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A Dry Branch on the Nation's Body: The Nation's Biological Reproduction between Gender and Sexuality

The article proceeds from the thesis that discriminatory discourses in the field of gender and sexuality in Slovenia are based on ideas surrounding the nation's biological reproduction and that increasing the fertility rate is crucial for the nation's viability. The authors substantiate this thesis with Foucault's biopolitical governmentality, Balibar's concepts of nationalism and fictive ethnicity, and Yuval-Davis' analysis of women's roles in the construction of ethnic and national collectivities. The research question is how the assumption of the nation's biological origin affects the understanding of the state and citizenship. We analyse political debates in Slovenia over a period of 30 years, focusing on those that expose any relation between gender and sexual norms and the understanding of the state as an ethnic rather than a civic category: the right to abortion, biomedically assisted reproduction, and the legal equality of intimate partnerships.

Keywords: nation-state, gender, sexuality, abortion, biomedically assisted reproduction, equality of intimate partnerships.

Suha veja na telesu nacije: Biološka reprodukcija naroda med spolom in seksualnostjo

Prispevek izhaja iz teze, da se diskriminacijske norme na področju spola in seksualnosti v Sloveniji utemeljujejo z idejama o biološki reprodukciji naroda in o tem, da je zviševanje rodnosti bistveno za preživetje naroda. Avtorice to tezo utemeljujejo s Foucaultovo biopolitično vladnostjo, Balibarjevima konceptoma nacionalizma in fiktivne etničnosti in z analizo vloge žensk v konstrukciji etničnih in nacionalnih kolektivitet Yuval-Davis. Raziskovalno vprašanje je, kako predpostavka o biološkem izvoru naroda vpliva na razumevanje države in državljanstva. V prispevku analiziramo politične razprave v Sloveniji v obdobju 30 let s poudarkom na razpravah, ki razkrivajo povezavo med seksualnimi in spolnimi normami ter razumevanjem nacije kot pretežno etnične kategorije: pravica do abortusa, oploditev z biomedicinsko pomočjo in enakost intimnopartnerskih razmerij.

Ključne besede: nacionalna država, spol, seksualnost, abortus, oploditev z biomedicinsko pomočjo, enakost intimnopartnerskih razmerij.

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1. Introduction

Slovenia is a country with relatively liberal legislation on women's rights and sexual minorities, and at the same time, it is a country with restrictive immigration laws and policies. At first glance, it seems that Slovenia is just one of the many states that implement femonationalist¹ and homonationalist² politics. However, given that in Slovenia the ideology of national threats has been legitimized (among other things) through references to the low birth rate in a period of more than thirty years, we believe that this conclusion would be premature. We assume that the fear of the extinction of the Slovene nation, which is central to the ideology of national endangerment, originates in the idea of people as power, wherein "the future of the nation is seen to depend on its continuous growth" (Yuval-Davis 1996, 18–19); according to our second assumption, people in the syntagma "people as power" (Yuval-Davis 1996, 18–19) are considered to be a biologically reproduced ethnic collectivity (e.g. Balibar 2002b; Yuval-Davis 1996; 1997). Our third assumption is that when the ideology of people as power directs population policies, these tend to regulate birth rate and fight against degeneration through race and sexuality (Foucault 2008, 66), as well as through nationality/ethnicity, since we accept Balibar's and Wallerstein's (1991) notion that a modern nation permanently reinforces an intrinsic link between racism and sexism.

According to our assumptions, the article analyses the complex connection between nationalist, patriarchal and heteronormative elements of population policy, which began to form in Slovenia just before and after the 1990 elections. It examines if and how an understanding of state and citizenship establishes borders of deservedness for the Slovene nation in the discourses of ethnicity, gender, sex and sexuality. We focus on a secondary analysis of qualitative data analysis, grounded on parliamentary and public debates on the right to abortion and on referendum campaigns on biomedically assisted reproduction and legal equality of intimate partnerships in order to shed light onto how the ethnic principle dominated over the civic principle in population policies. Put differently, we rely on previously implemented key research and other works in order to provide an overview of the issue in question in its complex and interrelated character.

2. Biopolitical Governmentality and the Issue of Securing the Biological Existence of the Nation

Since the mid-1980s, some demographic analyses have warned of the low birth rate in Slovenia as a threat to the pension system (e.g. Proposal for Population Policy in the SR Slovenia (*Podlage prebivalstvene politike v SR Sloveniji*) (cited in Mencin Čeplak 2005a, 112; Malačič 1984)). In the political discourses of farright

and populist right-wing politics, these warnings are transformed into the thesis of the extinction of the Slovene nation. The responsibility and even blame for the threat of extinction is often attributed to the low birth rate in Slovene women, to the tolerant attitude of society and the state towards gays and lesbians, and to the theorisations of gender that contradict the naturalised gender binary. According to these discourses, another danger to the small Slovene nation is the contamination of Slovene culture by the foreign immigrant cultures of non-Slovene ethnicities. These discourses state that the collective entity of the nation has to persuade (Slovene) women to have more children, to reinforce the desirable and useful qualities of the population and eradicate the threatening ones (Foucault 2000, 367–369) – in the name of the Nation, understood as a community of common origin, destiny and future, shared values, beliefs, dreams, and virtues (Balibar 2002b). Thus, the birth rate (as well as mortality, longevity etc.) and the quality of the population are, according to Foucault, two of the key objects of biopolitical governmentality. Consequently, these discourses (and the policies that agree with them), grounded in two key objects of biopolitical governmentality – birth rate (as well as mortality, longevity etc.) and the quality of the population (Foucault 2000) – attempt to produce illegitimacies (Foucault 1984) even where normalization seemed to be an irreversible process. However, the alternative gender identities and sexualities, the non-traditional division of gender roles, the non-traditional family and partnership communities, etc., which neoliberal capitalism has successfully appropriated, nonetheless re-mark the boundary between deservers and non-deservers.

Because fertility is one of the crucial concerns of population policies, sexuality is the most scrutinized object of their control. Biopolitical strategies of exerting power over life (bio-power) and disciplining the body were applied in the name of the biological existence of a population, in the name of “a general protection of society and the race” (Foucault 1978, 122) and in the name of the nation and ethnicity. Therefore, it is not surprising that nationalist politics advocate for pro-natalist policies, which are dominated by the discourse of people as power, as Yuval-Davis named it (1996, 18; see also 1997): “In this discourse, the future of the nation is seen to depend on its continuous growth”, and it usually interpellates women. However, not all of them: extreme nationalist discourses (and politics) interpellate only “our women”, members of the same ethnic community, women who share the dominant values (e.g. heterosexual, catholic, cishnormative ...). In this case, the discourse of people as power overlaps with a more or less explicitly eugenic discourse that appeals to “differential policies of encouragement and discouragement of childbearing toward different segments of the population (based on class, ethnicity, race, and often all of the above)” (Yuval-Davis 1996, 20).

Thus, we may conclude that in the name of ethnic community survival, the key object in nationalist population policies is women. They are positioned not

only as the key link in biological reproduction, but also in the reproduction of the ideology of dominant sexual regimes, normative sexual identities and sexual practices, and of national (i.e. ethnic) endangerment (e.g. Mosse 1985; Yuval-Davis 1996; 1997; Peterson 1999). By focusing on women and on reproduction, now being turned into a pressing issue, Berlant (1997, 4) argues that the political public sphere is becoming more and more an “intimate public sphere”, consisting of “intimate domains of the quotidian”. What is more, they highlight how “acts that are not civic acts, like sex” bear the burden of defining “proper citizenship” (Berlant 1997, 5) and produce a “state of sexual emergency” (Berlant 1997, 17) that is perceived as a crisis of the future of the nation.

In this paper, we rely on the definition of the state as a self-governing political entity or a political association that establishes sovereign jurisdiction within defined borders. This definition is far from being unproblematic, but for the purpose of our analysis, we are interested primarily in the problem that appears when the state is intrinsically linked with the nation. The term nation is mainly employed as a synonym for the state – in this case, nationality and citizenship also exist as coterminous. However, in order to ensure the greatest possible clarity, we make a distinction between the state, defined as a politico-judicial entity, and the nation, defined as a politico-cultural entity that refers to common ethnicity or common ethnic basis. We are aware though that their relationship – at least in practise – is much more complicated, as the state is rarely an ethnically neutral mechanism (see also Bajt 2016).

In the present paper, ethnicity is approached as an (imagined) cultural community that refers to a shared identity, to the “aspects of relationships between groups which consider themselves, and are regarded by others, as being culturally distinctive” (Eriksen 1993, 8). Following this definition, the concepts of nation and ethnicity can be linked, as they are by Balibar (2002a), who asserts that the notion of common ethnicity or common ethnic basis lies at the very core of the community that is called a nation and a modern state. A (fictitious) common ethnic basis enables an ideological unification of otherwise hierarchized social groups, making reference to a common destiny, desires, values, shared ancestry (and even genetics in overt racist discourses), historical territory, and so on. In this way, Balibar (2002a) notes, a fictive ethnicity enables a sort of pre-existing unity to be recognized in a state and at the same time ensures the security of that unity. This leads to the final two key concepts of this analysis: nationalism and national identity.

Our definition of nationalism relies on Balibar’s concept of nationalism as an “organic ideology that corresponds to the national institution, which rests upon the formulation of a rule of exclusion, of visible or invisible ‘borders’, materialized in laws and practices” and “constructs and nurtures a sense of belonging and collective identities” (Balibar 2004, 23). Fictive ethnicity, the term applied to the naturalized community instituted by the nation-state, makes it

possible to identify and distinguish insiders (citizens) from outsiders (Balibar 2002b, 222). It constructs and nurtures a sense of belonging and, based on this, it appeals to mutual solidarity and defence against external threats.

For our analysis, the most relevant characteristics of nationalism are its appeal to defence against external (ethnic minorities) and internal threats (low birth rate, women's emancipation, LGBTIQ+). Exclusion, or at least "unequal ('preferential') access to particular goods and rights depending on whether one is a national or a foreigner, or belongs to the community or not" (Balibar 2004, 23), which is, according to Balibar (2004), the essential feature of nationalism (and "the very essence of the nation-form" as well), is a process of the construction and reproduction of bounded communities. Therefore, formal law and legal norms also operate as the construction of collective national identity(ies). Given that formal law operates as the construction of collective national identity, we can see how the nation is conceptualized in the Constitution of the Republic of Slovenia (1991). At the very beginning (in the Preamble and the first few Articles), the Constitution express an ambiguous relationship between the ethnic and civic principle. Namely, the starting point of the Constitution identifies "fundamental human rights and freedoms", but it also leaves no doubt that Slovenia is a nation/ethnic state:

Proceeding from the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts (Constitution of the Republic of Slovenia 1991, Preamble).

There are two elements of discursive construction of national identity in this text, typical of fictive ethnicity. Firstly, it evidently proclaims a "centuries-long struggle for national liberation" (Constitution of the Republic of Slovenia 1991, Preamble) as a historical fact, which is an example of a narrative of a collective political history. Secondly, by emphasizing that "we Slovenes" have been those who "have established our national identity" (Constitution of the Republic of Slovenia 1991, Preamble), it constructs unity in the Slovene national imagination on the one hand, and it excludes all those who are not Slovenes on the other.

The first three articles of the Constitution are also ambiguous. The first one defines Slovenia as a democratic republic, the second one as "a state governed by the rule of law and a social state" (Constitution of the Republic of Slovenia 1991), while Article 3 proclaims Slovenia as a "state of all its citizens", in which power is "vested in the people" (Constitution of the Republic of Slovenia 1991). This civic provision is at least symbolically relativized by the statement that Slovenia

is “founded on the permanent and inalienable right of the Slovene nation to self-determination” (Constitution of the Republic of Slovenia 1991):

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia, power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive and judicial powers (Constitution of the Republic of Slovenia 1991, Art. 3).

In the next sections, we will analyse how ethnic principle attained dominance over civic principle during discussions on reproductive and sexual rights.

3. Analysis of Selected Political Debates in Slovenia

3.1 Political Debate on the Right to Abortion: On Eroding the Nation

There is no doubt that Slovenia has one of the most liberal abortion legislations in Europe. Indeed, Freedom of Choice in Childbearing is even a constitutional category, first enshrined in the 1974 Constitution of the former Yugoslav state and retained in the 1991 Constitution of the Republic of Slovenia (Art. 55). It is interesting to note that the Yugoslav Constitution of 1974 (Art. 191) stipulated “it is a human right to freely decide on the birth of one’s children. This right can only be restricted for health reasons” (cited in Rožman 2009, 313). Yugoslavia thus became the first country in the world to enshrine in the constitution the right of an individual to decide freely on the birth of their children (David 1999, cited in Rožman 2009, 313–314). However, the right to abortion has been constantly on trial. According to Rožman (2009), Slovenia’s liberal legislation³ has a long history of battles and debates within the women’s movement before World War II and later during socialism.⁴ As we will see below, this topic remained relevant not only in the process of gaining Slovenia’s independence, particularly at the end of the 1980s and early 1990s, but later as well.

In the article *Abortion, or an everlasting problem with/for women?*, Mencin Čeplak (2016) exposes three public (political and media) debates on abortion rights over a period of just over three decades in Slovenia, which can be described as examples of Balibar’s concept of fictive ethnicity (2002a) or ideological calls to the ethnic community survival (Yuval-Davis 1997). The first debate, which made the abortion issue visible in the broader public space, took place especially towards the end of the 1980s and the early 1990s. During this period, national intelligence strengthened its social influence in Slovenia through appeals to the threatened status of the Slovene nation: firstly, through federal (Serbian) centralism and communism, and secondly, through the low natality of Slovene

women. The low birth rate and the aging of the population were common political and media topics at the time (Mencin Čeplak 2005b, 112). In 1990, the Slovene government discussed the policy document Proposal for Population Policy in the SR Slovenia (*Podlage prebivalstvene politike v Sloveniji*) (cited in Mencin Čeplak 2005a, 112). The document expressed typical nationalists concerns over low birth rate, “preserving the national identity”, raising the “net coefficient of fertility”, and finally, the right to abortion, which became one of the key points in dispute before the parliamentary elections in 1990 and in the debates over the constitution after the election. “The proposed measures also included those [concerning immigrants from other Yugoslav republics, authors’ note] which undoubtedly arose from the idea of the biological reproduction of the nation [...]” (Mencin Čeplak 2016, 1376). Although the Proposal was not implemented, it has become an important reference point in the (conservative) political discourse on the endangered status of the Slovene nation.

The second example concerns the constitutional debate on abortion in the 1990s, when the threat to the Slovene nation and the need for its biological reproduction on the one side, and abortion as a threat to the abundance and moral strength of the Slovene nation (Bahovec 1991, cited in Salecl 2002) on the other, continued to be the focus of the argumentation of the opponents to abortion rights. Additionally, the foetus’ right to life and the sanctity of life, which, according to some, should be included in the constitution’s Preamble, became the central arguments in anti-abortion discourse, often referring to Christian (and therefore also Slovene) moral values. According to Salecl (2002), behind the idea that the foetus is a human being is the (post-socialist moral majority’s) idea of the importance of national identification:

[...] the life of a human being has special meaning because he or she belongs to a national community. By allowing abortion, we not only kill a human being but also erode our national substance – in the long term we kill the nation (Salecl 2002, 27).

Because in the ideology of the post-socialist moral majority national identity fully determines us, it follows that abortion endangers our own identity. Despite the preservation of Article 55 in the Slovene constitution, abortion remained an important political topic in later years. Its opponents have resorted to various strategies to restrict access to abortion: first in 2002, in the Slovene People’s Party’s law proposal, and second in 2006, in the Strategy for Increasing the Birth Rate in the Republic of Slovenia (*Strategija za povečevanje rodnosti Republike Slovenije*) prepared by the Ministry of Labour, Family, and Social Affairs and discussed by Mencin Čeplak (2016). Both tended towards omitting the mention of abortion, childbirth, contraception and sterilisation among the services covered by compulsory health insurance. Protests by feminist groups, pro-choice activists, and professional associations followed, and the Strategy was not adopted (Marn 2006, cited in Mencin Čeplak 2016, 1378).

The third example of the public problematization of abortion rights can be traced from 2012 onwards, when opposition to abortion increased again. This year, the institute Iskreni.net proposed to the Slovene government that the cost of hormonal contraception and abortion should be entirely covered by the insured person herself and not by compulsory health insurance, as was the case until then (Vovk 2012, cited in Mencin Čeplak 2016, 1379). The mentioned institute, together with at least two other institutions (God's Children Institute and I'm All'ive), is indirectly connected with the public presentation of the political Movement for Children and Family, which issued the declaration Hope for Children and Families. In the latter, it emphasised biological family ties and traditional marriage as the basic foundation of the family, as well as its dedication to the Slovene nation, the country, and to Christianity. It called for the implementation of the right "to life of every unborn child", and for the rejection of "pro-abortion mobbing of pregnant women" etc. (Mencin Čeplak 2016, 1379–1380). These and similar topics, such as the potential extinction of the Slovene nation and culture, the so-called culture of death, abortion as a threat to the Slovene nation and Christianity, and post-abortion syndrome, were occasionally but constantly raised in public on the aforementioned organisations' websites (e.g. www.24kul.si), and Catholic media through the 2010s. In Ljubljana, abortion opponents also organised protests in front of the Clinic of Gynaecology and Obstetrics in 2015 and 2016. Of course, such initiatives and campaigns also received a wider public response in other mass and social media, open letters, and political discourse. Within current anti-choice activism in Slovenia, Mencin Čeplak (2016, 1382) recognizes two groups. The first one is "openly aggressive in their claim of the abortion being a murder, a crime against the child, against nature, against the nation, against women", while the second one uses a passive-aggressive and patronising discourse of politeness, addressing "the moral, sensitive Slovenes", particularly women, about "baby-killing propaganda" and "the true essence of a woman" (Mencin Čeplak 2016, 1382).

3.2 The Political Debate on Biomedically Assisted Reproduction: The Danger of Single Women

At the turn of the millennium, women's rights once again became politically relevant and covered in the media. The reason was the adoption of the Infertility Treatment and Biomedically Assisted Fertilization Procedures Act in July 2000 (cited in Mencin Čeplak 2005a, 114). The decision on the amendment to this act was ultimately left to a referendum, which was the first referendum implemented with the aim of preventing legal equality in the right to biomedically assisted fertilization procedures (BAFP). According to this still-valid act, the possibility of BAFP is allowed only for a woman with a permanent male partner. At the same time, this act explicitly prohibits BAFP with the simultaneous use of donated

eggs and donated sperm, thus affecting couples where both the man and woman are infertile. This was also the reason for submitting a proposal for amendments to the act, which was discussed by the National Assembly in the spring of 2001.

In the debate, the advocates of the amendment emphasized the right of women to equal treatment regardless of their status (single, (non-)marital partnership ...), while opponents opposed it in the name of a child's right to both parents. The latter also emphasized the problem of psychosocial and economic deprivation of children caused by an absent father, referring to the so-called principles of family policy and the important role of the so-called perfect, i.e. two-parent heterosexual family. Proceeding from the assumption that single-parent families are a problem in themselves, the opponents of the amendment also expressed their fear of an increase in their number, which would consequently also lead to an increase in social problems. In their opinion, birth and growing up with a father and mother were conditions for optimal child development. However, there is of course no guarantee that a child with both parents will naturally grow up in a happy and safe environment, nor is it proven that life in a single-parent family is a priori bad for the child. Opponents also overlooked the fact that the amendment to the law would implement a provision that would limit the possibility of BAFP to adults, even those reasonable and of an appropriate age to perform parental duties and in a psychosocial condition that would benefit the child (Mencin Čeplak 2005a, 114–116).

As Majda Hrženjak (2001) writes in her interpretation of parliamentary debates on the treatment of infertility with biomedical assistance and the accessibility of artificial insemination procedures, these debates have fully revealed what Bourdieu symbolically defined as an instrument of domination – that it produces both conceptual and social distinctions. The basic logic of the symbolic is the logic of difference – the establishment of distinctions with binary oppositions between elements of a system based on the logic of exclusion and inclusion, the arrangement of things, phenomena and people into opposing categories. It is, as Bourdieu (2014, 44–64; see also 2018) states in his discussion on the state, the imposition of the (heterosexual) form that is happening when the legal order is created and reproduced. Thus, its classifying logic of the symbolic has empirical, practical, and political effects, as binary symbolic distinctions not only match social differences but also legitimize social, economic, and political inequality. These binary and at the same time hierarchical contradictions in the analysed discussions place the family above the individual, medical and legal discourse above other scientific disciplines, the imaginary perfect family above the so-called imperfect family, and a woman paired with a man over a single woman.

The key opposition that creates the debate, however, can be summed up in the insoluble contradiction between the so-called perfect family and the single woman, which poses a terrible danger to the family and thus to society as a whole.

Moreover, proponents of the referendum believe that “the possibility of artificial insemination of a single woman can only be the first step in encroaching on the values that form the foundation of Western civilization” (Hrženjak 2001). There is a whole range of dangers associated with single women, which according to Hrženjak (2001), point to a kind of phantom phantasm that revolves around singleness in Slovene society, especially around women. Single women are not perceived as normal, but as mentally disturbed, traumatized, and sick in one way or another, otherwise they would not be single, and it is their single status that proves that something is wrong with them. Because single women are dangerous to themselves in the first place, they are consequently detrimental to the upbringing of children, endangering the perfect family and discriminating against men. Moreover, they pose a risk to the racial and national purity of the Slovene nation. According to Hrženjak (2001), some proponents of the referendum were of the opinion that artificial insemination of single women could lead to a mixture of nationalities and races, and “we can imagine the danger this poses to our country”. Indeed, those who are afraid of single women, gays and lesbians, and other types of differences are usually also afraid of members of different cultures, other nationalities and races.

Nonetheless, the National Assembly passed an amendment to the law, and opponents demanded the convening of a referendum, where the law was rejected with a turnout of just over 35 %. “Since then, the discrimination enacted by the BAFP is no longer a political issue – so a discriminatory provision is slowly but surely becoming self-evident and legitimate” (Mencin Čeplak 2005a, 121).

3.3 The Political Debate on the Family Code and Same-Sex Marriage: “(Demographic) Winter is Coming”

Since the 1980s, after the Former Yugoslavian Republic decriminalised homosexuality in 1977, the gay and lesbian movement has formed an important part of civil society and has managed to form a strong political stance (Mencin Čeplak & Kuhar 2010). Yet, at the brink of Slovene independence, the political space available for citizens’ initiatives concerning gay and lesbian rights had been closing down (Mencin Čeplak & Kuhar 2010). While the Criminal Code change that explicitly prohibited discrimination on the grounds of sexual orientation (in 1994) managed to pass without severe or explicit opposition (Mencin Čeplak 2005a), gay and lesbian rights experienced their first setback in 2004, when the attempt to legalize same-sex partnerships was rejected by the National Assembly. However, in 2005, the Same-Sex Civil Partnership Registration Act was successfully legalised, yet, without granting any social protection rights to gay and lesbian partnerships, as is the case for heterosexual marriages (Mencin Čeplak 2005b).

The first serious attempt of legislative changes towards greater equality took place in the period of 2009–2012, when the government introduced a new draft of the Family Code (*Družinski zakonik*), which was supposed to replace the over 30-year-old Marriage and Family Relations Act (ZZZDR) (Kuhar 2015). The attempt failed as the Constitutional Court allowed a referendum to take place on the already-softened version of the proposed Family Code, with the right to adoption by gay and lesbian parents being excluded. The referendum was held on 25 March 2012: the turnout reached 30.31 % and 54.55 % voted against it (State Election Commission 2012). Three years later, in 2015, the National Assembly confirmed the Amendment of ZZZDR that would expand the right to marriage to same-sex partnerships. Yet again, the Constitutional Court allowed a referendum to take place on 20 December 2015: this time, the turnout reached 36.38 % and 63.51 % voted against the amendment (State Election Commission 2015).⁵ In this section, we are mainly interested in the discourses that surrounded the first (2011–2012) and the second referendum campaign (2015), especially concerning the (re)production of nation and nationality. In order to gain insight, we will rely on the research already implemented on the chosen topic, directly focusing on the interplay of same-sex marriage opposition and the discourse on nation.

As analysed by Kuhar (2015) and Mencin Čeplak and Kuhar (2010), the Roman Catholic Church was fairly inactive in regard to homosexuality up to 2003. However, from 2003 onward, including the campaign surrounding the referendum on marriage equality in 2009, the Roman Catholic Church (RCC) managed to establish itself as a vocal actor of civil society. It has done so through establishing satellite organizations (Kuhar 2015, 119; see also Kuhar & Patternote 2017). These organisations, alongside the RCC, shaped, if not set up, the terms of public debates in regard to homosexuality, even if indirectly, with the help of discursive bypasses through “family”, “children protection and welfare” and the “sanctity of marriage”, especially in terms of its reproductive intentions (Mencin Čeplak & Kuhar 2010, 292).

Vezovnik (2015) conducted a detailed analysis of pro- and contra-arguments that were used in the National Assembly’s discussions throughout 2010–2011. While the pro- arguments were grounded in the values of inclusivity, democracy, equality and human rights, the contra- arguments stemmed from the values of traditional family, protection of natural/biological laws, nation, and heteronormativity (Vezovnik 2015). As Vezovnik (2015) highlights, the contra-arguments were predominantly grounded in essentialist discourses of “gender, sexual orientation, family and nation”, constituting the heterosexual family as a “foundation of a fertile Slovene nation” (Vezovnik 2015, 1206). This is evident from the following quote of a political party during the presentations of positions in the discussion of the bill (NSi): “the state [has to] vote in favour of legal privileges and financial and fiscal promotion of family, as a central project of its own future”

(Mencin Čeplak, 2005b, 122). The same stance is evident in the Church leader at that time: “The state has to promote everything that grants the future to society and nation and has to avoid equalising things that are of completely private nature with those that contribute to the community” (Mencin Čeplak & Kuhar 2010, 293). In other words, according to those opposing marriage equality, voting for marriage equality would contribute to the “extinction of the Slovene nation” (Mencin Čeplak 2005b, 123). It would do so by supposedly promoting homosexuality and by failing to grant a privileged status to heterosexual families, whose so-called natural mission is to procreate, and in extension, to reproduce the nation. This neglects, firstly, the fact that reproduction is not a legal condition for marriage and, secondly, that reproduction is not conditioned by the existence of marriage (Mencin Čeplak & Kuhar 2010).

For the second referendum in 2015, the discourse of heterosexual family, marriage, and by extension, nation as being threatened,⁶ intensified as the new threat sources from the field of LGBTIQ+ community were added to the list. As the threats seemingly multiplied, the stakes increased. Alongside the usual suspects – same-sex marriage, promotion of homosexuality or homosexual propaganda (the so-called homosexualisation) – the newly coined phrase of gender ideology (or theory of gender) was added to the list. Gender ideology is an empty signifier that stands for freely choosing one's gender and denying the naturalised sex binary in the hands of those opposing marriage equality (Gorjanc & Fišer 2018, 485).

As the analysis of three Slovene media (Dnevnik as an example of ideologically centrally oriented media, Mladina as the left-wing/progressive media, and Demokracija as the right wing/conservative media) conducted by Sobočan and Pollak (2016; see also Pollak & Sobočan 2017) shows, the term “theory of gender” is absent from centrally and progressively oriented media and is predominantly present (only) in conservative media. What is more, their analysis of conservative media shows that their discourse on marriage equality is explicitly tied to the discourse on nation-building (Sobočan & Pollak 2016, 177), as if legalising same-sex marriage would result in diminishing national reproductive potential. Additionally, the political fight for marriage equality is perceived as related to the migrant policies as well, as both are being constituted as a radical left-wing political agenda: by allowing one, we are opening the doors to the other. Thus, the nation is not only perceived as being threatened by LGBTIQ+ activists as such, it is, by extension, also threatened by left-wing political agenda at the intersection of pro-LGBT and pro-migrant political stances (Sobočan & Pollak 2016, 177).

Put differently, the nation is generally threatened by the “degenerate, liberal elite’ and groups connected to it” (Maljevac & Gobec 2017, 294; Sobočan & Pollak 2016). The opposition between the nation and its “common sense” on one side and the “ideological projects of the ruling elites” (Maljevac & Gobec 2017,

297) on the other is built up, alongside moral panic episodes (Kuhar 2015), and the address of existing inequalities of LGBT+ community as a minority is constructed as an elitist project. In the eyes of those opposing marriage equality, the project of achieving equal rights for the LGBTIQ+ community is being implemented at the expense of the nation and its reproductive potential – of the so-called right people, that is, heterosexual Slovenes. Thus, in order to secure the nation: “our children are threatened!, motherhood and fatherhood are threatened!, our families are threatened!, the nation and our future are threatened!” (Kuhar 2015, 129), the “sanctity of marriage” and the ideal of the heterosexual family have to remain privileged, and strict anti-migrant policies are to be implemented and upheld, otherwise a “demographic winter” is coming (Kuhar 2015, 126). In this sense, the future of the nation, as Yuval-Davis (1996) discusses in relation to the idea of people as power depends not only on securing continuous growth by strengthening the reproductive potential of the right people, but also on addressing the inside threats as in the case of LGBT+ people and left-wing politics that supposedly promote homosexuality and gender ideology. By doing so, they are perceived as responsible for the state of sexual and gender emergency (Berlant 1997) that undermines the reproductive powers of the nation by undermining the (cis)gender and (hetero)sexual regimes. Being identified as the inner threat, LGBT+ individuals are turned into the outsiders (Balibar 2002b) within the collective entity of the nation, the latter being united by appealing to solidarity and defence against these threats.

4. Discussion

In the article, we analysed the complex interrelations between nationalist, patriarchal and heteronormative assumptions of population policy. By relying on secondary analysis, related to public campaigns and political discourses, we analysed the way in which population policies build on the particular understanding of gender and sexuality as subservient to the idea of the biological reproduction of the nation (Yuval-Davis 1997).

Our objects of analysis were three main gender- and sexuality-related political issues concerning 1) the right to abortion, 2) the right to biomedically assisted fertilization procedures (BAFP), and 3) same-sex marriage or marriage equality. The analysis shows that the reproduction of the state is increasingly being constructed as the nation (the Slovene state is the state of the Slovene nation as an ethnic community), understood in Balibar’s sense as the politico-cultural entity that refers to a shared identity, to a common ethnicity or common ethnic basis (Balibar 2002a). With this shift, the increasing role of the discourse of threat and self-victimization is at play or, as Berlant (1997, 8) states: “Nationality has become a zone of trauma that demands political therapy.” Its trauma supposedly stems from the threat of the nation’s future suffering owing

to present attempts to shift sexual and reproductive politics towards greater equality, and, as Turner (2008, 47) states, owing to the “failure of heterosexual households to achieve adequate national reproduction”. With the analysis of the three main political issues in relation to nation-building and sexual/intimate/reproductive citizenship (see also Kuhar 2010), we demonstrate how the future of the nation is being used in the nation’s present in order to limit equal rights to deserving citizens. Indeed, as Yuval-Davis puts forward (1997), the discourse of people as power is used in the name of the nation’s reproduction and in order to distinguish between deserving and undeserving citizens. Our analysis shows that to qualify as a deserving citizen, an individual needs to be able (and willing) to biologically reproduce, and, what is more, to do so within the parameters of heteronormativity.

This is specifically evident from the political discussions held in relation to biomedically assisted reproduction, which remains limited to women with permanent male partners, thus, excluding single women and lesbians, alongside those intimate partners who are both infertile. It is also evident in discussions concerning same-sex marriage, where the opposition employed a discourse of sexual emergency, in which heterosexuality and, by extension, marriage, family and nation as such, are threatened because of the state-sanctioned promotion of non-heterofamilial norms evident in the attempts to secure legal equality regardless of one’s sexual orientation (Berlant 1997). In the case of the right to abortion, an issue within the discourse of nation building, it is not directly an issue of failing to uphold the parameters of and for reproduction, but failing to meet the parameters of being a reproductively-inclined heterosexual. Because this is deemed crucial for the nation’s survival, its subjects are subjected to biopolitical strategies and disciplining of the body in order to protect the nation’s future (Foucault 1978, 122).

The analysis reveals the complex intertwining of nation-gender-sexuality that is, when approached single-axially, in danger of being simplified, and its socio-political significance in terms of strengthening the ethnic over the civic principle of the state overlooked or undervalued. Put differently, the opposition to the analysed issues concerning abortion, biomedically assisted reproduction and marriage equality in the name of “we, the people – we, the state – we, the nation” stems from the fact that the interrelated parameters of the repronormative formula: “a straight, white, reproductively inclined heterosexual” (Berlant 1997, 18; see also Weissman 2017), with the addition of a coupledom, are not fulfilled – either in part or in full. Due to the failure to fulfil what Turner (2008, 53) shortly puts as the nation’s eugenic commandment: “go forth and multiply”, the particular social groups are characterised as undeserving or, in the best case, as less deserving.

5. Conclusion

In the article, we are interested in how the assumption of the biological origin of the nation affects the understanding of state and citizenship and how it establishes borders of deservedness by gender, sex and sexuality-based discrimination. In order to gain insight, we analysed three main political public discussions that highlight the interrelations between gender, sexuality and nation, that is 1) political debates on the right to abortion, 2) political debates on biomedically assisted reproduction, and 3) political debates on the Family Code and same-sex marriage. The analysis showed that the state is constructed in the framework of a biologically defined nation, with clear and more or less explicit conditions that differentiate between deserving and underserving or less deserving citizens. This differentiation of deserving and less deserving citizens is implemented on the grounds of the contributions made by the citizens towards the nation. It is the contribution towards the nation's reproduction within the normative framework of gender and sexuality (heterosexual family) that counts the most, thus, constituting gender and sexual minorities as less deserving of the full extent of equal rights, precisely because of their gender, sexual practices and identities that do not succeed in meeting the demands of (and for) repronormativity.

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Notes

- ¹ According to Farris (2017), femonationalism refers to exploitation and co-optation of feminist themes by xenophobic (mostly anti-Muslim) campaigns.
- ² Homonationalism refers to the growing embrace of LGBT rights by (mostly Western) state governments and to the complicity of lesbian, gay, bisexual, and transgender (LGBT) individuals and associations with nationalist politics (Puar 2007).
- ³ Health Measures in Exercising Freedom of Choice in Childbearing Act, adopted in 1977 and still in effect (cited in Rožman 2009).
- ⁴ It is also interesting to note that in 1955 the Sava factory in Kranj produced the first diaphragm, and the Lek factory the first contraceptive paste. Therefore, this year can rightly be considered the beginning of organized contraception services in Slovenia, making Yugoslavia one of the few countries with its own production of contraceptives (Rožman 2009, 9).
- ⁵ For an in-depth analysis of the Family Code in terms of same-sex partnership and from the legislative perspective, see also Rajgelj (2010).
- ⁶ The threat-discourse is not a specific feature of the Slovene political and civil-society sphere as shown by studies of same-sex marriage related media articles that were implemented abroad. See, for example, Kania (2020), Liebler et al. (2009), Paterson and Coffey-Glover (2018).

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