

# Legalizing Abortion in the Southern Cone

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The Southern Cone has been at the forefront of the fight for abortion rights in Latin America. Due to the legacies of Hispanic legal traditions and the overwhelming political influence of the Catholic Church, the region historically has been known for its restrictive policies on abortion and reproductive rights more broadly.<sup>1</sup> However, in the past 15 years, Southern Cone countries began to challenge those restrictions and embarked on a feminist revolution that led to what is now widely known as the “Green Wave” because of the color embraced by abortion-rights activists. Uruguay began this trend of legalizing abortion on demand in 2012, followed by Argentina in 2020. Chile experienced a moderate reform in 2017 when it moved from a total ban to a system of exceptions. Feminists have been trying ever since to pass abortion on demand through both legislative and constitutional reforms, which have not yet yielded the expected results.

This article explores the role that social movements and allies in power played in these three successful reforms. The literature on gender politics and social movement outcomes agrees that allies in power are needed to advance progressive policy change (Blofield 2006; Giugni 2004; Htun 2003; Olzak et al. 2016; Tarrow 1998). Social movement scholars have found that the existence of “elite allies in power” make it more likely for social movements to achieve policy change. Because social movements cannot translate their protests directly into policy, they rely on government allies to support their demands and advance or prevent policy reform. Scholars of gender politics have explored the link between women’s movements and allies within the state with similar findings (Blofield 2008; Diez 2015; Htun 2003; Waylen et al. 2013). By studying the cases of Uruguay, Argentina, and Chile, I show how alliances between social movements and allies in power have proven effective in advancing abortion rights. These three reforms happened through the introduction of bills in Congress; thus, legislative allies were always needed.

This study moves beyond assuming that alliances are a given by examining their origins. When and how are relationships between social movements and government allies built and developed? What are their different characteristics and how might they impact a policy change? Based on field research in the three country cases conducted between 2008

and 2023, this article argues that each of these social movements deployed different interaction patterns with political parties in power to achieve policy reform. These patterns include a collaboration between the social movement and the left-wing party in power in Uruguay; an overpowering movement that built a multiparty alliance in Argentina; and cooptation of the movement initiatives from the center-left wing coalition in power in Chile. These different patterns are explained by examining three variables: the strength of the feminist movement for abortion rights at the time of policy reform; the characteristics of the party system and political parties in power—particularly but not exclusively those on the left; and the role of the Catholic Church in each of the three societies.

Social movements have been found to be key actors in activating the political process that leads to policy reform in the arena of gender and moral issues (Daby and Moseley 2023; Diez 2015; Htun and Weldon 2012; Weldon 2002). In the absence of a social movement that defines the issue, organizes around it, and demands government attention, politicians tend to not see any electoral value in addressing gender issues. They usually prefer to ignore these issues, particularly an issue as controversial as abortion. In particular, the strength of the social movement matters. A strong movement will negotiate with allies in power in a different way than one that is in its initial stages and can easily be ignored.

Second, the study analyzes the party system and the presence of left-wing parties. The literature on gender politics in Latin America claims that a highly institutionalized party system encourages collaboration between activists and elites in power. According to Waylen (2000), a highly institutionalized party system makes it clear to a social movement where the pressure points are and easier to establish a continuous and long-term collaboration with parties on the left. Blofield and Ewig (2017) advanced the argument, contending that only left-wing parties that are institutionalized are more likely to support abortion legalization because they respond more effectively to the mobilization of their bases. When parties have roots in society, as opposed to professional parties, interactions with social movements are more fluid and continuous; established channels of communication can be used when new demands arise (Fernández Anderson 2020).

Third, the role of the Catholic Church—as the main opponent and leader of the countermovement to legalization in these three countries—is also relevant when considering the likelihood of abortion-rights movements gaining allies in power.<sup>2</sup> Therefore, this article argues that the relationship among social movement strength, characteristics of the party system, and the role of the Catholic Church help us to understand the different shapes of collaborations in each case leading to abortion reform.<sup>3</sup>

#### ABORTION REFORM IN URUGUAY, CHILE, AND ARGENTINA IN COMPARATIVE PERSPECTIVE

This section analyzes each of the cases in light of the theoretical model proposed previously to explain the different patterns of collaboration between abortion-rights movements and allies in power that led to abortion reform.

##### Uruguay

The main strength of the abortion-rights movement in Uruguay was that feminists agreed from the early years of democratization that abortion should be an integral part of their agenda. The movement began in the mid-1980s, growing gradually through the 1990s and early 2000s; in comparison, activists in the neighboring countries were still not clearly organized around this demand. In 2001, activists and feminist organizations led by *Mujer y Salud Uruguay* launched a campaign to legalize abortion that quickly gained a strong presence in Uruguayan society. The campaign involved numerous women's organizations as well as relevant social actors, including unions, doctors' associations, churches, the LGBTQ movement, and educational institutions. It had a significant media presence and managed to gain public opinion supporting their demands (Fernández Anderson 2016).

With a strong starting point in terms of a well-organized campaign with a clear strategy, the Uruguayan abortion reform also benefited from ideal institutional conditions. Uruguay has a long-standing, highly institutionalized party system with parties clearly aligned along the ideological spectrum (Mainwaring 2018; Moreira 2006). Therefore, political parties are important players and, as such, have been sought by social movements to advance their demands and seek or prevent policy change. Of particular interest is the presence of a strong left-wing party: the *Frente Amplio*. Established in 1971, this party was from its beginning a coalition of left-wing parties including communists, socialists, and independents. It is a strong party, having won the presidency three times since 2004. *Frente Amplio* is highly institutionalized and has a system to consult and coordinate between the base organizations and social movements to never lose touch with the grassroots. This feature has diminished the influence of its leaders in determining the party's program. This is a highly significant aspect given that unlike its bases, the twice-elected President Tabaré Vazquez (i.e., 2005–2010 and 2015–2020) held strong anti-abortion positions—which, in another institutional context, might have prevented the party from supporting legalization. The movement for abortion reform therefore was able to establish clear relationships with *Frente*

*Amplio* legislators and to work collaboratively toward the passage of abortion reform in Congress.

The institutional characteristics of the party system and the *Frente Amplio* were reinforced by a context of strong secularism, given the presence of a historically weak Catholic Church (Luna 2006). The separation between Church and state began as early as 1861 and continued with President José Batlle y Ordóñez's (i.e., 1903–1907 and 1911–1915) reforms in the early-twentieth century. Catholicism is not the official religion, the Church receives no financial support from the state, and tax exemptions are available to all religions. There are no large political parties associated with the Catholic Church, and religiosity indexes are the lowest among the region. Only 34% of the population self-identified as Catholics and only 12% attended services at least once a week when abortion was being discussed in Congress (Inglehart et al. 2018). These trends have only increased in the past 15 years (Inglehart et al. 2020). In this largely secular context, legislators enjoyed the freedom to side or not with abortion-rights activists without pressure from religious institutions or constituents, which allowed for an environment more conducive to abortion reform.

##### Chile

In contrast, in Chile, the abortion-rights movement at the time of the 2017 reform was quite weak. In 2010, activists led by *Miles por la Interrupción Legal del Embarazo* launched a campaign to end the total ban—in place since the Pinochet era—and legalize abortion under three circumstances: threat to life and health, rape, and fetal malformations. Unlike the campaigns in Argentina and Uruguay, the Chilean campaign experienced major internal disagreements, lacked support of key social actors, and had a small media and societal presence. Chilean feminists thus were unable to operate from a position of strength, and their collaboration with those in government reflected as much. Although it was women activists who positioned abortion in the agenda, they extracted little from left-wing parties in power. Instead, the second administration of socialist President Michelle Bachelet (i.e., 2014–2018) introduced its own abortion bill; limited interaction with abortion-rights activists; and—through secretly and carefully held negotiations within her electoral coalition—crafted a moderated bill and ensured its passing in 2017.

In addition to the weak point of departure for the abortion-rights movement, institutional characteristics of the party system and the parties on the left—together with the role of the Catholic Church in Chilean politics—conditioned this reform such that it was more moderate than what was hoped for by the activists. The 2017 reform legalized abortion only if there were a threat to the woman's life, rape, and fetal malformations. As a result, although ending its total ban, this reform placed Chile at the same level at which most countries in the region have been since the first decades of the twentieth century. Even the threat to a woman's health was omitted from the discussion.

Throughout most of its history, Chile has been characterized by a highly institutionalized party system (Luna and Altman 2011; Mainwaring 2018). Parties historically have had roots in society to be able to channel most social groups'

demands. However, since the return of democracy in 1990, political parties have increasingly lost their connections with the grassroots, resulting in a lack of rootedness and legitimacy (Luna and Altman 2011; Pribble 2013). That has been the path of the Socialist Party in particular, which was the logical partner for the abortion-rights movement. The distance that the Socialist Party has moved from its bases explains the difficulties that abortion-rights activists experienced in finding an open channel of communication.

These difficulties were exacerbated by the presence of a strong Catholic Church. The Church has maintained close links to both conservative parties (*Renovación Nacional* and *Unión Demócrata Independiente*) and the center left through the Christian Democratic Party. In this way, the Church ensured that whoever was in power had a political ally. The fact that the center-left governing coalition between 1990 and 2010 included the Christian Democrats implied that an issue such as abortion needed to be omitted from the political agenda—and it was. In addition, during the first years of democracy, socialist leaders refused to directly challenge the Catholic Church in recognition of its protection of human rights during the military dictatorship (Waylen 2016). Despite the presence of a socialist female president—Michelle Bachelet—when abortion reform took place in 2017, the institutional and religious context conditioned the government's margin of action and ended in a moderate abortion reform coming from the top, without active participation of the feminist movement.

In the past six years, however, there have been changes in both the strength of the feminist movement and the party system in Chile, creating more effective conditions for advancing abortion rights—although this has yet to happen. On the one hand, feminism has been growing in Chile, initially mostly within student and academic circles. However, more recently, it reached national relevance during the “Feminist Year” of 2018, the largest feminist mobilization in the nation's history (De Fina González and Figueroa Vidal 2019; Sanhueza Hueñipi 2021). Nurtured by foreign experiences in demanding the end of sexual abuse and violence and coupled with a vibrant local student movement, feminist activists took to the streets, went on strike, and occupied university buildings (Vergara Saavedra and Muñoz Rojas 2021). Abortion on demand became one of the issues at the forefront of this movement.

On the other hand, the party system also experienced significant shifts in the past decade. Since 2017, a new actor on the left—the coalition *Frente Amplio*—emerged to challenge the limitations of traditional left-wing parties. In 2021, this party allied with *Chile Digno* as *Apruebo Dignidad*, winning the 2021 presidential election under the leadership of former student leader Gabriel Boric (i.e., 2021–present). These new left-wing parties are deeply secular and have strong roots in the student and feminist movements. In 2018, *Frente Amplio* legislators introduced a bill for abortion on demand that was drafted with activists from the *Mesa de Acción para el Aborto*. Although the bill failed to pass, it became a strong precedent for the continuous collaboration that occurred later within the context of the Constitutional Convention.

The constitutional process allows for citizens and social groups to introduce initiatives to be discussed by the

Constitutional Convention after they received a minimum of 15,000 signatures. The initiative to legalize abortion on request until 14 weeks, launched in December 2021, reached the minimum number of signatures in only five days. It was drafted by the feminist network *Asamblea Permanente por la Legalización del Aborto*. On March 15, 2022, the Constitutional Convention voted in favor of including the legalization of abortion on request in the new constitution. Unfortunately, on September 4, 2022, Chilean citizens voted overwhelmingly to reject the constitution, preventing the legalization of abortion from going into effect.

## Argentina

The Argentine movement for abortion rights was the strongest of the three cases at the time of the 2020 reform. Activists launched the Campaign for Legal, Safe, and Free Abortion in 2003. By 2018, it was a coalition of more than 500 organizations, including women's groups, unions, peasants, educators, doctors' associations, and human-rights organizations. The campaign had a strong presence in the streets, with recurrent demonstrations that reunited more than one million people and resulting in the notion of the Green Wave because of the green scarves worn by the demonstrators. Increased media visibility paralleled the movement's growth and, by 2018, activists were frequently invited to television and radio shows (Fernández Anderson 2020).

This powerful movement, however, had to contend with a challenging political institutional context. Argentina has a party system with a low level of institutionalization (Gervasoni 2018; Kitschelt et al. 2010; Murillo and Levitsky 2008), and it lacks a strong left-wing party with which a movement can establish a long-term relationship for working jointly. Although in the past 20 years the left-wing branch of the Peronist party could have become an ally—as it did with other social movements—Peronism embraces positions from right to left within their membership, and abortion was a divisive issue. In addition, whereas Peronism maintained strong linkages with other movements, these relationships have not evolved through the party structure but instead have been dependent on the president and party leader. Former President Cristina Fernández (i.e., 2007–2011 and 2011–2015) personally opposed abortion during her time in office, making such an alliance unlikely.

Because the abortion-rights movement did not have a clear left-wing ally in government, activists had to amass a tremendous amount of popular and mobilization power to be taken seriously by legislators. The movement was able to navigate the challenging institutional context; in response, it designed a strategy to create a multiparty coalition for legal abortion. Although it took longer to come to fruition, this strategy was ultimately the route to successful reform. Instead of gaining access to one single party on the left, the movement had to create bonds and long-term relationships with multiple parties, many of which shifted names, leaders, alliances, and even positions on reproductive rights along the way. This strategy, however, ensured that the abortion-rights movement retained a larger autonomy from any party and avoided cooperation, which is important in the context of distrust for parties

and politicians. Most crucially, after 15 years, it has enabled the movement to obtain successful outcomes under two administrations with opposing ideological positions: Mauricio Macri (i.e., 2015–2019) and Alberto Fernández (i.e., 2019–2023).

Finally, of the three country cases, Argentina is situated in a middle position in terms of the power of the Catholic

2. Although Evangelical churches are growing throughout Latin America, of the three cases studied in this article, their presence is significant only in Chile. Even there, the political power and historical ties of the Catholic Church with political parties on the right and center left have proven to be a larger obstacle to the legalization of abortion than the growing Evangelism among the population.

3. For a detailed definition and operationalization of each variable, see Fernández Anderson (2020).

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Church. The self-identification with the Church and the level of practice in society is similar to that of Chile, but the formal and informal power that the institution has over the political system positions it closer to Uruguay. Unlike in Chile, the lack of religious affiliation among all political parties, including those on the right, ensured that all legislators were available as possible interlocutors for the feminist movement. This was key to the success of the creation of a multiparty coalition in Congress, which legalized abortion on demand until 14 weeks in December 2020.

## CONCLUSION

Social movements have been a key factor in the advancement of abortion rights in the countries of the Southern Cone. Their strength or weakness set the stage for how much support and negotiating power they would have vis-à-vis Congress. The strategies for collaboration with allies in power, however, depended on institutional factors such as the characteristics of the party system and individual political parties, as well as the strength of the main force against abortion reform: the Catholic Church.

Although taking different routes, Uruguay and Argentina arrived at similar legal reforms. Whereas Uruguay was able to cooperate with a strong left-wing party, Argentine activists needed to create a multiparty coalition to advance abortion rights. In 2017, Chile managed to end its total abortion ban and move to a system of exceptions, but the country continues to struggle with passing abortion on demand. However, recent political and social changes—particularly a stronger feminist movement and a left-wing party with roots in society—have created conditions that make this reform likely in the near future.

## CONFLICT OF INTEREST

The author declares that there are no ethical issues or conflicts of interest in this research. ■

## NOTES

1. Only five countries have legalized abortion on demand: Cuba, Uruguay, Argentina, Colombia, and Mexico. Four countries still have total abortion bans: El Salvador, Dominican Republic, Nicaragua, and Honduras. The remaining Latin American countries have a system of exceptions allowing abortion only under restrictive circumstances, including threat to the life and/or health of the woman, rape, incest, and fetal malformations.

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