

Cripwashing: The abortion debates at the crossroads of gender and disability in the Spanish media

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Abstract: On September 11, 2015, the Spanish Senate passed the second reform of the Abortion Act, promoted by a conservative government. It was the last step in the parliamentary process of a law that bans 16- and 17-year-old girls from accessing abortion without parental consent. In this article we explore how the debates between physicians, the Catholic Church, disability activists and pro-choice activists reached the Spanish media. We focus on the use the conservative government has made of Disability Rights Movement discourse to undermine the reproductive rights of women in force in the country since the 1986 Law on Voluntary Termination of Pregnancy. We unveil the intricacies of the voices of a minority group in justifying agendas against women's rights, stressing the challenges that dismantling the Spanish public health system poses for people with disabilities. We suggest that the conservative government was using the disability rights movement to undermine women's rights, and we call this operation *cripwashing*. Similar to the term 'pinkwashing,' used by the LGBT community, cripwashing refers to the practice of using the rights protections of one group to conceal abuses toward other groups. In the following three sections we explore how the budget cuts imposed on the Spanish national healthcare system pose a greater danger to disabled people than the abortion laws that allow the termination of pregnancy on the basis of congenital malformations. We then focus on how the conservative party capitalized on the discourse of the disability rights movement in order to undermine women's reproductive rights.

Keywords: Abortion, Cripwashing, Feminism, Disability Rights Movement, Spain, Conservative Party

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Introduction

Disability has been a recurrent topic in international abortion debates. Since prenatal testing practices came into use in the 1950s (Santesmases, 2016), medical practitioners have often cited congenital malformations as a reason to terminate pregnancies. In the 1970s, the very same disability activists who would later gather in the Society of Disability Studies contested the medical discourse that framed disability as pathology and thus justified a termination of pregnancy (Saxton, 2000:150). Since then, the debate around abortion and disability has been framed as two competing positions, between those who argue that prenatal testing or extended periods to terminate pregnancies of fetuses with congenital malformations discriminate against people with disabilities, and those who privilege pregnant women's right to choose. The strength of these polarized representations has had the power to silence other and more nuanced standpoints³.

In spite of the remarkable theoretical development of disability studies since then, including approaches that challenge normalcy such as queer theory and, more recently, crip theory, the abortion debate seems to have incorporated little from these perspectives. Therefore, it is our aim to take on these critical approaches to explore the recent turns of the abortion debate regarding disability in the Spanish political agenda. In an interview

3 The very same positions seem to be recurring in the recent Zika virus crisis. In an article published by *The Huffington Post* on February 4th, 2016, journalist Nicole Cliffe presents a position that could be framed according to what we call a liberal bioethics position: "It's days off work, it's out-of-pocket therapies until diagnoses kick in, it's fighting your insurance, it's becoming a full-time advocate." On the other hand, Disability Studies scholar Rose Marie Garland Thomson presents a social model perspective: "Somehow, what got written into the idea of reproductive choice and freedom and self determination for women is the assumption that no woman is prepared or would want to parent a child with a disability" (see Angyal, 2016).

given to the conservative newspaper *La Razón* on July 20th, 2012, Spanish Minister of Justice Alberto Ruiz-Gallardón announced the upcoming reform of the Sexual and Reproductive Health and Voluntary Termination of Pregnancy Law (known as “the 2/2010 abortion law”), in force since 2010. This law was passed by the former Social-Democratic government of José Luis Rodríguez-Zapatero and allowed the voluntary termination of pregnancy with no restrictions within the first 14 weeks of pregnancy, provided to women who had already given their written consent and had had at least three days to reflect on their decision. The National Health Service would cover the procedure for all women willing to terminate their pregnancies within 14 weeks; in the case that the unborn child had any congenital disease, this period was extended to 22 weeks. In an interview, Ruiz-Gallardón (2012) stated:

I do not understand why the unborn children are unprotected, and abortion is allowed, because of the fact that they have some kind of handicap or deformity. It seems to me ethically inconceivable we have lived so long with this legislation and I think that the same level of protection that is given to an unborn child without any type of handicap or deformity should be given to those who are known to lack some of the abilities that other unborn children have.

In Ruiz-Gallardón’s view, allowing an abortion in the case of congenital malformations is incompatible with the rights of people with disabilities. Ruiz-Gallardón was not alone in this, however. In 2013 the European People’s Party (Christian Democrats) banned a report aimed at ensuring access to safe and legal abortion for all women in the EU, and in the US, debates regarding prenatal testing have been going on for decades (Parens & Asch, 2000).

This article focuses on the media debate following Ruiz-Gallardón’s interview on July 22nd. We aim to discuss the apparent confrontation between women’s sexual and reproductive rights and the disability rights movement (DRM) in the political and cultural context of Spain from 2012 to 2016. Spain was hit hard by the European debt crisis and the austerity policies that were implemented by the conservative government when the 15-M movement⁴ broke out. According to our view, the Spanish government of the

⁴ The 15-M movement is a series of ongoing demonstrations that started in the city of Madrid on May 15th, 2011, and quickly spread throughout the country. This grassroots movement, which demands radical changes, emerged following the Egyptian and Tunisian revolutions.

conservative Popular Party (PP) was capitalizing on the DRM discourse in order to undermine women's sexual and reproductive rights that have been in force in Spain since 1986. We call this strategic operation *cripwashing*: the use of disability rights to undermine women's sexual and reproductive rights (Moscoso, 2014). Following the lead of Jasbir Puar (2011), we use the concept of cripwashing with the same meaning that the CLAGS website⁵ gives for "pinkwashing": "using right protections for one group [in this case, people with disabilities] to conceal the rights of and abuses toward other people [in this case, women]". We have coined this concept in an attempt to update the rather stagnated abortion and disability debate with the recent contributions that queer theory has made to disability studies. Among the authors whose contributions are rooted in knowledge produced by social movements, we want to cite the influential work of Jasbir Puar's. Puar's concept of homonationalism⁶ has inspired conceptual tools such as whitewashing, purplewashing and greenwashing, among others. The use of terms like crip⁷ (or white, purple or green) as prefixes serves to name the group of people on whose behalf the protection measures are put into action, while the verb "wash" serves to denounce the coopting strategies that use minority rights to maintain or enhance structural forms of discrimination, such as ableism⁸, racism, sexism and capitalism. Likewise, pinkwashing is rooted in the notion of homonationalism (Puar, 2007:2) and addresses the regulatory codes that make homosexuality a sign of exceptionalism;

⁵ The Center for LGBTQ Studies (CLAGS) was founded in 1991 as the first university-based research center in the USA and belongs to the graduate center of the City University at New York (CUNY) dedicated to the study of the issues of concern to LGBT, and queer individuals.

⁶ Homonationalism is "an assemblage of geopolitical and historical forces, neoliberal interests in capitalist accumulation both cultural and material, biopolitical state practices of population control and affective investments in discourses of freedom, liberation and rights" (Puar, 2013: 336).

⁷ "Crip" is derogatory term for a person with a disability, short for "cripple," and implies a severe impairment; such a person is unable to walk or move properly due to a disability or injury to their back or legs. According to Disability Studies theorist Carrie Sandahl, "crip" destabilizes the normative point of view of mainstream society: "Queering describes the practices of putting a spin on mainstream representations to reveal latent queer subtexts; of appropriating a representation for one's own purposes, forcing it to signify differently; or of deconstructing a representation's heterosexism. Similarly, some disabled people practice 'cripping.' Crippling spins mainstream representations or practices to reveal able-bodied assumptions and exclusionary effects. Both queering and crippling expose the arbitrary delineation between normal and defective and the negative social ramifications of attempts to homogenize humanity, and both disarm what is painful with wicked humor, including camp" (Sandahl, 2003:37).

⁸ Ableism is the discrimination or prejudice against people who have disabilities.

cripwashing is rooted in ablenationalism (Snyder & Mitchell, 2010), the convergence of ableism and patriotism that privileges those who are able-bodied.

Accordingly we explore how the rights not only of women, but also, according to Mariano Rajoy's government, of people with disabilities, have become "symbols of civilizational aptitude" (Puar, 2011). To do so, we analyze media follow-up of the debate as it was presented in 19 articles in major Spanish newspapers and on social movements' websites. By privileging the media debate analysis, we emphasize the process in which the construction of social problems takes place. The abortion framing process illustrates how certain areas of reality that are forged in community interactions are imbued with certain meanings, through which they offer a particular course of action (López Rodríguez, 2011: 16). We are aware that intersectionality is a salient feature of contemporary oppression, and we certainly want to "foreground the historical contexts in which the categories of race (in our case, gender) and disability intersect (Erevelles & Minear, 2010: 131). However, the goal of our research on cripwashing is not to make apparent how these two categories—gender and disability—come together to afflict a multifaceted oppression on a person or group of people, but rather to show how the language of disability rights can be used to undermine the reproductive rights of women, whether they are disabled or not.

The article is divided into five sections; first, we introduce the methodology. Second, we provide a brief overview of the development of abortion rights in Spain. Third, we cover how the budget cuts imposed on the Spanish national healthcare system pose a greater danger to disabled people than the abortion laws that allow the termination of pregnancy on the basis of congenital malformations. Fourth, we analyze the different representations that emerge in the media debate, including the political actors involved, and lastly, we present our conclusions.

1. Methodology

We have analyzed a total of 19 journal articles from the main Spanish news media, tracking the reactions to Ruiz-Gallardón's 2012 announcement of abortion law reform. These articles were published in leading national newspapers such as *El País*, *La Razón* and *Público*. Additionally, we have also examined the responses of Javier Esparza (2012, 2013), a neurosurgeon; and Gloria Muñoz, the mother of a child who passed away from the complications of type I spinal atrophy (Muñoz, 2012). We comment on interviews with Agustín Matía (2012), the president of the Spanish Federation of People with Down Syndrome—and the first person to voice support for the Minister of Justice's statement—in the *Nosotrasdecidimos* blog, as well as with CERMI [Spanish Committee of Representatives of Disabled Persons]) and the *Foro de Vida Independiente* [Independent Living Movement] activist Antonio Centeno, who posted a lengthy piece on the matter.

Our analysis is focused on Carol Bacchi's (2009) 'What's the problem represented to be' (WPR), a Foucauldian approach that unveils both how social actors use discourses and how these discourses build political actors. Applied to the media debate on the abortion reform, WPR addresses both the hegemonic and the subaltern discourses in regard to how abortion and disability rights are presented in confrontation to one another, taking into account the specific context of Spain. According to WPA, certain social actors are able to articulate not only what the problem is, but also the solutions, thereby creating relevant mobilizations. This framework implies asking questions such as: What is the problem represented to be in the abortion reform led by Ruiz-Gallardón? What assumptions underlie the representations led by different political actors? How did these representations come about? What are the silences in these debates? What effects are produced by the different representations? How could they be questioned?

Therefore, the representation and framing process involves selecting "some aspects of a perceived reality and mak[ing] them more salient in a communicating text," thereby "promot[ing] a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described" (Entman, 1993:52). Following Ruth Lister (2011), our analysis conceives the study of context as having a

political value, in which the embodied and situated citizenship is materialized; this perspective thus avoids taking the context only as part of a global scenario that may (or may not) follow a global trend in regard to equality standards. By using both an analysis of the discourses (based in textual and contextual reflections) and an intersectional approach to abortion and disability rights, we can critically discuss the representations and framings.

2. Abortion rights in Spain

Spain has undergone important transformations since the democratic transition that began in 1975, experiencing changes that break the linkage among sexuality, procreation and marriage. This rupture was only possible once women had access to birth control (1974), abortion became legal (the 9/1985 act allowed three circumstances for the legal termination of pregnancy: risk for the mother, rape or fetal abnormality⁹) and divorce was made possible¹⁰ (1981). These rights were achieved thanks to important feminist mobilizations, whose struggles introduced abortion into the mainstream agenda and created important resistances. These political debates had a smaller impact in Spain than they did in other European countries, probably due to Spain's recent democratic status as well as the configuration of Spanish feminism, political parties and social mobilizations at the time (Valiente 2001:229-245).

Abortion was fiercely debated in the eighties, and it wasn't until 2010 that abortion returned to the Spanish political agenda. This revival took place under a Social-Democratic government that promoted a legal reform based on an important social consensus, which also caused relevant conservative mobilizations by the PP, the Catholic Church and anti-abortion groups. The legal reform of the 1985 law materialized in the passing of the 2/2010 Law¹¹, organized according to a stage system based on gestational age: women can undergo abortion within 14 weeks of gestation without needing to claim

⁹ 9/1985 Law reforming the 417bis article of the Penal Code. BOE 166, July 12 1985.

¹⁰ 30/1981 Law modifying the Civil Code in regard to the regulation on marriage, void marriage, separation and divorce. BOE 172, July 20th, 1981, pp. 16457-16562.

¹¹ 2/2010 Act on sexual and reproductive health and termination of pregnancy. BOE 55, March 4th, 2010, pp. 21001- 21014.

any particular reason (art. 14). This abortion period can be extended if a woman's life is in danger or the fetus has abnormalities that have yet to be detected. Under the 2010 Law, 16- and 17-year-old women could undergo abortion, even without parental consent (art.13). This act was repealed by the conservative party in December, 20, 2013 in the Constitutional Court, which has not yet ruled on this appeal.

The impact of the economic crisis and the decline of President Rodríguez-Zapatero facilitated the victory of the conservatives, in government from 2011 to 2015, who imposed cuts in social policies that eliminated the discourse of gender equality from the agenda (López & Platero, 2015). Under the government of Mariano Rajoy Brey, abortion became as relevant as it once was in 1985, since the banning of abortion rights was a relevant proposal in the conservatives' electoral program, as was same-sex marriage. Ruiz-Gallardón led the conservative backlash against both rights, abortion and same-sex marriage, which were appealed to the Constitutional Court at that time. In 2012, the Constitutional Court ruled in favor of same-sex marriage, and Ruiz-Gallardón stated that "he would respect their decision." In regard to abortion rights, Ruiz-Gallardón announced the reform five times¹², but the law proposal was not presented until December 2013 due to lack of consensus in the conservative party, and probably as a result of the calculation of electoral costs. Meanwhile, the feminist movement actively fought for abortion rights, demanding the permanence of the 2010 law.

The conservatives argued that there was no social consensus around abortion rights, presenting their reform as a *citizenry mandate*. According to José Juan Toharia (2013), data from the 1970s, 1980s, and 2010s suggest that Spaniards never reached a consensus on banning abortion, especially when there were fetal abnormalities. The law amendment proposal presented by Ruiz-Gallardón created disputes, even within the conservative party, while promoting big mobilizations within social movements. The conservative proposal, more restrictive than the 1985 law, limited the circumstances in which the termination of pregnancy was legal. Abortion would only be allowed in cases

¹² Gutiérrez Calvo, Vera & Agudo, Alejandra. 2013. Gallardón pone fecha a una reforma del aborto cuatro veces aplazada *El País*, September 2nd.

of extreme risk to a woman's life, and required documentation from two doctors other than the one terminating the pregnancy. This controversial proposal was rooted in the argument of defending of the unborn child, excluding the possibility of terminating pregnancies with fetuses that showed "abnormalities" and making healthcare professionals responsible if laws were broken.

This proposal was finally withdrawn in September 2014, long before the December 2015 elections. The failed reforms of abortion and same-sex marriage proved that sexual and reproductive rights are not lesser issues and prompted the resignation of Minister Ruiz-Gallardón. In a society that understands these rights as part of the "common good," the expectation of an electoral cost had political consequences.

3. Measuring the scope of the austerity cuts

On May 12th, 2012, the Social-Democratic Party announced a set of budget cuts in order to reduce the country's deficit, estimated at 15 billion euros. The restrictions affected the salaries of civil servants (4000 million euros), retirement benefits (1500 million euros), and pharmaceutical spending (*El país*, 2010). Most importantly to those with disabilities, the Socio-Democratic Party placed restrictions not only on the funding of the 39/2006 Dependence Law, but also on services that targeted gender equality policies.

The 39/2006 Law on Personal Autonomy and Dependent Care (known as the "Dependence Law"), passed in November 2006, was widely announced as the flagship of the Social-Democratic Party along with the same-sex marriage and gender violence laws. The 39/2006 Dependence Law started the network of independent living offices and the regional system of care for the elderly, people with disabilities and the sick. Unevenly developed throughout the country, the law depended on the budgets of the autonomous regions. Severely underfunded, this budget did not match 0.5% of Spain's GDP, even before the outbreak of the European debt crisis in 2010 (Morán, 2010). Intended to relieve the burdens of caregivers, the law hardly developed beyond an experiment (Moscoso, 2009; Guzmán, Toboso & Moscoso, 2011).

The situation became worse when Mariano Rajoy's *Partido Popular* won the 2011 Spanish elections with an absolute majority. Being hit hard with unemployment amidst the hardships of the European debt crisis, the new government increased the restrictions imposed by the Social-Democratic government on the national healthcare system and social services. The restrictions left the 39/2006 Dependence Law, which regulated independent living programs by funding personal assistants for disabled people, without resources, and ignored the social security coverage of orthotics and dietary supplements. The cuts strongly affected the caretakers of people with disabilities and the elderly, mostly women who no longer had benefits from the healthcare system (Ruiz, 2012). The conservative rhetoric on people in circumstances of dependence shifted in this legislature, challenging the true nature of their problems and demanding stricter standards in order to qualify for already underfunded public assistance (Del Burgo, 2012).

On July 27th, 2012, Luis Cayo, president of CERMI, asked the Minister of Justice to repeal Article 156 of the Penal Code of 1995, which allowed the forced sterilization of people with disabilities under the provision of their best interest. This contravenes Article 23 of the UN Convention on the Rights of Persons with Disabilities of 2003, which explicitly states: "Persons with disabilities, including children, retain their fertility on an equal basis with others." The government not only ignored CERMI's petition, it launched a reformation of Article 98, the aforementioned Penal Code, which limited reclusion for people with mental disorders to five years on grounds of outdated notions of "social danger"¹³. According to associations such as the AGIFES [Federation of Families of the Mentally Ill], this reform "stigmatizes people with mental disabilities" and "opens up the possibility of life-long institutionalization in penitentiary psychiatric wards for people with mental illness and developmental disorders" (Aldaz, 2014).

4. Cripwashing the right to undergo an abortion

¹³ During the Francoist dictatorship the notion of "social dangerousness" was used to vilify certain behaviors and label as outlaws individuals whose life experiences defied the national-Catholic standards of decency.

The analysis of the debate on abortion includes different social actors, who frame abortion according to their ideologies, representing the political problem in a way that offers both the genesis of the issue as well as a course of action (for a summary of all frames and representations analyzed, see Table 1 below). The WPR approach shows how these actors make strategic representations built on previous ideas, present in their discourses and geared towards the achievement of a political problem.

Focusing on the conservative approach, Minister Ruiz-Gallardón framed the abortion reform as a confrontation between women's rights and rights of people with disabilities. Ruiz-Gallardón highlights a confrontation between the rights promised in Article 15 in the 2/2010 Abortion Law, and those promised in Article 10 of UN Convention on the Rights of Persons with Disabilities of 2003, which declares: "every human being has the inherent right to life" (UN, 2010).¹⁴ The implication of this representation, which we call a "conflicting rights frame," is that the 2/2010 abortion law would allow women to "abuse" the law, since most claim harm to their health as cause for their termination of pregnancy. Therefore, there is a need 1) to ensure that the law is really applied (since harm "is not sufficiently proved") and 2) to protect the unborn child.

In statements made by the magistrate of the Constitutional Court, Andrés Ollero (who wrote the appeal of the aforementioned law and is a member of the Catholic ultraconservative *Opus Dei*), there is a similar but nuanced framing. He said that when a woman has an abortion, she is committing an "act of war against her own son or daughter" (Ollero, 2012). Ruiz-Gallardón also found allies in the Down Syndrome Federation and noted in an interview given on July 26th, 2012, that "abortions based on birth defects should be banned, not being a debatable issue." Matía (2012) added:

It is enforced by international law, not subject to opinion. It is plain common sense. Even people with Down syndrome understand it as discrimination when they become aware of the abortion

14 The article 10 of the UN Convention of the Rights of people with disabilities states that: "States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others." (Direct quote?) Convention on the Rights of Persons with Disabilities, available at: <http://www.un.org/disabilities/convention/conventionfull.shtml>

issue. They know they have limitations other people do not have and are different in some way, but they do not understand discrimination or prevention of the birth of people like them.

Related to these representations, in 2013, CERMI also endorsed the initial declaration of Minister of Ruiz-Gallardón, asserting: “CERMI remembers that the United Nations Committee on the Rights of Persons with Disabilities (CRPD), has pointed out to Spain its commitment to avoid any discrimination on the basis of disability in the legal regulation of abortion.” Both CERMI and the president of the Down Syndrome Federation stressed that abortion on the grounds of birth defects is prohibited by the UN Convention on the Rights of Persons with Disabilities of 2003, which Spain signed in 2007. Since then, Spain, along with the rest of the signatory countries, has committed to fulfilling the entire text of the aforementioned convention. According to CERMI and the Down Syndrome Federation, Spain must amend Article 15 of the 2/2010 Abortion Law, which extends to gestational age limit to terminating a pregnancy to within 22 weeks in the case of congenital malformations, in order to ensure the right to life of people with disabilities on a basis equal to others. The same conflict between the rights of the unborn child and those of the woman appear as well in Sahuquillo (2012).

In an interview given to *El País* on June 25th, 2012, Gloria Muñoz pointed out how the attempted amendment imposes great suffering on both the people to be and their families, a representation that we call a “fate-worse than death” frame. According to this frame, the birth of a child with disabilities should be prevented on the basis of the future well-being of the child and her family. The liberal bioethics approach favors extended periods for termination of pregnancy when the fetus presents congenital malformations on the basis of the quality of life argument defended by liberal bioethicist Peter Singer.

Do you even know what preventing the abortion of a fetus with severe malformations would imply? Severe malformations carry great suffering to both the child and to their parents, May I dare to ask why is it that you feel entitled to force thousands of people to live with illness and terrible suffering, or with the premature death of their children?

Similarly, in another article published in *El País* (2012), entitled “No one has the right to impose suffering,” pediatric neurosurgeon Javier Esparza declared:

I'll summarize the vital prognosis and the quality of life of these children: as a result of so many interventions, their stay in hospitals can be a very prolonged one, even, in some cases, reaching several years of hospitalization: proper schooling is therefore impossible. But, worst of all, the sanitary, social, and familial efforts, as well as the efforts of the child him- or herself, will end before the second decade, for most of these children will have passed away, since this malformation presents numerous late and difficult-to-solve complications.

In a continuation of the article, on December 23rd, 2013, Esparza also decried the 2/2010 Abortion Law amendment, and suggested instead improving the quality of life of the nearly four million people already living in Spain: “Since the budget cuts have undermined the 39/2006 Dependence Law, has the government anticipated any provision for this upcoming population with severe disabilities?” A year later, Esparza moved from a vantage point that considers a life with a disability a “fate worse than death” (Parens & Asch, 2000) to a more progressive framework, considering the incompatibilities between using the discourse of the disability rights movement to ban abortions on the basis of congenital malformation while defunding the 39/2006 Dependence Law.

In an article in *El País* entitled “A ‘covered’ indication,” María Sahuquillo pointed out that, under the new law, abortions of fetuses with congenital malformations could still be performed under the provision of the mother’s well-being. Since psychological well-being would be a “an easy way in, the stage system in force since 1985 would cause legal uncertainty to both practitioners and the women themselves” (Sahuquillo 2013). Without delving into the ideological motivations, both Esparza and Sahuquillo stressed the inconsistencies of the Minister of Justice’s reform. While Esparza espoused a rather tragic perception of disability, Sahuquillo focused on the strategic use of the new law in which the Minister of Justice was planning to expose women’s abuse of the welfare state, since her article is directly pointing out the possibility of circumventing the law.

From a more progressive framing, utilitarian philosopher Jesús Mosterín, a well-known follower of Peter Singer’s liberal bioethics, recounted the story of a young mother who had recently had an abortion of a fetus with several malformations. While insisting that prenatal testing is one of the “greatest achievements of our civilization” (Mosterín,

2013) and asserting that disability is a personal tragedy—a fate worse than death framing. in line with the liberal bioethics approach—the philosopher nonetheless pointed out that:

Both the Republican Party in the US and the PP in Spain are conglomerates that include right wing Christian extremists, along with libertarians and conservatives. The extreme Christian right wing is obsessed with the reproductive freedom of women and celebrates fetal malformation as a divine proof; a challenge sent by God to make us suffer in this valley of tears.

The representation of disability as a personal tragedy is widespread among many political actors and can be also found in Arcadi Espada's article (2013). Rooted in a eugenic framing, Espada remarked that a more restrictive legislation is needed since “having children with disabilities is a crime against humanity”:

We should propose the application of some sort of legislation similar to that for crimes against humanity (...). If someone allows a sick baby to be born, while being able to avoid it, that someone should be subject to the possibility of being sued for this crime by the ill person, as well as by society itself, and have to pay for the treatments costs. (...) They are trying to impose on us freely their particular eugenic design: stupid, sick and worse children.

Even though they approached the issue from different perspectives, Javier Esparza, María Sahuquillo, Gloria Muñoz and Jesús Mosterín all shared the view that women should retain the right to terminate their pregnancies within 22 weeks in the event of congenital malformations. For these actors, the problem to be solved is the disability itself; they depict disability as non-compatible with a good quality of life, and people with disabilities as a burden to their families. This is what we call a “liberal bioethics” frame.

According to the feminist movement [The Women's Participation Board in Andalusia], reforming the law would “take Spain back to a time of secrecy and health and legal insecurity.” Similarly, Alba Dobra, from the United Left Party, demanded an “increase [in the] legal rights” included in the legislation, as well as a consideration of the “total depenalization of voluntary abortion, eliminating the criminalization in the Penal Code.” Interestingly, the feminist movement did not engage in Ruiz-Gallardón's framing of a confrontation between women's rights and rights of people with disabilities, but rather framed their mobilization from the perspective of “the right to choose.” In this

regard, the DRM articulated its response as a denouncement of ableist representation, as well as a refusal to engage with Ruiz Gallardón’s anti-feminist approach. Using a human rights frame, Antonio Centeno, a member of the DRM, remarked that:

Some arguments presented to justify the de-penalization of abortion (or even to make it mandatory) in cases of fetal “abnormality” are built on judgments of the lives of the people who are already alive. I am not worried about the rights of the fetus (in my opinion there is not such a thing), but I am rather concerned about the right to a legislation that includes a dignified treatment of those that are born (with or without disabilities) and to guarantee women’s right to their own bodies.

Lastly, we examined the framing of the activists of the *Foro de Vida Independiente* (FVI), for whom the stage system is a discriminatory law with eugenic undertones. In an open letter in *El mundo*, FVI activist Antonio Centeno engaged Arcadi Espada over the aforementioned article “A crime against humanity,” stating the following:

It is undeniable that abortion is not practiced with children who are born, but some arguments supporting the legalization of abortion do in fact imply value judgments over born people with disabilities.

Conflicting rights frame	Espoused by Minister of Justice Alberto Ruiz-Gallardón and Magistrate Andrés Ollero, akin to the Catholic organization <i>Opus Dei</i> . It posits a conflict between women’s reproductive rights and the rights of unborn children with disabilities. The solution is to protect the rights of unborn children. With some nuances this is also espoused by Agustín Matía and CERMI.
Liberal bioethics frame (a fate worse than death) Eugenics frame	Neurosurgeon Andrés Esparza, Gloria Muñoz, Jesús Mosterín (utilitarian philosopher, close to Peter Singer’s views). Favors extended periods for termination of pregnancy on the basis of the quality of life of the children to be born with a disability and their families. A proponent of a more extreme version of this frame is Arcadi Espada, who opposes the birth of children with disabilities because of the burden placed on the national healthcare system (eugenics frame).
The right to choose frame	The feminist movement, represented by the Women’s Participation Board in Andalusia, Alba Dobra
Human rights frame	Activists Antonio Centeno y Javier Romañach from <i>Foro de Vida independiente</i> . They oppose the extended deadline for pregnancies with congenital malformations.

Conclusions

We have applied Bacchi's WPR analysis to map the conflicting approaches of five different actors in the debates around the attempted amendment of the 2/2010 Abortion Law. Bacchi's WPR approach allows us to explore how the problem has been represented by the main actors in these debates. Minister of Justice Ruiz-Gallardón views women's reproductive rights, and specifically the right to an abortion, as detrimental to the dignity of people with disabilities. On the other hand, the Social-Democrats tend to frame this opposition between women's rights and the rights of people with disabilities as equally incompatible; they also tend to decry disability as a fate worse than death.

In tune with most western countries, the Spanish abortion debates play a relevant role in polarizing political debates and creating differences among political actors. The conservative party's capitalization on DRM discourse to undermine women's reproductive rights created allies among conservative disability organizations, Catholic citizens and family organizations. On the other hand, this capitalization also caused fragmentation among the conservative MPs and provoked resistance from ultraconservatives.

The context and timing in which the conservative amendment was presented is extremely relevant. The economic crisis and the changing political scenario make it all too plausible that the conservative government was using the UN Convention on the Rights of Persons with Disabilities of 2003, and more specifically, Article 10, to justify dismantling the welfare system. The defunding of the 39/2006 Dependence Law makes it clear that the use of the DRM discourse is an ideological maneuver to disguise the limitations of reproductive rights as social responsibility on behalf of people with disabilities. This strategic use of the confrontational discourse in order to justify austerity cuts has material consequences for women and people with disabilities, who lose rights, and further excludes women with disabilities, who make up 60% of all people with disabilities in Spain (INE 2012). This single-issue approach, missing the intersectional

analysis of abortion rights, contributes to make the needs of women with disabilities invisible.

The answer proposed by the DMR and the feminist movement, along with the center-left parties, of strengthening the maintenance of the 2/2010 Law was supported by a relevant majority of Spanish society. Ultimately, the effort to reform the 2010 abortion legislation failed due to the lack of a strong and unified position among conservatives, as well as the resistance efforts and complex positions adopted by the feminist and disability rights movements. All these movements have refused to see their claims co-opted so that the government could save face.

In terms of the achieved impact, the Minister of Justice succeeded in polarizing the debate, creating a division between second-wave feminists and the DRM movement. The conservatives also facilitated the co-optation of voices of people with disabilities at the same time that massive cuts in public spending were put into place. Cripwashing describes this strategic use of DRM discourse to disguise the dismantlement of the Spanish social welfare system and the curtailment of women's reproductive rights, in force during the last 30 years.

The Social-Democrats have succeeded in putting in common parlance the liberal bioethics assumptions of quality of life, such as those espoused by Peter Singer (1985). Most notable are the discourses of Gloria Muñoz, Javier Esparza and Jesús Mosterín, all of whom construct disability as something that should be prevented before birth, framing disability as a fate worse than death. Nonetheless Esparza, Mosterín and Gloria Muñoz showed little awareness as to how their representations of disability may affect people born with disabilities. Marginally, the neoliberal journalist Arcadi Espada supported eugenics and engaged FVI activist Antonio Centeno in a public exchange of letters. The DRM argument considered the stage system a discriminatory law with eugenic undertones, rapidly evolving to report the infringement of the dependent care law and the aforementioned Penal Code modifications of Articles 98 and 156.

The attempted reform served to expose the reluctance of institutionalized feminism to include the women with disabilities, as well as the subaltern situation of feminist leaders with disabilities contesting the attempted conservative reform (Arnau, 2012; Moscoso, 2012). Similar debates between reproductive rights' advocates and "prolife movements" are taking place in Germany (Achtelik, 2015)

Lastly, the analysis of the representations of the abortion debates has unveiled 1) the impact of the framing process in diminishing the rights of already disenfranchised social groups; 2) the political use of confronting the rights of women and people with disabilities, with relevant benefits for the conservatives; 3) the usefulness of using Bacchi's WPR framework, combined with the new term cripwashing, in understanding the Spanish debate on abortion; 4) the resistance of social movements as key factor for why the abortion reform never took place; and 5) new areas for future research, such as the creation of conflicts of interest between disadvantaged populations, which obscure conservative backlash or further polarize the positions.

References

- Achtelik, Kirsten. 2015. über abtreibung und feminismus - gesellschaft - sueddeutsche.de [cited 8/11/2016 2016]. Available from <http://www.sueddeutsche.de/leben/prae nataldiagnostik-es-gibt-feministische-argumente-gegen-abtreibungen-1.2751102> (accessed 8/11/2016).
- Angyal, Chloe. 2016. "Zika virus threat puts abortion rights and disability rights on collision course" The *Huffington Post* February 4th, 2016 [cited 8/31/2016 2016]. Available from http://www.huffingtonpost.com/entry/zika-virus-us-abortion-disability_us_56b2601be4b04f9b57d83192 (accessed 8/31/2016).
- Aldaz, Arantza. 2014. "La reforma del código penal estigmatiza la enfermedad mental". *El Diario Vasco* November 2nd.
- Arnau, Soledad. 2012. "El aborto eugenésico desde la mirada bioética feminista de /desde la diversidad funcional." *Con la A*. 17
- Bacchi, Carol. 2009. *Analysing Policy: What's the problem represented to be*. [Frenchs Forest: Pearson](#).

- Díaz, Paula & Muñiz, Andrés. 2012. "Gallardón defiende la igualdad de los discapacitados, pero apoya su esterilización forzosa" *Público*, July 26th.
- Doran, Frances & Nancarrow, Susan. 2015. "Barriers and facilitators of access to first-trimester abortion services for women in the developed world: A systematic review". *The Journal of Family Planning and Reproductive Health Care* 41 (3): 170-80.
- del Burgo, Pedro, 2012. "Nos quitan los asistentes que son nuestros pies y nuestras manos." *El Mercantil Valenciano* October 5th.
- EFE. 2012. "La malformación del feto no será ya un supuesto para abortar" *La Razón* July 22nd.
- Entman, Robert M. (1993). "Framing: Toward clarification of a fractured paradigm". *Journal of Communication* 43 (4): 51–58.
- Espada, Arcadi. 2013. "Un crimen contra la humanidad" *El Mundo*, [May 5th](#).
- Erevelles, Nirmala, & Minear, Andrea 2010. "Unspeakable offenses: Untangling race and disability in discourses of intersectionality." *Journal of Literary & Cultural Disability Studies* 4(2): 127-145.
- Esparza, Javier. 2012. *Nadie tiene derecho a obligar al sufrimiento*. El País July 24th.
- Esparza, Javier. 2013. Nadie tiene derecho a obligar al sufrimiento (II) El País, [December 23rd](#).
- Guzmán, Francisco, Moscoso, Melania & Toboso, Mario. 2010. "Por qué la ley de dependencia no constituye un instrumento para la promoción de la autonomía personal". *Zerbitzuan: Gizarte Zerbitzuetarako Aldizkaria= Revista De Servicios Sociales* (48): 43-56.
- INE. 2012. *Encuesta de Integración Social y Salud Año 2012*. Madrid: Instituto nacional de Estadística.
- Ley 39/2006, de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia [Law 39/2006, 14 December on Personal Autonomy and Dependent Care]. BOE 299, January 15th, 2006, pp. 44142-44156.
- Lister, Ruth. 2011. "From the Intimate to the Global. Reflections on Gendered Citizenship". In *The limits of gendered citizenship*, edited by Elzbieta Olesky, Jeff Hearn & Dorota Glanska, 27-41. New York and London: Routledge.

- López Rodríguez, Silvia. 2011. “¿Cuáles son los marcos interpretativos de la violencia de género en España? Un análisis constructivista”. *Revista Española de Ciencia Política*, 25: 11-30.
- Lucio, Lourdes. 2013. “IU empuja al PSOE a votar en el Parlamento a favor del aborto” *El País*, May 23th.
- López, Silvia & Platero, R. Lucas. 2015. “Diskurser som märker kroppar”. *Fronesis* 50-51: 128-133.
- Matía, Agustín. 2012. “Tienen que suprimir el aborto por malformaciones. No es algo opinable”, July 26th.
- Morán, Carmen. 2010. “No sólo falta dinero para dependencia, falta control” *El País*, May, 2th.
- Moscoso, Melania. 2009. A propósito de la ley de promoción de la autonomía personal y de ayuda de la dependencia. *Intersticios. Revista Sociológica De Pensamiento Crítico* 3 (2): 217-221.
- Moscoso, Melania. 2012. El patriarcado por otro nombre: el discurso feminista y las mujeres con discapacidad. *Con la A.* 17
- Moscoso, Melania. 2014. “No en mi Nombre” *Pikara Magazine*, January 15th. Accessed February 3th, 2016. <http://www.pikaramagazine.com/2014/01/no-en-mi-nombre/>
- Mosterín, Jesús. 2013. “Una cruzada contra la libertad reproductiva” *El País*, May, 23th.
- Muñoz, Gloria. 2012. “Si me quedase embarazada de otro bebé tan enfermo iría a abortar fuera” *El País*, July 25th.
- Parens, Erick & Asch, Adrienne 2000. *Prenatal testing and disability rights*. Washington, DC: Georgetown University Press.
- A.F. 2012. Los discapacitados piden a gallardón que elimine la esterilización forzosa *diario público* July 27th.
- Ollero, Andrés. 2012. “Los no nacidos no han ganado para sustos” *El País* August 13th.
- Puar, Jasbir. 2011. "Citation and Censorship: The Politics of Talking about the Sexual Politics of Israel" *Feminist legal studies* 19(2): 133-42. doi10.1007/s10691-011-9176-3.
- Puar, Jasbir. 2013. "Rethinking homonationalism" *International Journal of Middle East Studies* 45(2): 336-339.

Sandahl, Carrie. 2003. "Queering the crip or crippling the queer? Intersections of queer and crip identities in solo autobiographical performance" *GLQ: A Journal of Lesbian and Gay Studies* 9(1): 25-56.

Santesmases, María Jesús. 2016. "Discriminación in vitro: cuerpos y cariotipos en los orígenes de la genética del síndrome de Down". In *Justicia ¿Para todos?: Perspectivas filosóficas*, edited by David Rodríguez-Arias; Catherine Heeney & Jordi Maiso, 79-93. 2016. Madrid: Plaza y Valdés.

Saxton, Marsha. 2000. "Why members of the disability Community oppose mental diagnosis and selective abortion". In *Prenatal testing and disability rights*, edited by Erick Parens & Adrienne Asch, 147-163. Washington, DC: Georgetown University Press.

Singer, Peter. 1985. *Should the baby live?: the problem of handicapped infants*. Oxford [Oxfordshire]: Oxford University Press.

Snyder, Sharon & Mitchell, David. 2010. "Introduction: Ablenationalism and the geopolitics of disability" *Journal of Literary & Cultural Disability Studies* 4(2): 113-125.

Ruiz, Amelia. 2012. El gobierno abandona a los dependientes a su suerte y sus cuidadoras ya no cotizan a la Seguridad Social *Elplural.com*, [December 1st](#).

Toharia, José Juan. 2013. "Los españoles ante el aborto (1976-2013)" *El País*, [May 3rd](#).

Valiente Fernández, Celia. 2001. "Gendering abortion debates: state feminism in Spain". In *Abortion politics, women's movements, and the democratic state: a comparative study of state feminism*, edited by Dorothy McBride Stetson, 229-245. Oxford, UK: Oxford University Press.

UN. 2003. "Convention on the Rights of Persons with Disabilities," available at: <http://www.un.org/disabilities/convention/conventionfull.shtml>

2010. Las nuevas medidas con las que el gobierno quiere ahorrar 15.000 millones *El País* May 12nd.