

**Draft**

*Papi, te necesito: Paternidad Irresponsable, La Asociación de Madres Demandantes, and the State in Post-postwar El Salvador*

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In January of 1997 outside the chambers of the Salvadoran Legislative Assembly, the president of that body, Gloria Salguero Gross, one of El Salvador's largest land owners and a prominent leader of the right-wing ARENA party, was surrounded by a group of women, several of whom were former FMLN *guerrilleras*<sup>1</sup>. But it was not a hostile confrontation. Rather they were patting each other on the back for the success of a "*pieza de correspondencia*," a bill that had been introduced by the leftists and shepherded through Assembly by *Diputada* Salguero Gross with the collaboration of *diputadas* from the FMLN and the Christian Democratic Party, the PDC.

The bill that brought women from these diverse tendencies together was a proposal that all candidates for elected office be required to get a "*solvenia*," or a clearance, certifying that they were not in arrears for child support payments before they could assume their elected offices. Developed by the Legislative Initiative of one women's group, *Movimiento de Mujeres "Mélida Anaya Montes"* or M.A.M., the proposal was publicly lobbied for by women from *La Asociación de Madres Demandantes*, the Association of Women Seeking Child Support or AMD. In this paper, I describe the child support system in El Salvador and its relation to the state in order to explain how the nature of that relationship has brought together women, and men, from the Right and the Left to challenge *paternidad irresponsable*. I will also examine the philosophy and conditions that inspired Salvadoran feminists to take on the issue as a key element in their efforts to reconstruct gender relations.

By 1996, almost five years had passed since the Accords were signed, and both the elites, who had previously controlled the state, and the opposition forces had carried out the terms of the Accords to the extent that reconstruction and reconciliation no longer remained a central focus of either sector. Rather in post-postwar El Salvador, the modernization of the state and the economy has become a prime goal of both the left and the right. According to a book released in 1996 by an influential new left publisher, "Modernization, directed at the twenty-first century, is understood as a major historical change in the form in which Salvadoran society is organized politically, in how the power of different actors is distributed and in how those actors will participate, in how that power will be exercised, and the relationship between the representatives and represented in places of power. In addition, [modernization affects] how these relations of power are expressed in the state: that is, in how public administration functions in terms of the relations of power." (Umaña 1996: 71)<sup>2</sup>. The Peace Accords created a situation where political actors who had traditionally been excluded from the administration of the state have gained increased access to that power. While the legalization of the FMLN and its offshoots has been an important aspect of that process, their ability to participate in elections has been only one of the avenues through which these changes have been occurring. The creation of new state agencies

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<sup>2</sup>This and all other translations have been done by the author.

such as *Procuraduría de los Derechos Humanos* also opened doors through which previously excluded actors could participate in the administration of the state. But most important has been the ability of organizations that were traditionally aligned with the left, or like the women's movement, emerged from the left, to openly organize and mobilize "civil society" to take advantage of the opportunities and contradictions currently present in Salvadoran state.

Many of these actors have adopted a new view of modernization and rejected previously held beliefs that reduced the state to an apparatus of control by the bourgeoisie. Rather the state is now seen by many in the left as an arena, or arenas, where "the relation of power between different political forces is materialized" (Ibid.: 74). It is with this perspective, combined with a feminist analysis of women's condition, that the AMD emerged as a force to organize women who were using the state to secure child support from fathers who had abandoned their children.

The faint outline of the words *Procuraduría General de los Pobres* (Attorney General of the Poor) can still be made out on the facade of the tall concrete building that housed this institution prior to the 1986 earthquake. The structure has been left standing, unusable, spilled files still visible from the doorways one walks past to get to the current offices which are housed in a series crudely constructed wooden buildings, or *cabañas provisionales*. Established in the early 1950s during the "modernization" of the state apparatus which accompanied the policy of import substitution (Vásquez and Murguialday 1996), the name was updated in the 1970s to *La Procuraduría General de la República*, or PGR. Its original purpose was to provide some relief to the misery of the old, the infirm, and to abandoned children. The PGR's mandate expanded in the eighties when many of the trade unions devoted their activities to the popular movement. Under the subsequent repression, the PGR became one of the few places that workers could turn to for help in addressing their complaints about their unpaid salaries, denied benefits and inadequate working conditions.

However in the most recent phase of "modernization" which has been made possible by the signing of the Peace Accords, attending to *la cuota alimenticia*, or child support, has become the major function of the PGR. El Salvador has had a high percentage of female-headed households. The war not only intensified the conditions which made this situation problematic (poverty, deteriorating social services, unemployment) but escalated them by breeding an enormous crop of children whose fathers, soldiers from both sides of the conflict, felt minimal or no responsibility for their upbringing. During the war, many women felt constrained from demanding child support. For women on the Left, initiating a *demanda* meant possible involvement with the police which was politically risky, and/or putting her *ex-compañera* in political jeopardy by giving the police an excuse to detain him. Women who were involved with political figures or men in the army or the national police feared that they would be the victims of violence since their companions often enjoyed impunity from prosecution for far worse crimes.

With the signing of the Peace Accords in 1992 and the emergence of an autonomous women's movement, it became more possible for women to *poner una demanda*, or sue for child support. The cessation of hostilities lessened the threat of political violence. Women could put in a *demanda* without worrying that it would result in the disappearance of their *ex-compañero*. The demobilization of the armies on both sides and of the national police began the process of dismantling a military apparatus whose members had previously been untouchable. Building on a process that had begun in the late eighties, women in the different tendencies of the FMLN began

to reflect upon “the situation and condition” of women in El Salvador and their experience in the war. With funding from abroad, these organizations, and the women in them, became increasingly autonomous from the political parties from which they came. They also became increasingly critical of male domination in their society, in the institutions of the left, and in their personal relationships.

The Peace Accords also established the conditions in which the “modernization” of the Salvadoran state could move forward. Part of this modernization included the enactment, for the first time in 1994, of a separate legislative code that regulated family life. Until that time, laws regulating the family had been subsumed in the Civil Code dating from 1860. The new laws redefined the concept of family and afforded rights to women in and children from *uniones de hecho* (common-law marriages). Whereas under the previous law, illegitimate children did not have inheritance rights, the new law recognized all children equally. In addition to revising the laws governing divorce, the new legislation redefined the point at which women could file a *demanda* and expanded the criteria that would be used to determine how much the *cuota* would be. Whereas previously women would not receive support until a child was born, *demandados* (the men who were being sued) could now be made to contribute to the expenses incurred during pregnancy and childbirth. In addition, rather than just contributing to the basic costs of feeding and clothing a child, the cost of the child’s education and health care would be considered in calculating the amount of the *cuota*. The revision not only gave women more rights but the passage of the code resulted in the changes, and those rights, being publicized more widely than ever before. These changes greatly impacted the work of the PGR and resulted in an increasing number of women coming to them seeking for child support.

According to the records of the PGR<sup>3</sup>, the number of women coming to initiate *demandas* increased from an average of 2145 in the five years preceding the signing of the Peace Accords. In the four years afterwards, that figure jumped to 3751, an increase of 75%.

### Setting the Stage to Reconstruct Gender

According to *Licenciado* Miguel Angel Cardoza Ayala, the *Procurador General de la República*, the Attorney General, the PGR’s current constitutional mandate calls for it “to watch over the defense of the family and of persons, and the interests of minors and others incapable of taking care of themselves.”<sup>4</sup> This function is to be fulfilled by giving legal assistance to persons who have few resources and representing them in court “in the defense of their individual liberty and labor rights.” It is a very different role than similar institutions in other countries, I was told by *Procurador*. In other places the Attorney General’s office usually represents the state and those accused of crimes, he explained. But in El Salvador its function is quite distinct. The

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<sup>3</sup>One manifestation of the lack of “modernization” in the PGR is the discrepancies between different source of data. This figure comes from the *Libros de Actas* for 1987-1996 which are housed in the PGR archives.

<sup>4</sup>Interview done in the office of the Procurador General de la República, San Salvador January 7, 1997.

institution was established to provide legal and social services to those with few resources.

But to the women of the organization, *Mujeres por la Dignidad y la Vida*, las Dignas, the PGR is something altogether very different. They see the institution as “the largest stage in the country where men and women each day face off over the fulfillment of their respective roles in caring for children” (Vásquez and Murguialday 1996: 13). This is a very literal description of the process that women go through in order to solicit the aid of the state in convincing the fathers of their children to financially support their offspring. Poor women, mostly those who have had *uniones de hechos*, come to the PGR when they decide that they want the fathers of their children to contribute to their daily maintenance. Eventually, if they are even initially successful, they must meet face to face with the fathers of their children to negotiate an amount that he will contribute to their upkeep. But to extend the Dignas’ metaphor, if the PGR has created the stage for these negotiations to take place, the AMD has become an unexpected actor, sometimes welcome, sometimes not, whose improvisations are rapidly changing the scenery on the stage itself.

For many of the women who come to make a *demanda* at the PGR, the first step is to legally establish the paternity of their children. *Demandados* (those who are the objects of the *demandas*) often initially deny that they are the fathers of their child even when they know it to be true. In some cases it is possible to document the existence of prior relationships to establish paternity. Many of the cases are much more complex, however, such as the ones where women become pregnant as a result of a rape by their employer. This is a particularly high risk for domestic workers who are often young women from the countryside and as a result extremely vulnerable to the assaults of men in the families where they work. Recognition can be voluntary or it can be *forzoso* (forced), secured through a legal procedure in which the woman has to submit evidence to a judge. Since DNA testing was not even available until recently and still remains out of reach of the vast majority of women who come to the PGR, the process is often unsuccessful, generally prolonged, and almost always extremely painful and humiliating for the women involved.

When paternity is established or if the *demandado* recognizes his children, the *cuota* is established through the Department of Family Relations (DFR) of PGR. The *demandante* (the one making the *demanda*) must present her identification and the birth certificates of the children. The DFR worker will send a notice to the workplace or home of the *demandado* informing him of the date and time that he must appear for the *comparendo* (appearance). The appointment can be anywhere from two to three weeks from the date the woman initiates the process. If the *demandado* does not appear for the first appointment, he will be summoned again. Legally, the *bachilleres*<sup>5</sup> (workers in the DFR) are supposed to send out a warrant if he does not show up after the second time he is summoned but according to an investigation by the Dignas, less than half show up the first time and more than a third appear only after being called three or more times (1996: 129). Returning for these appointments represent a significant hardship for women who have few resources, who must sacrifice earnings to attend, who are responsible for small

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<sup>5</sup>The title comes from the fact that originally, one had to have received their *bachillerato*, or high school diploma to work in the DRF, and professionals are usually referred to by a title. Currently the requirement is that they be getting their law degree. Consequently, a number of the staff is permanently in their last year of law school.

children, and/or who must travel into San Salvador from inaccessible areas. If the *demandado* does not show up, a warrant for his arrest will be issued but is often ignored.

If he does appear, the *demandante* and *demandado* sit down in the crowded cubicles of one of the *bachilleres* who acts as a negotiator. While officially the head of the DFR is supposed to preside over the *comparendos*, the case load long ago made that an unrealistic procedure. The *demandante* presents the child's needs while the *demandado* documents his ability to contribute to the child's upkeep. If they arrive at a mutually acceptable amount, the *cuota* is set. When an agreement cannot be reached and the *demandado* has a regular salary, the *bachiller* imposes a preliminary *cuota* until more evidence can be provided. If the *demandado* works in the informal market or for himself, the Department of Social Work of the PGR is notified and they carry out a socio-economic study and then impose a *cuota*.

Once established, the *cuota* is supposed to be deducted each month from the *demandados'* paycheck by his employers and deposited directly into the PGR. Women have to come to the *Control de Depósitos* of the PGR to pick up the *cuota*<sup>6</sup>. But often the money does not arrive and the *demandado* goes into *mora* (default). When this happens, women are forced to go back to the DFR to initiate the process of investigating the *mora*. Many women also often return to the DFR when they find that the *cuota* that was established is inadequate and they must appeal for it to be increased.

In soliciting a *cuota*, women are coping directly with what is regarded by most Salvadorans as a cultural trait of Salvadoran men, *la paternidad irresponsable*, irresponsible fatherhood. Increasingly recognized as a problem, it is, however, generally seen as an innate component of traditional Salvadoran masculinity or *machismo*. But the Dignas, as well as other Salvadoran women's groups, have rejected the belief that gender roles are natural. They have promoted a feminist perspective that reframes *machismo* as sexism and argues that it supported traditional gender roles that were socially constructed to ensure male power and female subordination. The issue of *paternidad irresponsable* provided them with a vehicle to directly challenge these roles. The introduction to their first investigation of the issue states that "in the opinion of the Dignas, the *demanda de cuota de alimenticia* articulates the practical necessities of thousands of women with the conception that they, along with the rest of society, have about motherhood, fatherhood, and the family" (Baires et al. 1996: 8). Through the AMD, the Dignas built a new organization whose goals were to organize *demandantes* around these practical necessities, to "conscientize" them about their rights as women, and to challenge the cultural patterns that encourage *paternidad irresponsable*.

The Dignas' analysis of the ideological underpinnings of *machismo* was combined with a political plan of action that called for the *demandantes* to "organize themselves not just to resolve their particular problems but to confront the structural, political, and ideological obstacles" (Vásquez y Murguialday 1996: 111). They recognized the growing importance of the role that the state played in shaping gender and family relations in the period of "democratization" and "modernization" that El Salvador was going through following the war and the implementation of the Peace Accords. The response of the state to *paternidad irresponsable* was insufficient,

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<sup>6</sup>The PGR has initiated a program where women can get their *cuotas* direct deposited into an account specially set up for that purpose.

according to their perspective, simply “translat[ing] the interests of women (that the fathers contribute to the sustenance of the children) into a legal issue (the right to receive child support) and into an administrative issue (the collection of the payment) (1996:16).” The Dignas understood that the state had the capacity to use institutions like the PGR to move beyond the mere treatment of the consequences of *paternidad irresponsable* to adopt policies that could lead to the restructuring of Salvadoran gender relations. The tactic of organizing *demandantes* was intended, not only reshape women’s conception of gender roles, specifically the rights and obligations of motherhood and fatherhood, but to pressure the state to institutional changes that would actively combat *paternidad irresponsable*.

### Motherhood after the Time of War

The Dignas’ recent focus on organizing women around the issue of *cuota alimenticia* points to two factors which have been extremely important in shaping Salvadoran gender roles and the attempt to reconstruct those roles in ways that do not oppress women. The first is the profoundly contradictory institution and ideology of motherhood to which I will return below. The second is that Salvadoran feminists’ organizing around this institution comes at a time in their country’s history while the state is transitioning from an authoritarian regime to one in which new democratic institutions are being developed with the supposed goal of articulating the will of civil society.

The Peace Accords that ended the war created an opportunity for the incipiently organized civil society that was unprecedented in El Salvador’s history. The organizations which had developed and survived under the extremely adverse conditions of waging guerrilla war against their government were finally able to work in the open. Supported by international monitoring and increased access to funding, previously clandestine structures of the FMLN, like the Dignas, were transformed into legitimate organizations which could build on the skills they had developed during the war to mobilized the networks that had sustained them when they were underground. For those who were not “left behind” by the Peace Accords (and many people were), they found a renewed sense of purpose that they could and should work to shape the postwar “democratic” state to conform to their ideals. Throughout the postwar period, they built organizations which were oriented at both developing a functioning civil society which advocated their ideals and developed mechanisms through which they could get their goals implemented. Contrary of the predictions of some New Social Movement theorists, their orientation, as a social movement, has been very much directed toward the state.

The second factor that has shaped this effort is the degree to which motherhood and women’s position in the family define women’s gender role in El Salvador and do so in an extremely contradictory way. The Dignas describe motherhood as the center of Salvadoran women’s identity (Baires et al. 1996). Echoing the title of an often quoted article by the late Martín-Baró, they point to the conflict and ambiguity that surround women’s experience in the family. Martín-Baró emphasized that despite the fact that the structure of the family incarcerates women in many ways, it also provides them with a safe harbor. A harbor that is built, in part, he acknowledged, on “the mythical image of the mother, object of song and poetry” (1990: 272-273).

I will draw upon two very disparate phenomena to illustrate the depth and power of the institution of motherhood in El Salvador. The first is a character from Salvadoran legend, *La Siguanaba*. The first version I heard was told to me by an illiterate peasant woman. But it is a myth known to all Salvadorans and the story is even distributed in popular “comic-book” form by vendors who sell them in busses and on the streets. Briefly, the story is that *La Siguanaba* was a very beautiful indian princess who after she was married was more concerned with looking at her own image in the river, or going out to dances, depending on which version, than taking care of her son, *el Cipotío*. As a result, a god (the god of the waters, *Tlaloc*, in the popular version) ordered that she be changed into a horrible ugly woman who would live in the river bed, forever washing clothes, and being forced to see this ugly reflection of herself.

*La Siguanaba*, to this day, is still being sited. Usually she appears to men who are out late at night, drunk, and returning to their homes after being with a lover. I also was told of an episode during the war when a military operation was canceled by an FMLN unit after one of the soldiers reported having encountered *La Siguanaba*. Particularly in the countryside, most people can tell you the story of someone they know who has met *La Siguanaba*. Thus it is a living legend of the consequences that women risk in failing to meet their maternal obligations as well as an embodiment of the guilt men face when cheating on their wives.

The second manifestation of the power that motherhood holds within Salvadoran culture that I want to discuss is the *CoMadres*, the Committee of Mothers of Political Prisoners, the Disappeared, and the Assassinated of El Salvador, “Oscar Arnulfo Romero” (Stephen 1994).<sup>7</sup> Insisting that their actions were motivated by maternal instincts rather than political motives, the *CoMadres* organized women who had lost children and spouses to publicly challenge the military and paramilitary forces during the civil war. Incorporating key elements from the ideology of motherhood, combining it with liberation theology and the discourse of the international human rights movement, the *CoMadres* carved out a space for resistance by creating a new set of social relations. Like the Argentinean Mothers of Plaza de Mayo (Fischer 1989), they took their demands to the streets denouncing the disappearances, “captures,” and assassinations of the children and other family members. Their status as self-identified mothers initially provided them with a measure of safety: the government did not take the actions of such women too seriously. But as their tactics became more daring, for instance their occupation of the Salvadoran Red Cross in 1978, the repression against them became more murderous: their offices were bombed, members were captured and tortured, and, finally, disappeared. Despite the danger, they continued to work publicly, demonstrating in the streets; occupying foreign embassies, cathedrals, and government buildings; and reaching out internationally for political and material support.

Their existence has been seen as part of the broad cultural manifestations which Evelyn

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<sup>7</sup>The *CoMadres* was not the only group in El Salvador which advocated on behalf of this constituency. CODEFAM, the Support Committee of Families for Political Prisoners and the Disappeared, “Marianella Garcia Villas,” and COMAFAC, the Christian Committee of Mothers and Families of Prisoners, Disappeared, and Assassinated, “Padre Octavio Ortiz - Hermana Silvia,” also worked in this area and formed a coalition with the *CoMadres* in the late 80s but because they were mixed gender, smaller, and less effective, they were not as clearly identified as a mothers’ group.



Stevens referred to as “*marianismo*,” the Latin American exaltation of the Virgin Mary. Claiming that *marianismo* is the female counterpart to *machismo*, Stevens describes it as “the cult of feminine spiritual superiority which teaches that women are semi-divine, morally superior, and spiritually stronger than men” (1973: 91). These qualities supposedly engender in women “abnegation, that is, an infinite capacity for humility and sacrifice. No denial is too great for the Latin American woman. No limit can be divined to her vast store of patience with the cruel men of her world” (*ibid.* 94-95). She points out that the representation of this image is ubiquitous: “The image of the black-clad, mantilla draped figure, kneeling before the altar, rosary in hand, praying for the soul of sinful menfolk, dominated the television and cinema screens as well as the oral tradition of the whole culture area” (*ibid.* 96).

While such sweeping generalizations ignore the vast diversity in race, class, ethnicity, experience, and history among “Latin American women,” the Dignas identify abnegation and self-sacrifice as part of the ideology that influences Salvadoran women’s experience of motherhood. But they do not see it an inevitable part of that experience and their work with the *madres demandantes* is directed at challenging that ideology both as it manifests itself within women’s consciousness and behavior, and in how it is institutionalized in the apparatus of the state.

Their analysis of motherhood point to how gender roles within the Salvadoran family are naturalized. Motherhood plays a central roles in women’s identity, they argue. “To be a wife and, above all, a mother, that is, to form a family is a dream that is nurtured from when we are little; to fail to achieve it is the source of pain, anguish, self reproach, and social condemnation. While a small group of Salvadoran women have questioned this prototype of femininity that limited a good part of women capabilities, for the majority of the female population, it continues to be the ideal that they strive to attain” (Vásquez y Murguialday 1996: 37). But fatherhood has no corresponding importance in the Salvadoran male identity. While men desire children to establish their masculinity, for men, fatherhood is a choice; for women, motherhood is seen as an inevitable and inescapable part of their destiny. For most men, according to their analysis, fatherhood is a reality that exists only as long as their relationship with their child’s mother continues. Once that relationship deteriorates, so does their commitment, both financial and emotion, to their offspring. Socially, they point out, there are few sanctions against men who fail to fulfill their obligations to their children. Men often deny that they are the fathers of their children and there are few mechanisms to legally require them to do so. On the other hand, the Dignas acknowledge, women accept this state of affairs and rarely do more than try to exert moral pressure on the men to assume responsibility for their children.

While the Dignas’ analysis situates motherhood as a central issue in understanding women’s oppression, they are not using it to explain the origins of women’s subordination as was done by some feminist theorists in the United States and Europe (Rosaldo 1974, Chodorow 1978). Their analysis mirrors that of Adrienne Rich (1976) who criticized radical feminists such as Shulamith Firestone (1970) who identified women’s biological responsibility for childbearing as the source of women’s oppression and called for the implementation of artificial reproduction to liberate women from its yoke. Arguing that Firestone’s view was technologically determinant, Rich distinguished between the institution of motherhood and women’s experience of it. The latter, she claimed, was aimed at ensuring that women stay under the control of men while the former carried the potential of much creativity and joy. Rich pointed out that it was not the

biological capacity to bear children that determined the oppressive nature of the institution; it was the social conditions, both material and ideological, under which the mothering was carried out. She called for the dismantling of the patriarchal impositions upon motherhood in order for it to be viewed as one choice out of many options that should be available to women.

The Dignas' analysis echoes Rich's framework and uses those insights to encourage women to both question gender roles and develop political action base on their roles as mothers, in particular, as *madres demandantes*. If motherhood is socially constructed, then it can be reconstructed through a feminist praxis of analysis, consciousness-raising, and political action. Their political program targeted the women whose experience best exemplified the contradictions between the institution and the experience of motherhood, *las madres demandantes*. They use a combination of consciousness raising, group therapy, and feminist political action to organizing these women. This combination is designed to provide the *demandantes* with a positive self-image of themselves which challenges the prevailing image of the *cuotas* as a handout and asserts that it is a paternal obligation of men to their children. They promote a new ideology of motherhood which demands "the payment of an adequate level of child support, insists that men recognize their children as their own and assume responsibility for them, calls on men to share in meeting the emotional needs of their children, and requires that men assume all the duties and rights that have been traditionally assigned exclusively to women" (Vásquez y Murguialday 1996: 75).

### From Practical Interests to Rights

The Dignas took up the issue of child support after becoming dissatisfied with their approach of using "productive" projects (bakeries, raising livestock, opening local stores). The strategy behind these projects was based on theories which divided the motives behind women's organizing into practical needs and strategic interests (Molyneux 1985; Moser 1989). In providing women a means to an income and legitimate excuse to get out of the house and meet with other women (their practical interests), their goal was that women would become interested in the feminist ideas that the Dignas were promoting (their strategic interests). Once they had the opportunity to reflect upon their own experiences, with the support of women from the Dignas, they would be motivated to organize as women and join the organization.

But the strategy was not working as they had planned. The challenges of making the projects function overwhelmed the processes of changing women's consciousness. Despite the fact that they were successful in channeling some funds into women's hands (for the most part), few of the projects became feasible economically. Weighing the large amount of time and money that was being spent on the projects and the small number of women they were affecting, some within the Dignas began questioning whether the efforts these types of projects required were justified (See *Mujeres por la Dignidad y la Vida* 1993; Stephen 1997).

The Dignas could have continued to raise money to keep the projects going, however, there were several other issues which made the organization, amidst much contention, decide to shift their orientation. The relationships between the poorer rural participants in the productive projects and the more educated urban women who formed the core of the Dignas had a set of dynamics that many of these women had experienced during the war while part of the *Resistencia Nacional*, one of the five political parties of the FMLN. The women in the Dignas increasingly felt

that the participants in the projects saw them primarily as a source of funds and felt that they were falling into *asistencialismo*, the practice of giving people things and maintaining their dependency rather than enabling them to help themselves. In 1992 when the Dignas asserted their autonomy from the party, they did so, in part, because they rejected these kinds of relationships. What they wanted was to find better ways to make women “protagonists” and it did not seem to be happening through the productive projects. Consequently at the annual Dignas’s assembly at Coatepeque in 1993, a proposal was approved to stop developing productive projects and to focus on organizing women around feminist issues.

At the same time, several of the key activists in the organization, initiated *demandas* on behalf of their own children. In the process, they became aware of the large number of women who were coming to the *Procuraduría* each day to go through a similar process. Norma Vásquez, a Mexican feminist who worked with the Dignas, proposed that they do an investigation of the situation of the *demandantes*. The issue seemed like a good one, recalled Vilma Vásquez, one of the founders of both the Dignas and the AMD, because of what she called its “*interlocución*” or interlocution with the State. All the laws used the nuclear family as a model, she explained to me, when the reality is that the prevalent form of family in El Salvador is a woman with children. The question for the Dignas was how to reshape the ideal to take that reality into account.

With funding from Spain, the Dignas began to research the issue and to meet with *demandantes* to advise them of their rights and to treat their emotional distress which, according to Vilma, centered around a variety of problems: incest, powerlessness, motherhood, child abuse, and battering. Soon even the *Procuraduría* staff began sending difficult cases to the Dignas for attention. By 1994, they were formally providing legal services. Through pressure and negotiation, they succeeded in resolving numerous difficult cases that had been stalled in the *Procuraduría*.

But the work soon went beyond dealing with individual cases. As part of the Peace Accords, the National Police and several branches of the armed forces were dissolved. In November of 1994, those that were laid off were given severance pay. Coming only a few months after the AMD had begun to organize, they were able to pressure the *Procurador* so that he announced that they would deduct the equivalent of twelve months of *cuotas* from the severance pay of those who were *demandados*. Unfortunately, despite this change in policy, the mechanisms to implement it were not established in time and many women discovered that the severance pay had already been dispersed by the time they arrived to claim their portion. Other women failed to even put in claims because of threats from their ex-partners who had been in the police or military. Despite the lack of success, the campaign mounted by the Association attracted more women into the AMD and raised awareness of the problem of *paternidad irresponsable*. The efficacy of their work was recognized by UNICEF who awarded the Dignas’ their first annual communication award in 1994 for their work in generating publicity around the issue of *cuotas alimenticias*

After an initial unsuccessful attempt to organized a group around the issue of violence in 1995, they started a “*grupo de atención organizativa*,” a group in which the women would be not just be treated but would be organized. This developed into an initiative which went beyond the Dignas goal of “analyzing, pushing forward, and supporting the collective action” of the *demandantes* to one which actually “brought the *demandantes* together as a group which would express their political interests” (Vásquez y Murguialday 1996: 79). With funds from the

European Union and Canada, the office of the *Asociación de Madres Demandantes*, separate from the Dignas, opened in 1995 around the corner from the *Procuraduría*.

By September of 1995, when President Cristiani offer voluntary retirement to employees in the public sector as part of his privatization of the state, the AMD was prepared. They held a news conference criticizing the fact that deductions for the *cuotas* were not considered as part of the plan. The *Procuraduría* sent a proposal to the Legislative Assembly two days later which was rewritten as Decree 568. The law required that 30% of the severance pay be deducted and handed over to the *demandantes*. The AMD worked actively to lobby for the passage of the bill. They also fought to include a provision that would require that the *Procuraduría* of Human Rights, an institution set up by the Peace Accords, be required to verify that women whose *demandado* was going retire be notified in time to guarantee that they could access the funds. While this amendment was not included, Decree 568 was passed quickly enough that women had time to claim their *cuotas*.

In addition to the passage of the bill with which I began this paper, in 1996, the AMD were also able to convince the *Procurador* to propose a decree that would allow the PGR to take a *cuota* deduction from workers' yearly bonus known as the *guinaldo*. Workers with a formal salary are awarded an extra month's pay in December each year, ostensibly to cover the additional expenses of Christmas and New Years. But these funds had never been considered as part of the total income in determining the *cuota* until the passage of this legislation. This bill, in particular, vividly illustrates how the AMD's efforts at reshaping gender relations are intersecting with global policies and state formation in post- postwar El Salvador.

The structural adjustment policies of the World Bank have made it impossible for El Salvador to increase its budget for social services. While the Legislature would have never approved an across the board increase in the *cuotas* women receive, they did accept the *Procurador's* proposal for a portion of the *guinaldo* to be deducted for child support. According to *Procurador*, this legislation was one of the principal achievements of the PGR in 1996 and he acknowledged that the initiative came from the AMD.

The momentum that the AMD had gathered continued with the passage of the requirement that candidates obtain a *solvencia* before taking their seats. But the proceedings illustrated the contradictory context in which the AMD has had to operate. During the session that the bill was to be considered, the first piece of correspondence read was from the PDC *Diputada*, Rosa Mérida Villatoro from Morazan. She was the head of the Assembly's commission on the family (she was defeated in the elections of 1997). While her maternalist concerns about poor women and their children have made her one of the AMD's primary conduits in the Legislature, she is virulently anti-abortion and had submitted this statement to the Assembly which called on them to eliminate the cases under which abortion was permitted.<sup>8</sup> The Assembly immediately passed on to the correspondence of the AMD.

Lorena Peña, an FMLN *diputada* and the president of M.A.M., introduced the proposal

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<sup>8</sup>While this seemed just polemic at the time, few months later a new penal code was passed which made abortion, which had been legal in some cases, completely illegal. It was a move that took the Salvadoran women's movement by surprise and one which they were totally unprepared to defeat.

with the argument that supporting one's children was "a moral element that every legislator, male and female, should have." Representatives of party after party got up to support the proposal to the cheers of a contingent from the AMD which sat in the gallery. Even ARENA, who the AMD had identified as having at least two candidates in default, supported the proposal. Despite the outpouring of support, the legislators began a debate about whether to vote for the proposal as it stood or send it to committee for review. One of the *diputados* on the stage, Gustavo Salinas of the PDC, called for a direct vote but Lorena Peña opposed it and argued for it to be revised in committee. The women from the AMD were seated behind Mélida Villatoro. She turned to consult with Vilma and Nely, two of the staff. Peña, who was seated below, came up to explain her concern that if it did not go to committee, it would include loopholes or be written in a way that it would be declared unconstitutional. Salgero Gross suggested that she call a recess and the legislative commission could meet for twenty minutes to see if they could come up with a proposal or if there was the need for more consideration. They came back saying that they needed more time but it was agreed that whatever they came up with would be approved without additional amendments. The agreement was unanimous and its passage was front page news the next day.

While the AMD knew that there were candidates from both the FMLN and ARENA who were in default, they did not anticipate that the head of the ARENA youth, Walter Araujo, would owe 30,000 colones to his ex-wife. Araujo was the picture boy of the party. Young, handsome, and extremely articulate, he had been prominently featured in campaign ads on television criticizing the FMLN as terrorist. News of his default generated enormous publicity and calls for his resignation from the party. While he denied that he had failed to support his son, claimed that it was a misrepresentation, and criticized his detractors for saying things that hurt his child, he also paid the debt and received his clearance.

Both of these initiatives demonstrate the political sophistication of the AMD. They had developed working relationships with the *Procurador* and elaborated a proposal that enabled him to expand his budget without violating the neoliberal policies of the state. In addition, they had formulated proposals whose premises were hard to challenge. It was hard to argue that children should not get a portion of what their fathers receive for Christmas. It was equally impossible for any of the *diputados* to argue that someone who was behind on child support payments should be allowed to take office. The proposal and notoriety in Araujo's case generated significant additional publicity around the issue.

But it is the particular role of the state as arbitrator between men and women and their children that makes it possible for women like Salguero Gross and Villatoro to jump on the *paternidad responsable* bandwagon. Rather than providing the funds, the state simply collects them from the fathers or their employers and redistributes the funds the mothers<sup>9</sup>. While the state must support the institution of the PGR, it has not assumed any responsibility for paying for the maintenance of children except those placed in orphanages. The AMD has not challenged this structure and sees it as futile to do so. This structure creates the condition where Salvadoran feminists with a radical critical of Neoliberalism find themselves on the same side of women from

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<sup>9</sup>Though there were rumored cases of women who had been *demandado*, no one in the *Procuraduría* was aware of any actual cases.

the Right who not only support a neoliberal agenda but oppose abortion rights.

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