

# The Left Turn and Abortion Politics in Latin America

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We address the puzzle of left governments and abortion policy reform during Latin America's pink tide. Contrary to expectations, left government abortion reforms in this period have ranged from full legalization to supporting absolute prohibition. Confirming previous scholarship, we argue that abortion reform is influenced by public opinion, level of secularization, the strength of feminist mobilization vis-à-vis conservative religious mobilization, and ideology of government. However, while left government is a necessary condition for abortion policy liberalization, it is not a sufficient one: type of left party is crucial. Institutionalized partisan lefts are more likely to liberalize than populist left governments.

## Introduction

The late twentieth century was a period of relative stasis in abortion politics in Latin America, where restrictive laws coexisted with high levels of clandestine abortions. This changed with the turn of the millennium, and the onset of the so-called “pink tide,” or leftward political turn. Between 1999 and 2016, when eleven of the eighteen democratic Latin American countries elected leftwing governments, abortion laws were significantly revised: altogether, on eleven separate occasions in eight different countries. Even in countries where legal reforms did not go through, legislatures debated bills at a prevalence not seen before.

These reforms mark a dramatic departure from the late twentieth century. Given the near scholarly consensus on the importance of left governments for advancing abortion liberalization, it is perhaps not surprising that in 2012, the leftwing government in Uruguay legalized abortion, making it the first country in democratic Latin America to do so. But that consensus is called into question by the strong support of draconian abortion restrictions by the leftist Sandinista party of Nicaragua in 2006. Indeed, more broadly, the changes

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made to abortion laws over the past two decades have gone both in liberalizing and restrictive directions. How do we explain the divergent directions of abortion reform in a context of left hegemony that would seem propitious for liberalization?

In our examination of abortion politics in Latin America since the turn of the millennium, we find left governments in the region have run the gamut from supporting absolute prohibition to legalizing abortion on demand. Nonleft governments have been less varied: they have either defended the status quo, or promoted more conservative reforms. Confirming previous scholarship, we find that key to placing abortion liberalization on the political agenda is supportive public opinion, secularization, strong feminist mobilization vis-à-vis conservative mobilization (including religious organizations), and a left majority in both the executive and the legislature. We highlight an additional factor: the *type* of left party in power. Some types of leftist parties are more likely to advance liberalization, while others may either prevent liberalization, or even promote more restrictive abortion policies. Using Levitsky and Roberts' four-fold typology of Latin American lefts—an institutionalized partisan left, a movement left, a populist left and populist machine left (2011, 13)—we find that abortion liberalization proposals are more likely to get on the political agenda and passed in contexts of institutionalized partisan left governance, which has more dispersed party authority. By the same token, well-organized conservatives will challenge liberalization at every institutional opportunity, slowing reform. By contrast, abortion liberalization proposals are more likely to face rejection (or even reversal) under both populist machine and populist left governments where concentrated, personalist leadership gives feminists fewer opportunities to influence or contest policy.

Below, we review the literature and present our theoretical framework. We then outline changes over the past decade and a half in the eighteen democratic Latin American countries. Finally, we use newspaper reports, interviews, and the analytic accounts of other scholars to qualitatively process-trace abortion politics under four leftwing governments that represent three types of left parties, and resulted in four different policy outcomes: full legalization (Uruguay), successful humanitarian liberalization (Chile), failed humanitarian liberalization (Ecuador), and absolute prohibition (Nicaragua).

## Existing Explanations

A large body of research seeks to explain the factors behind abortion policy change or stasis. The bulk of this research has focused on explaining the gradual liberalization of abortion policies over the past half-century in advanced industrialized countries. In European and the Anglophone countries, abortion politics has been explained by feminist mobilization, public opinion, governing party ideology, the influence of organized religion, and institutional

configurations (Barreiro 2000; Boyle, Kim, and Longhofer 2015; Kreitzer 2015; Mazur 2002, Chapter 7; Norrander and Wilcox 1999; Outshoorn 1986; Stetson 1996a, 1996b). Specifically, positive public opinion, weak political influence of orthodox religious organizations, strong feminist mobilization in favor of abortion access, left or center-left government, and institutional factors such as veto points in the political system and constitutional courts, have been key to the passage of more liberal abortion policies. Even in Catholic southern Europe, strong feminist mobilization combined with left governments (or near left majority with secular centrists in Italy) succeeded in breaking conservative and Church dominance on abortion laws and led to abortion being roughly available on demand (Blofield 2008). In addition, the exact contours of abortion policy, for example whether the abortion decision lies more with doctors or with women, have been attributed to coalitions among feminists, medical professionals, and policymakers (Mazur 2002; Stetson 1996a).

Observers of Europe and the Americas have also analyzed framing of abortion policy. Scholars have found that public health, individual autonomy, and religious frames are more or less resonant in specific contexts (Boyle, Kim, and Longhofer 2015; Ferree 2003; Ferree et al. 2002; Luker 1984). While Latin American feminists sometimes deploy autonomy frames, public health and human rights frames have been more common given the strength of conservatives (AWID 2005; Sutton and Borland 2013). Feminists used a public health frame in Uruguay but devised human rights frames in Colombia and Argentina (Kane 2008; Tabbush et al. 2016). Conservatives have used the frame of the rights of the unborn along with religious justifications, and increasingly, similar language as abortion rights proponents to argue against it, framing abortion itself as a human rights violation and harmful to a woman's health (Jesudason and Weitz 2015; Morgan and Roberts 2012).

Beyond discussion of framing, which appears across time periods and regions, studies of Latin America can be roughly divided into those that sought to explain the relative stasis in abortion policy in that region during the twentieth century, and more recent works that have sought to explain reforms in the new millennium. Two major scholarly works on abortion politics in Latin America pre-date the left turn and emphasized stasis. Similar to scholarship on Europe, Htun (2003) documented the importance of "issue networks" of feminists and their allies in making headway in some policy areas, but coming up short in the arena of abortion policy. Drawing on Argentina, Brazil, and Chile, Htun argued that in the late twentieth century coalitions backing abortion reform were isolated and public opinion ambivalent, while antiabortion movements were more organized; hence, the political costs outweighed the political benefits of pushing for abortion reform. Comparing Chile and Argentina to Spain, Merike Blofield emphasized weak feminist mobilization and the lack of strong, secular lefts vis-à-vis the more economically and politically powerful conservatives as a reason for lack of abortion liberalization in these countries. Blofield argued higher socioeconomic inequalities in Latin

America gave conservatives more political leverage through formal and informal channels of influence, compared to progressives, and reduced cross-class solidarity, making it more difficult for feminists to mobilize middle-class support. Given these differential power relations, the impact of supportive public opinion was less decisive than it was in Catholic Southern Europe (Blofield 2006, 2008).

Research on post-millennium Latin America has emphasized similar variables as previous work, but has either ignored the role of the left, or been confounded when the left has not supported abortion liberalization. Drawing on Htun (2003), Reuterswärd et al. (2011) use issue networks and opportunities to explain both liberalization of abortion policy in Colombia and its restriction in Nicaragua. However, the role of party is left unexplored. Kane (2008), examining three cases, not only points to the importance of feminist mobilization, church opposition, and successful framing, but also emphasizes the contradictory role played by the left in Mexico and Nicaragua. Single case studies on the leftist governments of Nicaragua and Argentina puzzle over the opposition of hegemonic left parties to abortion liberalization, and in Nicaragua, promoting its restriction (Heumann 2014; Kampwirth 2008; Tabbush et al. 2016). These authors point principally to presidential preferences and their alliances with the Church as explanatory factors. Overall, these case studies have not fully explained the divergent trajectories in abortion policy in the region nor have they been able to identify a pattern for the wide variation among Latin American left parties in this policy domain, very different from Europe and the Antipodes. We provide a concise framework that explains the divergence in legislative abortion reforms across the region and why the Latin American left spans the spectrum of positions on abortion.

## Our Framework

Our framework explains the divergent pattern of legislative politics on abortion across governments in post-millennium Latin America.<sup>1</sup> Given the dominance of leftwing governments in the region in the past two decades, and the lack of variation in legislative abortion reform among nonleft governments, we focus on only left governments. Consistent with existing scholarship, we expect public opinion, secularization, and feminists versus conservative resources and mobilization to influence abortion policy reform. We expect left governments to be more likely to support liberalization than right governments, consistent with their ideology, social context, and support base. In cases of full legalization, we argue that a secular left majority is necessary in both the executive and in Congress; on humanitarian liberalization, leftist or centerleftist confessional legislators may agree to reform. However, *type* of left party matters. Institutionalized partisan left or movement left governments are more likely to liberalize abortion policies, as they respond to

mobilization in their support bases. In populist machine and populist left governments, this process is cut off, as presidents concentrate and personalize power and respond to instrumental concerns, as we discuss in detail later. While previous scholars have emphasized framing and institutional veto points as separate variables, we consider framing as part of our assessment of feminist vis-à-vis conservative mobilization, and view institutional veto points as salient only when an institutionalized partisan left is in power—as these parties, in contrast to populist parties, by definition, respect institutional checks and balances.

Abortion continues to be a social and public health crisis across Latin America. Despite restrictive laws, 30 percent of pregnancies are estimated to end in abortion, resulting in high maternal mortality and tens of thousands of annual hospitalizations, principally affecting low-income women (AGI 2016). Despite this, until recently, the region was characterized by restrictive abortion policy stasis. Catholic doctrine condemns all forms of abortion as gravely immoral. Beyond their power of the pulpit, the Catholic Church and conservative “pro-life” movements have historically been more influential, more organized, and better resourced than proponents of abortion liberalization, including direct and indirect relationships with political elites—even in officially secular Latin American states. In the 1990s, in many Latin American countries, conservative Catholic networks such as Opus Dei and the legionaries of Christ, both viewed with sympathy by Pope John Paul II, made significant inroads as they sought to influence national legislation on sexual and family morality (Blofield 2006). Despite their overwhelming resources, public opinion has, at a minimum, supported humanitarian liberalization of abortion laws—in other words, abortion in cases of threat to the mother’s life, fetal deformity, and sometimes rape.

Latin American feminists, for their part, have a long history of organizing for women’s rights. They have held national and regional “encuentros feministas” (feminist encounters) since 1981 (Alvarez et al. 2002; Sternbach et al. 1992), and benefited from the transformation of the Latin American left, beginning in the 1970s, toward greater plurality (Dagnino 1988). Small groups of feminists have since the 1980s sought to bring attention to the social reality of clandestine abortion in the region. Yet in the 1980s and 1990s, these pro-choice groups faced widespread condemnation in the media and by politicians, not to mention by the Church, and had difficulty gaining allies among health professionals and other groups. The legacy of conservative authoritarian regimes was fresh, civil society was fragile, and the balance of power was in favor of the Church and conservatives (Blofield 2006; Haas 2010; Htun 2003).

By the turn of the millennium, feminist efforts, public health reports on the scope of clandestine abortions, and social changes were helping to influence public opinion, open up debate, and even the playing field on abortion policy. While the majority of Latin Americans remain Catholic (69% identified as Catholic in 2014) and evangelicalism in the region has grown (with evangelical groups often equally conservative on abortion policy), church

attendance overall has declined (Pew Research Center 2014, 4). Moreover, widespread reports of sexual abuse scandals and their cover-up by Catholic authorities has reduced trust in an institution that had previously been seen as untouchable. Across the region, feminist abortion rights activists became more emboldened. Their efforts were strengthened as international agencies such as the United Nations Population Fund threw financial support behind them, viewing the left shift as a political opportunity for improved reproductive rights.<sup>2</sup> Feminists across countries employed similar, radical, protest repertoires from “red carpet” protests in which activists dressed in red lay down in long rows to block sidewalks and streets to nude activists painting their bodies with slogans. This changing social context was more propitious for reform.

Left governance is a virtually necessary condition for abortion liberalization in Catholic majority countries (Blofield 2008). While full legalization requires a secular left majority in Congress, centrist or left confessional legislators and presidents may be convinced to support humanitarian reform, on principle or because they are part of a governing coalition. Yet, it is a tough sell, given such a well-organized opposition.<sup>3</sup> Up to this point, our argument is consistent with findings in other regions of the world. However, there are still significant inconsistencies in the nature and direction of abortion politics under Latin American left governments, from Nicaragua to Chile to Ecuador, that cannot be explained simply by the strength of the feminist and conservative movements, ideology, or secularism (Correa 2010; Friedman 2009; Heumann 2014; Lopreite 2012). Thus, the *type* of left government is key.

Most scholars have identified two variants of lefts during Latin America’s pink tide, termed variously “right and wrong” (Castañeda 2006); “moderate and radical” (Weyland 2009); “liberal and interventionist” (Madrid 2010), among others.<sup>4</sup> We use the four-fold typology of Levitsky and Roberts, who distinguish between an institutionalized partisan left; a movement left; a populist machine; and a populist left (Levitsky and Roberts 2011, 13). These types differ on two fundamental characteristics: their level of institutionalization and their locus of political authority. Institutionalized partisan lefts are characterized by well-established levels of party organization, strong networks and identity, and dispersed political authority within the party organization. During the pink tide, institutionalized lefts included Uruguay, Chile, and Brazil. Political leaders in institutionalized left parties, ambitious as they may be, respect and are *constrained* by the party organization and the institutional separation of powers in the political system. Party platforms and government programs are more likely to be programmatic and reflect the interests of party members and collective actors who have been consulted in the process of policy formulation. Thus, if party members and organizations, and collective actors with close relations to such parties, promote specific policy positions, they are likely to be given voice. Movement lefts are anchored in organized social movements and their leadership spawns from social movements rather than from populist personalism (Levitsky and Roberts 2011, 15–16). Examples

include the Movement Towards Socialism (*Movimiento al Socialismo*, MAS) in Bolivia and the Worker's Party in Brazil.

With an issue such as abortion, in institutionalized left parties, as public opinion becomes supportive and secularization persists, the voices of feminists allied with these parties will receive attention commensurate with their growing social strength as well as their party connections. In movement lefts, the voices of abortion liberalization activists will be heard commensurate with their social movement strength within the party.

Populist parties, whether the “populist machine” parties of Argentina and Nicaragua or the newer “populist left” parties of Venezuela and Ecuador, are characterized by a concentration of power in a charismatic leader who does not feel constrained by institutional rules (Levitsky and Roberts 2011). Kurt Weyland defines populism as “a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, uninstitutionalized support from large numbers of mostly unorganized followers” (Weyland 2001, 14). The key element in both forms of populist parties, is, in Carlos de la Torre's words, a Manichean “us” versus “them” discourse which populist leaders use to establish and foster an unmediated relationship to their mass following and to establish themselves as a “symbol of redemption” vis-à-vis “enemies [that] embody all the evils of the nation”. These evils tend to involve established institutions and political parties who the leader claims embody their own interests rather than those of “the nation” (de la Torre 2013, 24, 2010).<sup>5</sup> Populists engage in “a moralization of politics, making compromise and consensus extremely difficult (if not impossible)” (Mudde and Kaltwasser 2012, 21). The difference between the two types is that “populist machine” parties may begin as a populist or revolutionary left, but then become institutionalized through patron–client relationships (Levitsky and Roberts 2011, 14). Traditional populist lefts, by contrast, tend to be newer and have shallower party–society linkages.

How does this affect abortion policy? It is not obvious that a leftwing populist president would a priori oppose liberalization, especially given the public health crises that underground abortions have caused, particularly for low-income women, ostensibly part of the leftwing populist support base. On the other hand, both populist and nonpopulist leaders may hold personal religious beliefs that they feel make it impossible to pursue abortion liberalization. However, there are two factors that make an anti-liberalization stance among populists more likely. The first relates to the issue of abortion itself and the contrasting goals of pro-liberalization feminists and a populist president. Kampwirth notes that “the frequency with which populists have clashed with feminists is surprising” (2010a, 14); however, we argue that such clashes are actually quite likely. A populist leader's goal is to foster a loyal mass following using a discourse promoting the rights of “the profoundly vague and elastic” term, “the people” (de la Torre 2010, 163). Respect for personal autonomy, at the heart of the abortion debate, does not easily fit into this

discourse or strategy. More broadly, as Roth and Baird (2017) have noted, feminism's emphasis on heterogeneity and diversity of voices runs counter to the populist project of unity. Populists promote "appropriation of the people's will" and collective action based on emotion, rather than reason or even individual desire—in contrast to autonomous collective action (de la Torre 2010, 149). This is not compatible with an ideology of personal autonomy implied by the right to abort. In a political context where there are fewer party channels open for any groups to make their voices heard, those who seek to promote personal autonomy—in this case feminists—may be perceived as potential opposition by a leader seeking to assert indisputable authority. Thus, neither the messengers nor the message are likely to be seen in a positive light by populists.

Second, inherent to the populist project are personal attacks on rivals driven by instrumental concerns regarding concentration of power. In this calculus, populist leaders are likely to perceive the Catholic Church and other religious organizations as more dangerous political enemies. In a nutshell, lashing out at feminists is likely to pose fewer political risks than challenging the religious establishment. Moreover, if populist leaders do decide to take on the Church, it is more likely to be directly related to a political or economic power struggle between themselves and the Church on an issue where the stakes are higher, whereas abortion policy unto itself is likely to be of marginal interest to such a leader. For populists, to be secular or religious becomes convenient to their calculus for maintaining power.<sup>6</sup>

To summarize, we argue that institutionalized left and movements left parties, both of which have more dispersed authority, are more likely to respond to organized social pressure from feminists. By the same token, institutionalized lefts also allow the highly motivated opponents of reform to contest liberalization at every institutional opportunity, which slows down reform. Thus, institutional veto points become salient only in contexts where political actors respect rules. By contrast, in populist leftist governments the personalist, hierarchical party structure is more likely to prevent even well-organized feminists from having a voice. Moreover, in these governments, presidents' personal preferences will play an outsized role, as they will be less constrained by institutional checks. Finally, feminists are likely to have fewer opportunities to contest policy through institutional veto points, including Congress and the Courts, and potentially pay higher political costs for opposing the executive.

## Charting Abortion Reforms in Latin America

Below, we outline the broad shifts in abortion laws in the region over the past two decades (table 1). Absolute prohibition is when abortion is not allowed even to save the life of the mother. Under humanitarian grounds, we

**Table 1.** Abortion laws in Latin America, 1996 and 2017

Laws	1996	2017
Absolute prohibition	Chile, Colombia	El Salvador, Nicaragua, Dominican Republic, some states in Mexico
Restrictive-humanitarian grounds	Argentina, Bolivia, Brazil, Costa Rica, Honduras, Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Honduras, Guatemala, Panama, Paraguay, Peru, Venezuela, some states in Mexico
'On demand'	–	Uruguay, Mexico City

include exceptions to criminalization to save the life of the mother, in cases of rape or incest, or fetal deformations. We consider laws that allow abortions on demand as ones that grant women the right to make the decision during the first trimester (even if some conditions may apply such as waiting periods or mandatory counseling).

In broad strokes, we see movement over the past two decades in both more liberal and more conservative directions, from a conservative point of departure (assuming one identifies humanitarian grounds as a conservative point of departure). [Table 1](#) does not distinguish among the variations in allowing for abortion on humanitarian grounds, or changes within the set of humanitarian grounds. Some of the states listed under this category only allow abortion when the woman's life is in danger while others may also allow it in cases of fetal deformation or rape. As [table 2](#) indicates, some of the recent reforms have centered on increasing the number of permissible conditions for abortion on humanitarian grounds.

In [table 2](#), we outline abortion law changes in Latin America between 2000 and 2017, distinguishing between legislative changes, court rulings, liberal and conservative reforms, as well as type of reform: whether it is full legal reform or expansion of humanitarian grounds. We also outline the role of left governments, providing the number of years the country was governed by a left executive between 2000 and 2017.

It is clear that reform paths are varied. We see legal changes in eight countries (counting El Salvador, before the pink tide in 1997), about half of the countries in Latin America (excluding Cuba).<sup>7</sup> In total, we have eight instances of legislative reform (twice in one country, the Dominican Republic), and five court rulings that led to legal change (and one that reaffirmed extant law, in Bolivia in 2014, not noted in the table). We provide the court data to provide a full picture of abortion change in Latin America, but we do not analyze court rulings and focus our attention on the politics of legislative change.

**Table 2.** Abortion law changes in Latin America, 2000–2017

	Years of left government	Legislative reform		Court reform	
		<i>Liberal reform</i>	<i>Conserv. reform</i>	<i>Liberal reform</i>	<i>Conserv. reform</i>
Argentina	12			H 2012	
Bolivia	11				
Brazil	13			H 2012, 2016	
Chile	13	H 2017			
Colombia	0			H 2006	
Costa Rica	0				
Dominican Republic	0	H 2014	2009		
Ecuador	10				2015
El Salvador	8		(1997 under right govt)		
Guatemala	4				
Honduras	3				
Mexico DF	17	D 2007			
Nicaragua	10		2006		
Panama	0				
Paraguay	4				
Peru	0				
Uruguay	12	D 2012			
Venezuela	17				

D = allows abortion on demand; H = allows abortion on at least one humanitarian ground.

Only in Uruguay do we see legalization of abortion on demand in the first trimester. In Mexico, reform allowing for abortion on demand is limited to the capital, while many states in Mexico have further restricted their abortion laws. In the Dominican Republic, the Supreme Court overturned a humanitarian legislative reform on procedural grounds in 2015. The president then twice vetoed a revision of the penal code that included a total ban on abortion; a veto that the Congress was unable to override, leaving the new code unapproved as of 2017 (*La Opinión* 2017).

Conservative legislative change has been nearly as common as liberal change. Three countries have passed laws further restricting abortion: El

Salvador in 1997 (preceding the pink tide and under a nonleft government), Nicaragua in 2006, and the Dominican Republic in 2009. In all cases, the governments outlawed therapeutic abortion, and in El Salvador and the Dominican Republic they elevated the prohibition to the constitutional level.

Left government, to date, appears to be a necessary but not sufficient condition for liberal reform. Left governments initiated and passed both cases of full legal reform of abortion, in Mexico City and Uruguay, and humanitarian liberalization in Chile. In the Dominican Republic, a nonleft president vetoed a return to absolute prohibition of abortion. Regarding conservative reforms, a left president in Nicaragua supported absolute prohibition, and a left president blocked humanitarian liberalization in Ecuador. Nonleft governments in El Salvador, Honduras, and some Mexican states (not included in [table 2](#)) have promoted conservative reforms as well.

## Case Study Selection

We illustrate our argument through four case studies of pink tide governments, as these provide more variation in both directions and run counter to theoretical expectations. We chose countries from three of the four left party types, including countries that had held a legislative debate on abortion and concluded it by the time of this writing ([table 3](#)). The cases are full legalization under an institutionalized partisan left (Uruguay), humanitarian liberalization under an institutionalized partisan left (Chile), blocking of humanitarian liberalization under a populist left (Ecuador), and absolute prohibition under a populist machine left (Nicaragua). We include Bolivia in [table 3](#) as an example of a movement left, but because it had not concluded its legislative debate on abortion at the time of our writing, we do not offer a case study. We do, however, reflect on this case in our conclusion.

We preface our case studies with comparative data across Uruguay, Chile, Ecuador, and Nicaragua on public opinion and church attendance.<sup>8</sup> [Table 4](#) outlines national-level public opinion data that best reflects the particular legal debate that took place in that country closest to the timing of legislative votes,

**Table 3.** Left party type and abortion policies (case studies in bold)

<u>Institutionalized partisan left</u>	<u>Movement left</u>
<b>Uruguay</b> legalization	Bolivia humanitarian liberalization under debate
<b>Chile</b> humanitarian liberalization	
<u>Populist left</u>	<u>Populist machine left</u>
<b>Ecuador</b> failed humanitarian liberalization	<b>Nicaragua</b> absolute prohibition

**Table 4.** Public opinion on abortion in Uruguay, Chile, Ecuador, and Nicaragua

Abortion is permissible if	Uruguay 2008 <sup>a</sup>	Chile 2013 <sup>b</sup>	Ecuador 2012 <sup>c</sup>	Nicaragua 2012 <sup>d</sup>
Risk to the woman's life	–	84%	75%	64%
Fetal deformity	–	80%	75%	51%
Rape	–	80%	75%	36%
Mental health	–	–	–	49%
Woman's choice <sup>(1)</sup>	56%	29%	19% <sup>e</sup>	14%

Sources: (a) Bottinelli and Buquet (2010, 18); (b) Palermo et al. (2015); (c) cited in *El Comercio* (2015); (d) M&R Consultores (2012); (e) Pew Research Center (2014).

Note: (1) In Uruguay, the question is: do you favor decriminalization?

except for Nicaragua for which there are no public opinion data available near the time of legal reform. Rather, the data are from six years after full prohibition.

As table 4 indicates, a majority of Uruguayans (56%) supported decriminalization in 2008. (Public opinion surveys focused only on this question.) In Chile and Nicaragua, where the status was absolute prohibition, public opinion surveys collected data on allowing abortion on humanitarian grounds. In Ecuador, where the debate was over extending legal abortion to cases of rape, data on this question are of interest. As a general tendency, table 4 indicates that public opinion was more liberal than the legal status quo in each country at the time the survey was taken. Given this, we would expect fertile ground for feminists and left governments to enact change.

We use church attendance in 2010, in table 5, as a proxy for secularization. This survey question does not specify between Catholic and Evangelical churches, the two most common religious organizations in Latin America, though both hold prohibitive attitudes toward abortion.

As table 5 indicates, Uruguayans are the most secular, where 81% of respondents never attend church. We therefore expect the Uruguayan church(es) to have less sway over the population as a whole than churches in Nicaragua especially, and to a lesser extent, Ecuador, and then Chile. However, in all countries the percentage of respondents who never go to church outweighs those who go to church at least once a week.

With the data in tables 4 and 5, and with left governments in power, we would expect full legalization in Uruguay, given majority support for decriminalization and very low church attendance rates. We would expect humanitarian liberalization in Chile and Ecuador, given overwhelming majority support for abortion in cases of risk to life, fetal deformity, or in cases of rape, and at least twice as many people who never go to church versus those who go once a week. Finally, in Nicaragua, almost two-thirds support therapeutic abortion,

**Table 5.** How often do you attend meetings of a religious organization?

	Uruguay	Chile	Ecuador	Nicaragua
Once a week	10.01	17.73	23.13	35.41
Once or twice a month	4.61	12.84	17.25	15.53
Once or twice a year	4.47	10.85	12.19	9.75
Never	80.91	58.58	47.43	39.31

Source: The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), [www.LapopSurveys.org](http://www.LapopSurveys.org), 2010.

while half support legal abortion in cases of fetal deformity and risk to a woman's mental health. While one-third of the population goes to church weekly, almost 40 percent never go to church, indicating a social context that should allow for liberalizing abortion on humanitarian grounds. While subsequent policy reform in Uruguay and Chile reflected the social context, it did not in Ecuador and Nicaragua. We turn to the case studies to process trace social mobilization and left government politics.

## Case Studies

### Uruguay: Institutionalized Left and Legalization on Demand

In Uruguay, supportive public opinion and secularism provided a context open to liberalization of that country's 1938 penal code, which criminalized abortion but allowed for nonpunishment under a set of humanitarian conditions.<sup>9</sup> This said, the legalization of abortion on demand in 2012 required persistent feminist mobilization combined with an institutionalized left party in power in both the executive and congress. At the same time, opponents could and did contest reform at every opportunity, delaying passage and influencing the final content.

Uruguayan feminists openly demanded legalization of abortion since the country's transition to democracy in 1985, and did so in a context historically free of strong Catholic (or Evangelical) influence (Edmonds 2014; Ehrick 2005). Feminists were joined in their efforts by physicians in the 1990s and 2000s, and broadened their pro-legalization framing to include public health and social justice arguments (Johnson 2011, 205–207). In 2001, four lead women's organizations launched the "Campaign for the Decriminalization of Abortion" and in 2002 authored with legislators a bill to decriminalize abortion on socioeconomic grounds. The bill passed the lower chamber, but was narrowly voted down in the Senate, pre-left shift (Fernandez Anderson 2017, 225–226).

Uruguay's left turn in both the executive and legislative branch in 2004 increased the prospects for legislative success. The leftwing Frente Ampio

coalition was an institutionalized left party, embedded in an institutionalized political system, with a stable number of parties, deep roots in society, little or no party personalism, and a high degree of public legitimacy (Mainwaring 1999; Levitsky and Roberts 2011).

In this context, activists stepped up their actions. They spoke in small towns across the country and launched a blog titled “Yo Aborté” (I Aborted) that collected the testimonials of 9,000 individuals (including eight government ministers under President Vázquez). They also designed a campaign icon—a cardboard orange hand that said: “I vote in favor of reproductive health”, launched television commercials highlighting supportive public opinion, and used a “pro-life” frame to emphasize maternal deaths from illegal abortions, a frame that was made more credible due to feminists’ direct alliance with doctors (Anderson 2017).

As a result of these efforts and the Campaign’s expanded alliances with doctors, unions, LGBT activists and even the Methodist Church, in 2007, activists again worked with legislators on a bill to decriminalize abortion. The bill passed the Chamber and the Senate with leftwing majority votes. However, President Vázquez vetoed the bill. Although Vázquez had publicly declared his personal opposition to abortion in the past, his party members had not expected him to use his veto powers to derail this party-supported initiative (Reuterswärd n.d.). The veto led to the failure of abortion reform in this instance, but his action also brought consequences. For going against the position of the party coalition, Vázquez was forced to resign from his party within the coalition, the Socialist Party (*La Nación* 2008). Punishment by the party is the risk a president of an institutionalized party faces when he or she bucks the party position.

After the 2009 election of President José Mujica (also from the Frente Amplio) and a renewed leftwing Congressional majority, feminists and their allies introduced another bill. The Senate passed the bill in 2011, 17 to 14. Then, in the Chamber, it passed with a razor thin Frente Amplio majority of just two votes. Prior to approval, one Frente Amplio legislator threatened to derail the bill on religious grounds. A nonleft legislator proposed a counterbill, which established a step-by-step process for accessing legal abortion, including meetings with doctors, psychologists, and social workers, as well as a five-day wait period before women can access a legal abortion for free in the public sector. This modified bill passed and was signed into law in 2012 by President Mujica. Opponents called for a referendum to repeal the law by popular means, but were only able to get the support of 8.9% of the population, much less than the 25% required by law (*El Observador* 2013).

Uruguay’s experience illustrates the importance of an institutionalized left government, backed by strong, persistent feminist mobilization. These operated in a broader context of favorable public opinion and secularism. While President Vazquez’ veto slowed down reform by four years, and resulted in a slightly less liberal reform than what was initially passed in 2007, his personal

opposition alone did not derail reform, and abortion at a woman's request was ultimately legalized.

### **Chile: Institutionalized Left and Humanitarian Liberalization**

The 2017 legalization of abortion under three circumstances in Chile—threat to the mother's life, rape, and fatal fetal deformity—replaced a complete ban on the practice in place since 1989, and constitutes a humanitarian liberalization of abortion policy. In Chile, secularization, supportive public opinion, strong feminist mobilization, and the decreased stature of the Catholic Church were key in creating the context for an institutionalized left party to support this reform.

The context of democratization in Chile in 1990 was quite different from Uruguay. In 1989, as one of his last acts as dictator, President Augusto Pinochet prohibited therapeutic abortion, legal since 1936. For two decades afterwards, there was little movement to liberalize the abortion law. The only time Congress debated abortion in this period was a 1998 proposal to increase penalties to equal those of homicide. That failed in the Senate by only two votes (Blofield 2006). Lack of movement was due to a combination of well-resourced and highly organized conservatives, weak feminist mobilization, and even secular leftist politicians' deference to the Catholic Church (Blofield 2006; Franceschet 2005; Haas 2010; Htun 2003). In 2000, when an institutionalized left party (the Socialist Party) gained control of Congress and the executive as the lead partner with the centrist Christian Democrats in the Coalition of Parties for Democracy (*Concertación de Partidos por la Democracia*, CPD), abortion reform still failed to make it onto the political agenda. Even in her first term, leftwing president Michelle Bachelet (2006–2010) remained silent on the issue.

This changed in 2010, when the CPD moved into opposition and a right-wing administration took over. Catholic Church influence on civil society and politics was loosening, partly due to media reports of sex abuse scandals and cover-ups. A group of feminist organizations, networks, and individuals formed an abortion liberalization advocacy group called Corporación “Miles” (for the “thousands” that supported their cause), and began a media campaign, featuring well-known public figures.<sup>10</sup> The rape of a 10-year-old by her father in 2013 further galvanized public discourse. Many in the media openly criticized the right-wing President's position that the child was “mature enough to carry the baby to term” (El Tribuno 2013). With the support of nine legislators, Miles presented a bill to Congress to legalize abortion in three circumstances (Cádiz 2014). The bill died under the right-wing government. However, the extensive feminist mobilization and support from a broader range of professional groups, backed by solid public opinion supportive of liberalization, primed the issue for the next election cycle.

In 2013, leftwing Michelle Bachelet made liberalization of abortion on humanitarian grounds a part of her second presidential campaign and won,

taking office in 2014. Supporting our contention that humanitarian liberalization—but not full legalization—is possible with a confessional left or center-left, leaders of the Christian Democrats accepted the campaign promise because the proposal was “not to legalize, but decriminalize in specific cases” (López 2013). Also, their representation in Congress decreased after the election. In 2015, Bachelet submitted a bill to Congress, with the close cooperation of Miles and the health and women’s ministries. At each step of the legal process feminists organized marches in support of the initiative—even borrowing the orange hand icon used in Uruguay. Opponents mobilized as well, and the mainstream media, which has for decades been controlled by conservative owners, often slanted its coverage toward concern for the unborn child over that of women’s lives (El Desconcierto 2015).

In the lower chamber vote, more Christian Democrats supported the bill on the grounds of “human rights”—overcoming others in the same party that opposed “legalization of abortion”—such that the bill passed 59 to 47 in March 2016 (El Mostrador 2016; The Clinic 2016). It would take more than another full year for the initiative to pass the Senate, where some Christian Democrats resisted approval of abortion in cases of rape. Ultimately, however, all three circumstances passed on July 19, 2017 (The Clinic 2017a), a decision immediately followed by a pro-legalization march of 3,000 in the streets of Santiago. The center-right political coalition, Chile Vamos, immediately took the case to the Constitutional Tribunal. Politicians and individuals from civil society on both sides of the issue were given the opportunity to testify, and the Tribunal ultimately upheld the law in a six to four decision. However, it expanded the clause on conscientious objection from a personal position, to include institutions as well (El Mercurio 2017; The Clinic 2017b).

### **Ecuador: Populist Left Defends the Status Quo**

Ecuador constitutes a failed case of humanitarian liberalization. A proposed extension of existing law, to allow for abortion in cases of rape, made the political agenda in 2013 (advancing to Congressional debate) but was derailed by the President. Many elements seemed to be in place: supportive public opinion, substantial secularization, strong feminist mobilization around the issue and a leftist President and majority in Congress. As in Uruguay, the President cited his personal religious beliefs in opposing the reform. Unlike in Uruguay, the proposal failed because of his opposition, reflecting the type of left party in power—a populist left.

In Ecuador, like Chile, reform of that country’s abortion law was off the political agenda in the 1980s and 1990s (Morgan 1997). Ecuador’s 1978 constitution protected the unborn and its penal code, dating to 1938, allowed abortion only in cases where pregnancy endangered the woman’s health or life, or was the result of rape *and* the woman was mentally unfit.

A Democratic Left party bill in 2005 to legalize abortion in all cases of rape died in committee under a right-leaning president (Starkoff 2008, 20).

The election of leftist President Rafael Correa (2007–2017) and his Alianza País party's consolidation of control of Congress soon after, marked the start of Ecuador's leftist "Citizen Revolution." It exemplified the populist left emerging in Latin America during the post-millennium period: a redistributive, anti-imperialist rhetoric; a rise to power via personal charisma; and eventual establishment of clientelistic networks (Conaghan 2011; de la Torre 2013). During his campaign, Correa vowed his citizen revolution would have a "woman's face", promising to eradicate violence against women, to provide women access to work, health and social security, and to secure equal opportunities. Yet, he also opposed those policies that countered his Catholic beliefs: same-sex marriage and liberalization of abortion (Lind 2012, 537–538).

In the late 1990s, the Ecuadorian feminist movement had successfully influenced state policy: it participated in the writing of the 1998 constitution, and pushed for, and won, the establishment of gender quotas, a series of laws related to women's well-being, and a women's state policy agency (*Consejo Nacional de Mujeres*, CONAMU) (Lind 2005; Vega Ugalde 2017). In the early 2000s, feminists, organized principally in nongovernmental organizations (NGOs), began to develop alliances with more grassroots women's organizations and women in other movements (like the indigenous movement), and a sector that insisted on remaining autonomous, Feminists for Autonomy (*Feministas por la Autonomía*) emerged (Santillana and Aguinaga n.d.). One focus of autonomous feminists was the right to abortion (Lind 2005, 130). When President Correa came to power, he set out to rewrite the Constitution. Conservatives, emboldened by Correa's statements against abortion, inserted a clause in the 2008 constitution that guarantees life, including its care and protection from the point of conception, and feminists and allies, despite public opinion in their favor, were unable to block it (Lind 2012).

The emergence of a populist president served to fragment the women's movement between those who decided to join his movement and those who kept a critical distance (Santillana and Aguinaga n.d.). Correa engaged in typical populist attacks and deinstitutionalization. He dismantled the women's policy agency. The government newspaper derided feminist NGOs as bourgeois and imperialist (El Telégrafo 2014).<sup>11</sup> By the late 2000s, the more institutionalized NGO feminist movement, like other Ecuadorian movements that had been vibrant in the 1980s and 1990s, was weak. But the autonomous movement, focused on reproductive rights, was still active.

Not deterred by the constitutional clause defeat, beginning in 2011, feminists sought to expand humanitarian conditions for abortion. Six organizations centered on reproductive rights joined forces as the Ecuadorian Front in Defense of Sexual and Reproductive Rights (*Frente Ecuatoriano por la Defensa de los Derechos Sexuales y Reproductivos*).<sup>12</sup> These organizations developed direct relationships with Alianza País Congresswomen who supported their

cause.<sup>13</sup> Young feminists, who brought a creative, public, and social media action plan, joined the Front. Some observers have called the movement to liberalize abortion a “re-grouping of women and feminists, emerging as spontaneous, massive and organized” (Santillana and Aguinaga n.d., 31). They employed two principal frames: lack of access to abortion in cases of rape was another form of violence against women; and illegal abortion was a public health issue endangering women’s lives.<sup>14</sup>

The movement worked closely with a handful of female legislators from Correa’s party to legalize abortion in all cases of rape. In 2013, two of these legislators presented the bill. Both feminists on the one hand, and the Catholic Church and allied groups on the other hand, mobilized in favor and against the proposal, which passed the first debate of the full Congress (El Universo 2013b; Viteri 2013). Prior to the second debate and vote, feminists mobilized broadly. When called to testify to the full Congress, some stripped off their shirts, revealing protest slogans on their chests. Their tactics gained significant media attention.<sup>15</sup> Correa, vehemently against the bill, clamped down on the sponsors, and accused one of them of “treason” when she called for a conscience vote. He threatened to resign if the bill passed, and as a result it was withdrawn, reaffirming the original text of rape only in cases of the mental incapacity of the victim (El Universo 2013a).<sup>16</sup> Party leadership (beholden to Correa) sent three women legislators before the party’s Ethics Committee for, according to one news report, “disrespecting a position of the political block and having proposed an apparent independent agenda,” and they were temporarily suspended from the party (El Comercio 2013).

Given the degree of centralization under President Correa, the advances made by the feminist movement in Congress and the attention in the media were quite remarkable. However, in the end their objective to liberalize abortion not only ran up against the President’s personal religious beliefs, but also threatened his political power—so much so that he threatened to resign. His party took punitive action against the Congresswomen who had defied the President’s position, typical of populist leaders. Moreover, given the concentration of power under Correa, feminists were out of other institutional options to challenge the decision, and even if they had had other options, could have faced high personal costs for doing so.

### **Nicaragua: A Populist Machine Left Promotes and Defends Prohibition**

In 2006, ten days before presidential elections, the Nicaraguan legislature eliminated the right to therapeutic abortion that had existed since 1893, in favor of absolute prohibition. While proposed under a right-wing president, the measure passed only with the support of leftwing Sandinista Party legislators. Why would a party that in the 1980s, under the first Sandinista presidency of Daniel Ortega, interpreted the 1893 law so broadly as to allow for abortion when a woman faced difficult socioeconomic circumstances, shift so

dramatically on the same policy issue twenty years hence (Ewig 1999, 81)? A large part of the answer, we contend, was that the FSLN had become a populist machine left. The personalistic and centralized leadership of Daniel Ortega led him to view his former feminist allies as a political threat while simultaneously he required church support to win the election. At the same time, the feminist movement in 2006 was at a low point, in part due to conflict with Ortega himself, while conservatives were better resourced and more organized.

The Sandinista National Liberation Front (*Frente Sandinista por la Liberación Nacional* FSLN) began as a revolutionary party, but it evolved into a “populist machine party” through a combination of increasing personalism of its leader, Daniel Ortega, and his cultivation of patron–client relations (Colburn and Cruz S. 2012; Levitsky and Roberts 2011, 14–15; Martí i Puig 2010). Over time, the platform of the party also shifted, from ideologically socialist and determined through debate among party members, to ideologically fluid and linked to the personal positions of Ortega (Kampwirth 2010b).

Nicaragua’s abortion reform occurred on October 26, in the final days of a heated presidential contest between the two dominant parties. During the 2006 campaign, the Catholic Church, supported by evangelical pastors, called for abortion to be made more restrictive, and placed pressure on individual candidates. Indeed, it was at a meeting with more than 500 evangelical leaders on September 13 that Daniel Ortega formally announced his opposition to abortion (Solis 2006). Ortega also adopted strong religious rhetoric in his campaign, and married his common-law wife, to curry favor with a Catholic Church with which historically he had had uneasy relations (Kampwirth 2010b, 175). Religious organizations also demonstrated their power in the streets—on October 6 they led a march that delivered 290,000 signatures in support of total prohibition. Posters for antiabortion candidates flooded neighborhoods (Replogle 2007). While Nicaraguan public opinion was generally supportive of therapeutic abortion, among our cases, it was less secular, and thus organized religion had stronger influence on the population, in addition to the long-standing influence of the Catholic Church on national politics.

The Autonomous Women’s Movement (*Movimiento Autónomo de Mujeres*) and its Women’s Network Against Violence (*Red de Mujeres Contra la Violencia*) mobilized in opposition to the abortion proposal. Once arguably the strongest women’s movement in the hemisphere, after its 1998 support of Daniel Ortega’s stepdaughter, Zoilamérica Narváez, when she accused Ortega of sexual abuse as a child, the movement lost strength. Ortega came to view feminists as political enemies.<sup>17</sup> While religious groups framed their campaign as preventing the murder of children, feminists responded that those who denied the right to therapeutic abortion were “women killers” and launched their own poster campaign (Replogle 2007). They, too, testified to Congress—though

right-wing politicians called them “criminals” when they did so (Pereira Majano 2006). And even though allies such as health sector unions and European Union and United Nations agencies asked that the vote be postponed, feminists’ strength was outweighed by religious forces (Reuterswärd et al. 2011).

Congress took the unprecedented step of fast-tracking the proposed legislation, and twenty-five FSLN legislators changed their position. Another thirteen abstained so that the legislation could pass with unanimity: fifty-two to zero (Getgen 2008). President Enrique Bolaños signed the proposal into law just days before Daniel Ortega won the presidential race (Kampwirth 2008; Kane 2008). The move was widely viewed in the Nicaraguan press—even by conservative outlets supportive of the ban—as pure political machinations to guarantee Ortega’s presidential win, by an FSLN desperate to regain power (La Prensa 2006; Sirias 2006).

Clearly the imbalance in resources and mobilization between conservative religious groups vis-à-vis feminists explains part of this political process. But the shift of the FSLN to a populist machine party is also an important part of the puzzle. Not only was President Ortega previously able to separate his personal beliefs from FSLN politics, but in his first administration, feminists were seen as an important part of the FSLN base. This was when the FSLN was a revolutionary left. However, over time, feminists’ autonomy (and direct challenges to Ortega) meant they represented a threat to a party leader who was increasingly building the party based on personalism and clientelism, rather than on social movements (Colburn and Cruz S. 2012; Martí i Puig 2010). Moreover, Ortega came to view any conflicts with the feminists through a highly personal lens, and feminists, and those who they were trying to help, paid a high price for it (Kampwirth 2010b).

Even before the election was won, through pacts with the opposition, the populist machine FSLN had been able to gain control over key governmental institutions. As a result, feminists did not have avenues internal or external to the party to contest the abortion ban. For example, when they took their case to the Supreme Court in January following Ortega’s inauguration, the court judges reportedly conferred with Ortega himself on what ruling would be “most convenient,” while nearly a year later, in September 2007, reconsideration of the prohibition failed in Congress (López Vigil 2007). In the ten years since absolute prohibition, Ortega has refused to reconsider the ban despite evidence that it has resulted in the preventable deaths of countless women (Amnesty International 2009; Human Rights Watch 2017). Populist centralization around Ortega is not the only reason for feminists’ lack of ability to successfully contest the law, but it is a large part of it; a more programmatic party with dispersed authority would provide more inroads for the varied opinions that do exist on the left in Nicaragua.

## Conclusion

The pink tide period brought unprecedented political activity on abortion policy: reform emerged on political agendas in most countries across the region. Actual reform varied dramatically, from full legalization to supporting absolute prohibition. Previous research has not systematically explained this variation. We have shown, consistent with previous research, that public opinion, secularization, the strength of feminist versus conservative mobilization, and ideology of government, all matter in explaining variation in abortion reform. However, an additional crucial variable is type of left government, without which we cannot understand the divergent trajectories of abortion politics under left governments.

Institutionalized partisan lefts, which have more dispersed party authority, allow for feminist contestation over party programs and votes. By the same token, given their respect for institutional rules, they are also likely to face well-organized conservative opposition to attempts to liberalize, which may well slow down reform, shape final legislation, or even succeed in vetoing it altogether (which has been a commonplace occurrence with multiple abortion bills prior to reform). In the case of legalization in Uruguay and liberalization in Chile, we see this in action: feminists had a voice in left governments, yet conservatives were able to use institutions to attempt to block or at least slow down liberalization. The fact that the Uruguayan left party leadership sanctioned its president for vetoing reform, however, is the antithesis of populist behavior.

The Chilean and Uruguayan reforms reflect democratic processes under institutionalized left governments. The differences in policy content (humanitarian liberalization versus legalization on demand) are reflective of the differences in public opinion, secularization, social mobilization, as well as coalition partners.

By contrast, in populist machine and populist left governments, power is highly concentrated in the personalist leadership of the president, where autonomous feminists are not appreciated for their message or their behavior. Moreover, they are not perceived as potentially useful allies the way Catholic or evangelical religious leaders could be. In such an instrumental calculus, an issue like abortion, where the practical costs of a restrictive stance are born almost exclusively by low-income women, is likely to be used by populist leaders as a pawn in a power struggle. While personal religious beliefs matter, they do only to an extent, and in fact serve to highlight the importance of political and institutional context. A pro-life president in Uruguay was able to stall legal reform by four years, but the one who paid (a minimal) political cost, was him, not the feminists. In Ecuador, by contrast, a pro-life president personally went after feminist legislators who disagreed with him, and used his power over the party apparatus to politically punish them.

While we did not include a movement left case study, consistent with our theoretical expectations of government openness under a movement left

government, the Bolivian National Assembly was debating in mid-2017 legislation that would extend humanitarian abortion to include economic hardship and student status (Página Siete 2017). The principal proponents of the change are indigenous and peasant women, which compose a key support base of the ruling MAS party (see Rousseau and Ewig, this issue). They have managed to bring the bill to the political agenda, with support from the Minister of Health and the Vice President, under the argument that poor women are most adversely affected by current law. Several feminist groups, by contrast, have expressed desire for full legalization (Lohman 2017). If the MAS is truly a “movement left” we may well see this reform pass.

We believe our framework fits other countries as well. For example, Tabbush et al. (2016) note that opposition to abortion liberalization in Argentina under the left populist machine party of President Cristina Fernandez de Kirchner stemmed from the president’s own party members, hesitant to oppose her antiabortion stance, in contrast to nonpopulist left party members serving in Congress at the same time.

But our findings also have potential implications for emerging populism elsewhere around the globe. In the face of the rise of right-wing populism in Europe and the United States, some scholars and journalists have called for “reclaiming the populist left” (Jones 2016; Mouffe n.d.), on the grounds that the left will then be more electorally successful. Our findings indicate that to call for a populist left poses risks to feminist political projects, and to pluralism more generally.

## Notes

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1. The courts constitute another channel reformers may take when they face obstacles in the legislative arena, for example, in Colombia (Jaramillo and Alfonso Sierra 2008; Ordolis 2008). We leave analysis of court outcomes to future work.
2. Interview by authors of former United Nations Family Planning Association official, March 3, 2017.
3. While the degree of party secularism influences variation in the dependent variable (abortion on demand or on humanitarian grounds), the starting point is less important.
4. See also Cameron and Hershberg (2010), Flores-Macías (2010), Panizza (2005), and Weyland, Madrid, and Hunter (2010).
5. All Spanish sources are translated by the authors.
6. Two examples illustrate: Argentine President Carlos Menem (1989–1999), a rightwing populist, used restrictive abortion policy to stave off domestic Church opposition. In the words of an Argentine Opus Dei academic, Menem “bought” the silence of the Church on corruption and the increase in poverty under his government with his antiabortion stance (Blofield 2006, 153). In Peru, populist President Alberto Fujimori (1990–2000) promoted contraception when dispute with the Church was convenient and lower birth rates fit his economic objectives, but just a few years later he developed a political alliance with the Church, see Ewig (2006).
7. Here we count Mexico City as one country. However, Mexico is composed of thirty-one states and one federal district; Mexico City. Abortion laws in Mexico, unlike the rest of Latin America, are determined at the state level. For more, see Beer (2017).
8. We examined comparative data on women in parliament, but the data does not have a bearing on the outcomes in our cases so we do not present it.
9. Presiding judges could reduce or eliminate women’s prison sentences in cases of rape, risk to the mother’s health, lack of economic support or to protect the honor of the woman (Fernandez Anderson 2017).
10. See for example: <https://www.youtube.com/watch?v=9DwApbASTEY&sns=fb>.
11. Interview by Christina Ewig with former staff member of CONAMU. March 9, 2016, Quito.
12. Interview by Christina Ewig with member of Fundación Desafío. March 1, 2016, Quito.
13. Interview by Christina Ewig with member of Fundación Desafío. March 1, 2016, Quito.

14. These frames were evident in their public statements, documents, and speeches.
15. Some of the testimony is available here: “Asamblea Nacional COIP 2013 Mujeres y Feministas Luchando por el derecho de las Mujeres.” <https://www.youtube.com/watch?v=u18lk80aDxQ>.
16. Only the choice of wording was changed from 1939 to 2014: “if the pregnancy is the result of violation or rape committed on an idiot or demented woman” to “if the pregnancy is the result of rape committed on a woman who lacks mental capacity.”
17. Interview by Christina Ewig with Juanita Jiménez, Nicaraguan feminist activist and human rights lawyer, September 30, 2014.

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