

Abortion on Trial

The case of the green-eyed, red-haired girl from the little town of San Martino Di Lupari, near Padua, was just what Italian Women's Liberationists needed to make abortion a major public issue. Pregnant at 17, abandoned by her lover, Gigliola Pierobon in 1967 had endured what thousands of women experience every year in a nation where birth control is restricted and abortion illegal: she had received an abortion on a kitchen table in the home of a country nurse. A Padua court has now granted Gigliola a "judicial pardon" for her crime. That should have ended the case, but instead it was a new beginning, for Italy's abortion law itself is now on trial, both in the Parliament and in the streets.

The ruling Christian Democrat party in Italy is liberal on many social issues, but not on those touching Catholic morality as set forth by the Vatican. Nor is there any inclination by the Christian Democrats to change the legislation, dating from the Mussolini era, that makes abortion an offense "against the integrity of the race." This law prescribes a two-to-five-year prison sentence for anyone performing an abortion or for any woman undergoing one. Even the Communists, who never stop trying to woo Catholic voters, are very wary of tampering with the old harsh laws.

Yet abortion now ranks as Italy's chief form of birth control. Each year an estimated 800,000 to 1,200,000 Italian women receive abortions—all of them illegal—and perhaps as many as 20,000 of these women die as a result of inexpert operations carried out under unsanitary, clandestine conditions. Prices for these abortions range from \$50 for a crude attempt performed

ITALIAN WOMEN MILL OUTSIDE COURTROOM DEMANDING RIGHT TO HAVE ABORTIONS





GIGLIOLA PIEROBON
No thanks to the pardon.

without anesthesia by a *mammanna* (usually an old midwife or nurse) to \$500 for an operation by a qualified doctor in a private clinic. All told, it adds up to big business—an estimated \$250,000,000 annually, “all of it tax free,” as Milan’s weekly *Tempo* recently remarked. Fewer than 2,000 people, how-

ever, are brought to trial each year for violating the law.

To eliminate such “hypocrisy,” Socialist Deputy Loris Fortuna—the author of Italy’s new divorce law—has proposed legislation permitting therapeutic abortions in cases where the “physical or psychological health” of the mother is at stake. Fortuna has been besieged with criticism right and left. From Naples he received a letter-bomb (luckily, he failed to open it), and from 22 nuns in faraway Canada a letter denouncing his “criminal initiative” but praying for his soul nonetheless. Fortuna admits that his proposed law has little chance of acceptance by the other parties now, but he is banking on public outrage eventually forcing a change—as it earlier did on the divorce question. There have been public meetings in Florence, Venice, Milan, Trieste and Rome. In Padua, 200 women paraded with placards: OUR UTERUS BELONGS TO US and IF MEN BECAME PREGNANT, ABORTION WOULD BE A SACRAMENT. One Padua demonstration was broken up by young men who charged in swinging their belts and shouting, “Communism shall not pass!”

As for Gigliola Pierobon—she is now 23, married (but separated), and the mother of a three-year-old daughter. She has refused to accept the court’s pardon, which was a compromise de-

cision that judged her guilty but kept her out of jail. Defiantly Gigliola plans to appeal her case. In an interview with *TIME* last week, she said: “I underwent an abortion at 17 in a situation of fear, ignorance, anguish and confusion. I am determined that my case be a test not only for the abortion law, but for the sad plight of Italian women in general.” In Bologna, meanwhile, another Italian woman faces trial on a similar charge.

How Easy Is an Abortion in Europe?

To a profound degree, religious and cultural traditions still influence European attitudes on abortion. But as the following TIME survey indicates, punitive legal restrictions on abortions have begun to disappear in some places:

Britain has become the abortion capital of Europe since liberalized legislation was passed in 1967. Last year, 156,714 abortions were legally performed there. One-third of the patients were women from abroad. Pregnancy can be terminated up to the seventh month. Operations are obtainable free for residents under the National Health Service. Private abortionists are not permitted to advertise, but every London taxi driver knows their addresses. The operation costs from \$125 to \$500.

France’s prewar laws permitting only “therapeutic” abortions—to save the mother’s life—are still in effect. Legal abortions thus averaged barely three per month in the Paris region between 1966 and 1970, but throughout France illegal operations are estimated to total between 300,000 and 1,000,000 yearly. New, liberalizing legislation is scheduled for a parliamentary vote next month.

Germany too is considering relaxation of its laws, which provide up to five years in prison for violators, al-

though judges usually mete out only fines or suspended sentences. Illicit abortions may total 250,000 yearly, or nearly 40% of the number of live births.

Switzerland, with its relatively liberal abortion policies, was for years the place where European women went for their operations. But by the mid-’50s, the growing cross-border traffic of pregnant tourists caused the Swiss to establish a six-month residence requirement (not rigidly enforced in Protestant cantons such as Geneva, Berne and Zurich).

The Netherlands now offers the easiest abortions on the Continent. Some 50,000 are performed there yearly. The clinics charge a mere \$125 to \$150, medical standards are high, and the formalities—such as parental consent for minors—minimal.

Belgium, by contrast, regards all abortions as illegal (but does not prosecute in cases of rape or when continued pregnancy would endanger the life of the patient).

Italy, Portugal, Spain and Ireland remain the most restrictive of European countries. The Portuguese penal code ranks abortion with euthanasia and prohibits it even on therapeutic grounds. Nevertheless, in the words of one Portuguese medical administrator, “All midwives are rich, and there must be a reason.” Abortion prices have trebled

in a year, but are still only \$40 to \$80. In Spain, Catholic hospitals will not admit abortion cases, although Spanish law allows abortion if the mother’s life is in danger. In Ireland, the taboo on abortion is so widely accepted that specific anti-abortion legislation does not even exist. But illegal abortion is no problem in Ireland—permissive Britain is only a \$30 ferry ride away.

Sweden, Norway and Denmark, always liberal, are getting more so. In Sweden only the bureaucracy slows abortions, and almost any grounds will suffice. Proposed new legislation would sanction abortion where pregnancy threatened to be “unduly burdensome”—upon an older woman who worries about earning her living, or a young girl who wants to complete her studies. In Denmark a new law will come into force this October granting abortion on any grounds whatever before the twelfth week of pregnancy. After that, girls under 18 must have parental consent, although they can appeal to a social-medical council if their parents refuse. Norway permits abortion virtually on demand. Local health committees accept nearly 90% of all abortion applications and in 1972 granted 12,000 operations—all paid for by the government health service. The opposition Norwegian Labor Party promises that if elected next September, it will bring in truly free abortion. Any woman who wants it can have it.