exclusive fight on the part of women, since these positions divide and distract the populace from its fundamental objectives."[192] Clearly, the FSLN was not willing to support the demands of women if they disturbed the status quo.

1. Law of Nurturing: An Attempt to Force Fathers to Share the Responsibility of Supporting the Family

The Law of Nurturing,[193] also referred to as the "Support Law," proposed by AMNLAE in 1982 received limited support from the FSLN. While the FSLN was willing to accept a redefinition of women's role to include participation in the public sphere, it was unwilling to allow women to redefine men's role to include participation in the private sphere. Article 4 of this proposed law attacked the heart of male privilege in that it obligated both parents to contribute to the housework and economic support of the family.[194] Implicit in this obligation was a redefinition of men's role which eliminated the privilege of being exempt from working in the private sphere and being served by women.[195]

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[191] Id. at 34.

[192] Id.

[193] See Collinson, supra note 6, at 14.

[194] Article 4 of the "Support Law" stated: "All family members with the economic capacity must contribute to the support of the family according to their abilities, in the form of giving money, in kind services, or housework; all members who are able must contribute to this last [housework] without distinction based on sex." Morgan, supra note 62, at 38.

[195] Id. at 39 ('Men are used to being waited on. For women who work outside the home, society has imposed a double workday on us. Housework should be recognized as socially useful and should, therefore, be shared by all family members.'). While Article 4 was too controversial to be incorporated into the Constitution because it challanged the male's traditional lack of responsibility for work in the private sphere of the home, Article 73, a more watered-down version, was accepted. Article 73 simply allowed the traditional division of labor to be perpetuated by granting both parents "equal rights and responsibilities" with respect to the home and the children, yet failed to comment on how the work was to be divided. See note 179, supra.

A particularly problematic aspect of this law for men was the extent to which it obligated them to support their wives and children. In case of separation or divorce, men had to continue to financially support their children, with the specific amount depending on individual income.[196] Men would also have to provide spousal support if the woman was unable to work because of age or health reasons.[197] Again, this directly attacked the heart of male privilege because it restricted men's ability to father children with several women without assuming any responsibility for raising them. In other words, it directly challenged the definition of man, as defined by *machismo*.[198]

This challenge to male status and privilege was indeed a women's revolution. It was an attempt to redefine the roles played by men and women, and thus eliminate the distinction between the private and public spheres. Women's awareness of the invaluable contribution they had made to the Revolution made them feel empowered and justified in making such demands for the sake of themselves and their children. Before the law reached the Council of State, over 10,000 women in 120 assemblies had discussed, modified, and even broadened the scope of the law.[199] The law was a strong statement on the part of women that they were no longer willing to suffer silently and shoulder the responsibilities men failed to fulfill. Additionally, "in making it obligatory that all household members contribute to the support of the children, whether through money, goods, or domestic work," legal precedence and support would be established for any future demands made upon men.[200] Thus, it is not surprising that men viewed the law as an open and direct attack on their manhood.

In 1979, the Office of Family Protection was established at the Ministry of Social Welfare. Its purpose was to help mothers whose husbands or partners abandoned them by providing a place where they could claim the child support owed to their children.[201] The Office, however, lacked the necessary legal mechanisms to enforce the claims, so men could simply fail to respond when summoned by the Ministry.[202] The Support Law,

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[196] Murguialday, supra note 8, at 128.

[197] Id. at 128–129.

[198] See supra note 36 and accompanying text.

[199] Murguialday, supra note 8, at 128.

[200] Id. (author's translation).

[201] Id. at 129.

[202] Id.

however, would have provided women with the enforcement mechanisms so conspicuously absent from the Office of Family Protection.[203]

Though AMNLAE eventually succeeded in pushing the law through the Council of State, the Governing Junta refused to ratify it, thus defeating the women's attack on male privilege with respect to their children.[204] When questioned, Daniel Ortega claimed the reason was the "lack of appropriate social conditions for implementing such laws."[205] Ortega was referring to the Conservative Catholic church, the widespread hostility of the men, and the drain on the economy caused by the Contra War, which was primarily funded and equipped by the United States.[206]

However, those very "conditions" Ortega refers to should have made clear the necessity of having fathers take responsibility for their children. Legal equality with respect to access to employment and wages was simply not enough to eliminate disparities in income between men and women. Women were forty-two percent of the urban workforce, yet they were funneled into the lowest paying jobs.[207] Homemakers lived through most of the Contra War on a ration card, battling the constant price increases on staple goods.[208] In 1985 the buying power of salaries dropped to fifty-four percent from what it was in 1980, and to six percent by 1988.[209] Aside from women's concerns about redefining gender roles, forcing men to fulfill their responsibilities as fathers would have considerably eased the economic difficulties of families. Within this context, one has to wonder why it was that women were left to shoulder the responsibility of feeding and clothing the children, and clearly managed to do so. Yet, the FSLN refused to legally bind men to fulfill the same obligation despite their ability to obtain more lucrative employment.

2. *Women Attempt to Control their Reproductive Lives: Contraceptives and Abortion*

The considerable burden which women shouldered during the Revolution and subsequent rebuilding of the nation, along with perpetual male irresponsibility fueled women's desire to limit reproduction. Women

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[203] Id. at 128.

[204] Id. at 130.

[205] Id. (author's translation).

[206] Id. at 130–31.

[207] Morgan, supra note 62, at 41.

[208] Randall, Sandino's Daughters Revisited, supra note 1, at 249.

[209] Murguialday, supra note 8, at 150.

were beginning to voice considerable dissatisfaction with the inability to refuse to bear children merely to perpetuate *machista* gender roles.[210] In 1975, women in the poorest sectors of society had an average of 7.8 children in the mountain and rural regions, and an average of 6.2 children in the cities.[211] Undernourishment, which affected two-thirds of the population, had particularly damaging effects on women who lived in a semi-permanent cycle of pregnancy, childbirth, and nursing, all of which lead to premature aging and a variety of illnesses.[212] According to Daisy Zamora, former Vice-Minister of Culture, "seventy-one percent of all women begin to be sexually active between the ages of 9 and 14 and are considered fertile until the age of forty-nine."[213] Additionally, Nicaraguan women experienced a high rate of mortality in childbirth.[214] Official statistics list 159 deaths for every 100,000 live births, but in 1989, hospitals were reporting the figure at 209.[215]

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[210] Id. at 30–31, n.19.

> Many of us have children even when we cannot afford them or do not want them because we were not taught how to avoid them. The men force us to have them even when they know they will not help support them. The fear of becoming pregnant prevents us from enjoying sex. We have children because of prejudicial attitudes which otherwise label us bad women . . . . In addition, in order to satisfy our men, we keep bearing them children so they will feel macho.

Id.

[211] Id. at 28. In 1985, over one-half of all women who worked in agriculture said they wanted to have a maximum of three children, despite the fact that they were averaging ten. Id. at 93.

[212] Id. at 10.

[213] Randall, Sandino's Daughters Revisited, supra note 1, at 112. Pregnancies in very young women can result in maternal death because a young women's body is too immature to withstand the demands made upon it by pregnancy and birth. Women under 15 years old are five to seven times more likely to die in childbirth than are women of ages 20–24. Collinson, supra note 6, at 99.

[214] Nineteen or less deaths out of every 100,000 births is considered low. Twenty to forty-nine is considered average and 50 to 149 is viewed as high. Anything above this is excessively high. Randall, Sandino's Daughters Revisited, supra note 1, at 113 n.21.

[215] Id. at 113.

Despite the fact that contraceptives have always been legal in Nicaragua, only twenty-six percent of all women were able to take advantage of these and engage in family planning under the Sandinistas.[216] First of all, supplies were imported and scarce.[217] The FSLN exerted significant control over the availability of birth control to ensure reasonable prices and to educate women about the necessity of regular gynecological visits.[218] Second, in a country in which ninety percent of the citizens are baptized Catholic,[219] the Catholic church's strong opposition to contraceptives acted, and continues to act, as a considerable deterrent.[220]

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[216] Id. at 112; see also Collinson, supra note 6, at 117.

[217] Randall, Sandino's Daughters Revisited, supra note 1, at 112.

[218] See Murguialday, supra note 7, at 93 (One must applaud the FSLN's concern with respect to price and regular medical check-ups for women). The most widely used method of contraception in Nicaragua is the rhythm method. The pill is used almost exclusively by women in urban areas. However, because of inconsistent use, the chances of becoming pregnant are not significantly reduced. In the 1980s, condoms were introduced, but *machista* attitudes have "stood in the way of their popularity." Collinson, supra note 6, at 117. Unfortunately, the FSLN targeted only women and adolescents in their campaign to promote contraceptives, while overlooking men. Murguialday, supra note 8, at 91.

[219] Morgan, supra note 62, at 18.

[220] According to the Catholic Church, women are duty-bound to have the children which God has chosen to send. See id. at 52. However, the glaring contradictions between Catholic dogma and everyday reality are forcing women to question the viability of the Church's demands:

> Just imagine, had I been taking the pill I would never have had 7 children. Now I'm more in control of my life, but that's me. Many others aren't and abortion isn't the answer. Some women tell you it's God's will. Is God going to provide dinner for all her children? I'm not criticizing anyone's belief, let them believe in the devil, but we want to have the choice whether to be pregnant or not. I mean, if the conditions aren't right because of the war and the economic blockade, why burden yourself with another mouth to feed? Now we women are trying to get a law passed to make abortion legal. We don't want any more back-street abortions. This happens when women are desperate, when your bastard man leaves you or refuses to take responsibility, and you can't carry on working and don't want to turn to crime. Then the only alternative is the back street-abortionist: the so-called midwife drops in, sticks a needle up you, and maybe pierces you instead of the foetus. All she's interested in

As a result of a Catholic upbringing which advocates the Virgin Mary as a role model, women are embarrassed to discuss sex and contraceptives.[221] Many avoided the state health clinics and simply purchased contraceptives when they were available, or when they could afford them.[222]

While eventually some women were able to set aside the demands of the Church as being incompatible with reality, they were not as adept at freeing themselves from the oppressive decrees of *machismo. Machismo* demands that men father many children, who then become a symbol of their virility.[223] Thus, men used pregnancy as a means to demonstrate their virility to other males. Additionally, men use pregnancy as an instrument of control. Pregnancy restricts a woman's movements and frustrates any attempt to leave with another man. The desire of Nicaraguan women to control their own reproductive lives directly undermined the rigid control

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> is money, and what happens after? Vaginal infections, tumors, sometimes the women need an operation and have to be treated by the national health service, at its expense . . . . If you visit the women's hospital, Berta Calderon, you'll see loads of women there with fallen wombs, infections and all sorts of complaints. So we're hoping the law will come down on our side.

Adrina Angel & Fiona Macintosh, Tiger's Milk 127–128 (1987) (quoting Flor Ramirez, head of the tobacco section of the Agricultural Worker's Union (ATC)) [hereinafter Tiger's Milk].

[221] Collinson, supra note 6, at 21. Susana Veraguas, who runs training programs for midwives in northern Nicaragua, describes how the women she works with view sex:

> Women are embarrassed to talk about the sex act. I call it the Virgin Mary complex. The majority have no social shame about bearing children but it would make them ashamed to talk of having made love. They talk as if it was the Holy Ghost that produced children, not sex. In one class we were talking about orgasms. Not one woman had heard the word. Some of the 45–50 year-olds talked: women have no participation sexually with their men. They tend to regard sex as just another burden to bear in marriage. They used the term "my husband occupies me", "abuses me once a month". . . . In no way is sex synonymous with pleasure. It's just another obligation . . . . The traditional idea is that everything to do with reproduction stems from a man. The woman is a vessel for him and raises his children.

Id.

[222] Id. at 11.

[223] See Murguialday, supra note 8, at 90–91.

which men maintained over women's bodies.[224] It also demanded a true shift in the power balance, tipping the scales toward women's emancipation.

There are two other reasons that may have influenced even those women who wanted to control their reproductive lives to abstain from using birth control. First, under Somoza, the United States imposed population control programs as a condition of aid.[225] Under the guise of family planning, sixteen percent of Nicaragua's women were subjected to forced sterilization during the first two years of the programs.[226] Needless to say, the majority of Nicaraguans are suspicious of family planning and contraceptives.[227] Second, immediately after the Revolution, many believed it was necessary to repopulate Nicaragua.[228] The loss of lives that Nicaragua continued to suffer because of the Contra War only served to strengthen this belief.

Although resistance by the Church, and by men, to the use of contraceptives was considerable, it paled in comparison to the opposition women encountered when they attempted to legalize abortion.[229] Despite

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[224] See Collinson, supra note 6, at 118.

> Inevitably, contraception has aroused fierce passions within relationships, largely because of men's attitudes. "All methods have met with resistance from some of the men," commented one woman. "When they feel the IUD strings, they send her back to the clinic to take it out. They won't let her plan her family . . . they think if she's protected, she'll go out with someone else. So the women come and take the pill secretly."

Id.

[225] Murguialday, supra note 8, at 92.

[226] Id.

[227] A study published in 1984 showed that 51% of women living in rural areas rejected family planning primarily because of fear and lack of a permanent partner. Family planning was also rejected because of the tradition of having many children to help on the farm or plantation. However, studies conducted in 1989 revealed that the economic crisis prompted women to demand sexual education courses and contraceptives in order to maintain steady employment. Mercedes Olivera et al., Mujeres: Panoramica de su Participatión en Nicaragua 29 (Center for Democratic Participatión and Development (Cenzontle) 1990) (author's translation).

[228] Many believed the country, with only 3.4 million people, was under-populated, and wanted to replace the many lives lost during the war and the earthquake of 1973. See Morgan, supra note 62, at 54.

[229] See id. at 61–65.

the willingness of the FSLN leadership to ignore abortion during the drafting of the 1987 Constitution, the issue was heavily debated at public meetings.[230] Women from all over the country spoke out and demanded that abortion be guaranteed as a constitutional right.[231]

The social and religious taboos against birth control, as well as its inconsistent availability, augmented the need for legalized abortion. The FSLN's willingness to abandon the security and well-being of women and children by refusing to enforce the Law of Nutrition also increased the demand for legal abortion. Not only were women unable to prevent pregnancy, but they knew they would be unable to obtain economic support from the childrens' fathers.

The fact that legal abortions were unavailable did not prevent women from attempting to terminate their pregnancies. In November 1985, a study conducted at the Women's Hospital of Managua revealed that between March 1983 and June 1985, forty-five percent of admissions were the result of an illegal abortion.[232] Of these, ten percent of the women died and twenty-six percent were left sterile.[233] "The primary reason given for the abortion was abandonment by a husband or partner. The majority of women already had two or three children and faced severe economic

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[230] The public meetings were held to incorporate the opinions of the masses in the drafting process. Id.

[231] Collinson, supra note 6, at 118. Abortion has been illegal since 1974, except when it qualifies as "therapeutic." Even so, the consent of the husband or nearest relative is required, followed by the concurrence of a three-member medical panel. The FSLN has chosen, except on a few rare occasions, to prosecute illegal abortions. Id. In support of legalized abortion, Doris Tijerino has declared: "It is not the policy of the Sandinistas to hunt down women who have abortions. I am in favor of legalizing abortion, not only as a woman, but as national chief of police." Murguialday, supra note 8, at 94 (author's translation).

[232] Id. at 95.

[233] Id.

difficulties."[234] Today, illegal abortions continue to be the number one cause of maternal mortality.[235]

Given these chilling statistics, it is difficult to understand the excuses advanced by the FSLN to explain its refusal to legalize abortion. First, the FSLN claimed the drain on the economy caused by the Contra War made it impossible to provide women with abortion services at state hospitals.[236] Also because of the war, medical supplies and facilities were in extremely short supply and could not be spared for elective surgeries.[237] Yet, the FSLN's refusal to legalize abortion meant these very supplies and facilities were being utilized by women suffering from the effects of illegal abortions.[238]

Second, the FSLN leadership believed it was imperative to continue to populate the country in order to replace the thousands of lives which had been lost during the Revolution, as well as to win the war with the

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[234] Id. Despite losing the battle to have abortion legalized in the 1987 Constitution, the women's revolution has continued its fight. By compiling information, it continues to raise awareness of the toll abortions performed in unsanitary and unmonitored conditions have on women. On September 13, 1988, the anniversary of the Nicaraguan women's movement, Lea Guido reported on the research conducted by Dr. Maria Pizarro. Her research showed that during the first ten months of that year, 4,000 women had been admitted at Bertha Calderon Women's Hospital because of botched abortions. Id. at 95.

[235] Patsy Zamora, I Am Looking for the Women of My House (as cited in Randall, Sandino's Daughters Revisited, supra note 1, at 113) ("Today, illegally induced abortions are the leading cause of maternal mortality in our country's hospitals. These are the cold hard facts, . . . every statistic is a woman's life. As revolutionaries, as women who identify with all women and who are in solidarity with them, it is unacceptable that we prefer to cater to the Church instead of searching for real solutions.")

[236] Randall, Sandino's Daughters Revisited, supra note 1, at 111–112.

[237] See Norma Stoltz Chinchilla, Revolutionary Popular Feminism in Nicaragua: Articulating Class, Gender, and National Sovereignty, 4 Gender & Soc'y 370, 386 (1990).

[238] The same 1985 Managua Hospital study discussed above revealed that it was 643 times more expensive for the hospital to treat women because of botched abortions, than to simply perform an abortion in which there were no complications. See Murguialday, supra note 8, at 95.

Contras.[239] In a "Face the People" meeting marking the tenth anniversary of AMNLAE, President Daniel Ortega spoke out against abortion:

> The ones fighting in the front lines against this aggression are young men. One way of depleting our youth is to promote the sterilization of women in Nicaragua—just imagine what would happen—or to promote a policy of abortion. The problem is that the woman is the one who reproduces. The man can't play that role . . . some women, aspiring to be liberated, decide not to bear children. A woman who does so negates her own continuity and the continuity of the human species.[240]

In doing so, he admitted that women's reproductive capacities were being exploited to sustain what the leadership believed would develop into a war of attrition.[241] Ortega also stated that the Nicaraguan revolution was being sustained by men, even though he knew that 30% of the forces that overthrew Somoza were women and that women were continuing to enlist to fight against the Contras.[242] Consistent with patriarchal, *machista*

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[239] See Michele Najlis, Women's Solidarity Has Given Our Lives a New Dimension (as cited in Randall, Sandino's Daughters Revisited, supra note 1, at 57); Chinchilla, supra note 237, at 381–382.

[240] Chinchilla, supra note 237, at 387. The idea that it was essential to the country's survival to replace the thousands who had died in the war, and who continued to die in battle with the Contras, received support from many, including some members of AMNLAE:

> Some women may think about abortion, but not the majority! And even if they did, now is not the time to dwell upon such issues; women and men alike must make fighting the enemy out main concern . . . . In AMNLAE we believe that problems such as male-female relations, pregnancy, and divorce are complex and must be analyzed in line with our revolution's development. It's not that we aren't interested in finding solutions to these problems, no. It's just that we have other priorities.

Randall, Sandino's Daughters Revisited, supra note 1, at 28 (quoting Glenda Monterrey, September 1981); see also, supra note 227 and accompanying text.

[241] The Sandinistas were sure they were going to win the elections. In fact, the entire nation, even the National Opposition Union (UNO), believed they would win. The U.S. had conditioned continuing aid to the Contras on the outcome of the elections. If UNO won, the U.S. would cease arming the Contras, lift the embargo, and give Nicaragua economic aid. See Randall, Sandino's Daughters Revisited, supra note 1, at 247–48.

[242] See Murguialday, supra note 8, at 89. (Many of the public service

notions, women's work and participation with the Sandinistas was strongly devalued. The implication is that if the men are sacrificing their lives for their country, the least the women can do is sacrifice nine months.

Finally, despite the thousands of women undergoing illegal abortions every year, the leadership of the FSLN attempted to characterize abortion as an "imported" concern[243].

> I remember the day Daniel said something about abortion being "one of those exotic ideas imported from Europe and the United States." He said it was something only intellectuals were concerned about, that it didn't have any relevance in the lives of ordinary people. Doctors at the Berta Calderon Hospital told him "Commandante, two hundred fifty women a year die of botched abortions in this hospital alone. And that's not counting those who never make it to the hospital." The same for family planning; he didn't want to hear about it . . . . All Daniel could say was that we needed to reproduce because the war was killing so many of our combatants![244]

The notion that abortion and other women's issues were imported stemmed primarily from the portrayal of feminists in the conservative media during the 1970s.[245] Feminists were portrayed as "anti-family, anti-male, or borderline prostitutes."[246] Left-wing parties also portrayed feminism as imported. They viewed it as "a bourgeois or petty bourgeois movement

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projects, which the Sandinistas had begun but were forced to abandon because of the war, were revived by women. For example, child care centers and kitchens were established for children. In 1985, women took over running these centers.); see also Chinchilla, supra note 237, at 385–86.

> Data collected and publicized through the Office on Women as of 1988, showed that women's labor outside the home increased as a result of the war to the point that women were the majority of workers in the textile, clothing, leather and shoes, food and pharmaceutical industries and women constituted up to 80 percent of the labor force of many factories, although generally in the lowest-paid, least-skilled jobs. Women were 34 percent of all agricultural labor and over half of the harvest-time work force in coffee, cotton, and tobacco.

Id. To suggest that it was the men who were making the sacrifice by fighting on the front lines is to grossly oversimplify the situation.

[243] See Morgan, supra note 62, at 78.

[244] Randall, Sandino's Daughters Revisited, supra note 1, at 57.

[245] Chinchilla, supra note 237, at 378.

[246] Id. at 377.

interested only in formal legal rights, appropriate, perhaps for more developed societies, or, in its more radical forms, a movement that pitted women against men and diverted the class struggle, the success of which depended on unity."[247]

IV. CONCLUSION

Despite the fact that the Sandinistas deserve credit for creating an organization which was able to mobilize and politicize women, it was apparent that the Sandinistas' support lasted only as long as women's interests did not clash with their own. Women's political and social participation was welcome as long as women advanced the goals of the Revolution by participating in the economy and working to defeat the Contras. Once the women began to make their own demands, particularly when these began to challenge male privilege, the Sandinistas withdrew their support.

Women's demands to be fully integrated into the public sphere meant first, that men would have to share their traditional role as military leaders and heroes. Second, it meant that men would have to contribute to the support of the family, and not merely enjoy access to women's bodies without taking any responsibility for the children which follow. Finally, it meant that women would have control over their own reproductive lives and would be able to escape the semi-permanent state of pregnancy in which they lived. Essentially, this would enable women to reduce, if not eliminate, the responsibilities of child rearing and homemaking (responsibilities which fell exclusively upon women) so that they could compete for employment more fully with men.

In part, the Sandinistas were unwilling to support women's demands which questioned male privilege because they were unwilling to help fuel any divisive tendencies within the country. They felt it was imperative that the nation stand as one against the Contras and the United States. In essence, the Sandinistas felt the nation should not be distracted by what they considered issues of secondary importance. Additionally, the Sandinistas believed that it was necessary to breed more soldiers to win the Contra War. Thus, despite an initial willingness to advance women's integration into the public sphere, the Sandinistas ended up exploiting women and women's bodies in order to advance their own agenda.

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[247] Id. at 378.