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WHOSE RIGHT IS IT ANYWAY?  
A STUDY OF HUMAN RIGHTS LANGUAGE ON BOTH SIDES OF THE  
ABORTION DEBATE IN POST-DICTATORIAL ARGENTINA

By Ysabella Carmen St. Amant

A thesis presented in partial fulfillment of the requirements for completion  
Of the Bachelor of Arts degree in International Studies  
Croft Institute for International Studies  
Sally McDonnell Barksdale Honors College  
The University of Mississippi

University, Mississippi  
May 2020

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## ABSTRACT

In August of 2018, thousands of protestors waited to hear results of the vote on the Voluntary Termination of the Pregnancy bill in the Argentinian Senate. Though the bill failed by seven votes, the near passage of the bill and the outpouring of protestors indicated that issue of abortion had gained an increasing foothold in the legislature and in public discourse. This project seeks to explore in greater detail the emergence of activism on abortion legislation in the decades following the re-democratization of Argentina in 1983. Particularly throughout the 2000s and 2010s, advocates for both the expansion and repression of abortion rights used similar language to argue for their respective agendas, leaning on the local significance of “human rights” in the aftermath of the dictatorship that lasted from 1976-1983. My thesis seeks to answer the question: how have feminist organizations and religious organizations historically utilized talk of human rights to shape the debate on abortion, and how do they continue to do so today? I use a qualitative approach to explore the emergence of human rights language in the history of abortion activism from both sides of the abortion debate. I find that the Catholic Church’s involvement with the human rights abuses of the dictatorship taints the legitimacy of their human rights claim, while feminist women’s organizations tailor their claim to local sentiments in the aftermath of the dictatorship and align their human rights language with larger, international organizations that advocate for expanded abortion legislation.

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## Chapter 1:

### *Introduction*

I arrived in Montevideo for my semester abroad at la Universidad Católica del Uruguay in late July of 2018. In the second or third week of class a memorable discussion occurred in my Spanish grammar and composition class. A classmate recounted that in the early hours of Thursday, August 9th, 2018, a bill that would legalize abortion failed to pass by a margin of seven votes in the Argentinean Senate. Our class discussed the outpouring of public support for *Interrupción voluntaria del embarazo*, the voluntary termination of the pregnancy (VTP) bill in Argentina. Images from this evening depict thousands of protestors gathered outside the Plaza del Congreso; supporters of the VTP bill don green handkerchiefs tied around their necks and wrists emblazoned with, “La campaña nacional por el derecho al aborto legal, seguro y gratuito: educación sexual para decidir, anticonceptivos para no abortar, aborto legal para no morir” (*The National Campaign for the Right to Legal, Safe, and Free Abortion: Sexual education to decide, contraception to not abort, and abortion to not die.*)

I visited Buenos Aires for the first time the following weekend. Nearly every young woman I saw in the city wore the *pañuelo verde* tied to their backpacks, around their wrists, or in their hair. Street vendors sold different iterations of the *pañuelo*, or handkerchief, with options available in colors that signaled different political orientations. My observations from that trip first piqued my interest in the history and growth of feminist and abortion advocacy efforts in Argentina. Upon my return to the University of Mississippi, other coursework led me to contextualize the significance of feminist and abortion advocacy’s growth within the country’s history of authoritarian

rule. The dictatorial rule of Argentina from 1976-1983 shapes the country's understanding of human rights and human rights abuses. Argentine politicians and activists alike struggled to redefine and reestablish the protection of human rights and continue to do so today. In the wake of this history, both opponents and proponents of abortion rights utilize human rights language to argue for their perspectives. These nuances ultimately led me to ask the question: how have feminist organizations and religious organizations historically utilized talk of human rights to shape the debate on abortion, and how do they continue to do so today?

## **Background**

The authoritarian regime in Argentina left an indelible influence on human rights in political discourse and within the public consciousness. Political events like the democratic election of Raúl Alfonsín in 1983, the constitutional reform made under Carlos Menem in 1994, and the efforts to convict the perpetrators of regime-led crimes during the Kirchner/Fernández era from 2003 to 2015 signaled a deliberate pivot away from the abuses under the dictatorship and a dedication to renewing the public's faith in their individual rights (Morán Faúndes 2018: 56, Morgan 2015:139). The human rights framework proved successful for the passage of gay marriage in 2010 and encouraged the progressive policy work that streamlined and expanded sex education and ensured access to contraception (Tabbush et. al 2018). Successful legalization of abortion remains elusive for progressive, feminist activists in the country.

Argentina's rich history of women in protest sets the scene for the contemporary public outpouring on the legalization of abortion, like the protests seen outside Congress on the evening of the VTP bill's failure. An organization of grandmothers and mothers



called *Las Madres de la Plaza de Mayo* (Mothers of May Plaza) emerged during the dictatorship to protest the unexplained disappearances of their missing sons and daughters outside of the Presidential palace. The *Madres* cultivated a distinct public persona that challenged the authoritarian regime's actions without compromising their maternal identity in the late 20<sup>th</sup> century. Their courage in part ushered in a new era of attention to human rights in the decades after the dictatorship, paving the way for the human rights to permeate political discourse. Though feminist activism deviated from the conservative origins of the *Madres*, the bedrock of demanding human rights remains.

In the wake of the egregious human rights abuses of the authoritarian regime, anthropologist Lynn Morgan notes that abortion is “discursively excluded from the realm of human rights” because legal abortion effectively grants permission to a woman to kill her own child. These contradictions mark the modern debate on abortion in Argentina. From as early as 1994, abortion rights and feminist activists have been explicitly situating their cause within the human rights framework (Bellucci 1994, Sutton & Borland 2018). Pro-life activists tout this contradiction as a steep departure from the conservative, maternal image of female activists like the *Madres* (Morgan 2015:140). This history prompts Argentinian abortion activists' struggle to take ownership of human rights language and their sense of urgency in conveying that lack of access to abortion infringes upon the rights of women (Morgan 2015:144).

Contemporary, vocal activism on abortion in Argentina divides into two large camps. Activists seeking the expansion of abortion legislation coalesce around liberal, feminist organizations that have also fought for the expansion of sex education, contraceptives, and LGBTQ+ rights. Activists seeking to prevent the expansion of

abortion legislation and undo measures already in place make up largely religious and conservative non-profits and church-sponsored organizations. Efforts from both sides of the debate on abortion firmly situate the topic in public discourse through the adoption of the human rights framework in more recent years and over the course of Argentina's re-democratization. What makes the language of human rights so effective in Argentina relies on "the significance of local conditions, historical legacies, and political cultures in the articulation of seemingly universal principles of human rights protection in relation to women, and to the thorny and controversial question of abortion in particular"(Sutton & Borland 2018:29,47). Both sides of the debate recognize the salience of a human rights framework in presenting the issue to the larger public and to advancing their agenda in the political arena. What remains to be seen is how successful each side will be in their utilization of the framework in public protest, publications, social media usage, and political operators both in Congress and in court.

### **Research Question and Hypothesis**

I began to consider the broader implications of the intersection of religion, gender, and politics in Argentina to arrive at my final research question. Argentina's unique history—its former dictatorial leadership, powerful religious institutions, vocal protests, and evolving feminism—presents a case in fighting for advanced abortion legislation that sets the precedent for other countries in Latin America seeking to expand reproductive rights. In the journal *Religion and Gender*, Macarena Sáez and colleagues note that "the strategies of church and religious groups... are engaged in influencing the legislative process... to achieve particular goals regarding gender, the regulation of women's bodies, and policing of alternative sexual persuasions"(Sáez et al 2018:6) The issue of abortion

presents a puzzle to law-makers and citizens alike— individuals are confronted with binary options to a complex, contemporary issue. The taboo that surrounds abortion pits modern feminism against a vision of morality delineated by religion, specifically the Roman Catholic Church and evangelical churches. Conservative groups seek to curtail developments made by feminist organizations and feminist organizations seek to change and expand current legislation through shared strategies. Though their goals differ, both sides of the debate seek to encourage public participation in the debate, advertise their respective perspectives on the issue on social media, and provide social services and support to pregnant women considering abortion.

In this research project I seek to explore and understand how the development of Argentina’s feminism movement coincides with a resurgence in religious activism in recent years, culminating in the outpouring of public demonstrations for the Senate vote on the VTP bill in August of 2018. Through a deeper exploration of these two opposing groups’ intertwining histories, one can begin to understand how and why a framework of human rights and the repeated use of human rights language might be used by both groups. The success of pro-choice and pro-life activism hinges on the ideologies of the parties in power. Pro-life movements emerged and succeeded under the leadership of conservative leaders, like Carlos Menem. Advancements for the expansion of abortion rights occurred under the leadership of more progressive politicians, like the Kirchners.

According to time-series data from the World Values Survey, religion fluctuated in importance from 1989-2014. In the first of wave of data, 1989-1993, 40% of Argentina’s population considered religion “very important.” During the country’s economic crisis in 2001, when the country faced severe economic and political

instability, that number reached 46%. The most recent wave of data from 2010-2014 reports that 24% considered religion very important (World Values Survey 2014, V9). Shifts in the country's response to religion reflect shifts in the country's erratic political history, from the dictatorship that marked the 70s and 80s to the election of six different presidents during the economic crisis in 2001.

The erratic political history of Argentina shapes the trajectory of abortion legislation and advocacy, as well as affecting the faith lives of its citizens. I hypothesize that both sides of the debate started to use human rights language with more frequency and vigor as the movement for individual rights developed under the post-neoliberal administration of the Kirchners in the 2000s and 2010s. Prior to its widespread prevalence in public discourse in the early 21<sup>st</sup> century, I suspect that the earliest adopters of the framework belong to the feminist organizers of the late 80s and 1990s. Leadership in the Roman Catholic Church internationally and locally in Argentina began to use the human rights framework with more vigor during the leadership of Carlos Menem between 1990-1999. Ultimately, the election of the liberal President Alberto Fernández in 2019 foreshadows the success of the abortion advocacy movement during his presidential term.

## **Methodology**

As one of the larger countries in Latin America, Argentina provides an interesting case study in the evolution of religion in public life. The debates, publications, and materials regarding the issue of abortion in Argentina depict the saturation of human rights language in different facets of political discourse and an unequivocal desire on both sides of the debate to use this language to frame their arguments. To conduct

research on this subject I have chosen to take a qualitative approach to analyzing a compilation of primary sources that concern the dissemination of information on abortion from NGOs and advocacy groups on both sides of the debate.

Using publications from the Argentine Catholic Church and women's organizations that contributed to the debate to legalize abortion and the VTP bill in August of 2018, I have used methods of content analysis to quantify and contextualize the use of human rights language in these sources. I chose a sample from several of the organizations covered in greater detail later in this thesis: The National Campaign for the Right to Legal, Safe, and Free Abortion, Catholic Women for the Right to Decide, the Episcopal Conference of Argentina, and other feminist and Pro-Life organizations that concern themselves with political advocacy and lobbying for legislation. Other documents include videos from the national public television group *TV Pública Argentina* and debates on the VTP bill in the Argentinian House and Senate chambers in the months leading up to the Senate's vote in August of 2018. To analyze these sources I searched for use of terms like "human rights," "life," and "choice." I have done all translations from the original Spanish myself.

To supplement and contextualize the information presented from these primary sources I have included data from the World Values Survey. The World Values Survey offers survey questions in Argentina concerning religiosity, justification of abortion, and perceived respect for human rights. These data points serve to frame the qualitative material gathered from organizations that represent the far poles of the debate on abortion in Argentina.

## Thesis Overview

In this thesis I present two distinct chapters that reveal the language and strategies utilized by both feminist, pro-abortion advocates and conservative, religious organizations. Immediately following this introductory chapter is a review on the existing literature on abortion's consideration as a human right internationally, the political history of Argentina, the history of women in protest in Argentina, and the evolution of the country's abortion debate. The third chapter concerns the major players in the history of the feminist movement in Argentina, changes made to recalibrate the movement's focus on ensuring the legalization and depenalization of abortion, and an analysis of the language used by activists to argue for the passage of the VTP bill in the months leading to its historic vote in August of 2018. The fourth chapter explores in greater detail the development of political participation by the Catholic Church and the development of Pro-Life NGOs with no religious affiliation, as well as an analysis of rights language in publications from the Catholic Church.

My findings affirm that each side of the debate utilizes a human rights framework to assert that human rights belong to their cause: mother or unborn child. What creates change is the political climate in which these activists assert their claims. The events of the last 30 years in Argentina point to the necessity of legislators and an executive power who are friendly to one's cause. A leader's willingness to introduce, pass, and sign legislation that would legalize and de-penalize abortion is critical in determining the future of Argentina's stance on abortion. As I will later establish in my literature review, progressive change is impossible without the support of the executive.

The understanding gleaned from this study can serve to contextualize the struggles other countries undertake in advocating for the legalization and depenalization of abortion in all circumstances. Argentina is certainly a pioneer in the region in their approach to organizing, protesting, and creating an incredibly strong brand for their fight for women's rights that appeals to the country's local and cultural background. Both sides of the debates' fondness for the human rights framework proves its salience in the public consciousness and proves its effectiveness in raising abortion as an issue worthy of a spot in the forefront of political discourse.

Chapter Two:  
*Literature Review*

**Introduction**

A military dictatorship ruled Argentina from 1976-1983. Torture and disappearances of political dissidents and the stifling of organizations seeking to participate in political advocacy mark this era. The democratic election of Raúl Alfonsín in 1983 led to the nation's first public reckoning with human rights abuses in the wake of the dictatorship. These events play an integral role in shaping the modern debate on the legalization of abortion. In the post-dictatorial era, Mario Pecheny argues that, "the language of rights has become the lingua franca that different social and political actors have used in order to frame their claims and identities"(Pecheny 2016:207). There is no question that the language of rights appears in arguments articulated by both opponents and proponents of the legalization and depenalization of abortion. However, it is worth exploring how and why abortion rights advocates and opponents to the legalization of abortion both utilize the language of rights in formulating their arguments, crafting publications, writing legislation, and participating in debates.

In this literature review I seek to understand the social and political factors that contribute the modern environment in which the debate on abortion exists in Argentina. Anthropologists Lynn Morgan describes this most succinctly when she writes, "This history complicates the demand for legal abortion in ways that are uniquely Argentine. For some, it discursively excludes abortion from the realm of human rights because abortion—at least in the eyes of its opponents—gives women permission to perform that most heinous and unnatural of crimes: that is, to kill her children (who are also 'our' children)"(Morgan 2015:140). I will be explore the history of feminism, as well as the



history of the relationship of church and state in Argentina. Relevant research on secularism, feminism, and the rise of advocacy for abortion as a human right both in Latin America and internationally will also serve to situate the nuances of the abortion debate in Argentina. I have relied heavily on the work of social scientists Mario Pecheny, Monica Tarducci, Lynn Morgan, Juan Marco Vaggione and Juan Manuel Morán Faúndes—their research specifically centers on the emergence of human rights language regarding abortion, as well as the influence of feminist and religious groups in driving the debate on abortion in Argentina.

### **Considering Abortion a Human Right**

Advocacy for abortion as a human right began in the late twentieth century. Studies and statistics revealed the high rates of maternal mortality from abortion complications, while a series of UN hosted international conferences fostered discussions on the state of reproductive rights. These developments expanded advocacy for one's right to prevent unplanned pregnancies through contraception, sexual education, and abortions. The international conferences hosted in 1994 and 1995 by the United Nations on Population and Development in Cairo and the Fourth World Conference on Women in Beijing led the way for asserting that reproductive rights might be considered human rights. Abortion legal scholars Cook and Dickens write that in the aftermath of the Beijing conference in 1995, "187 UN member states have gone beyond recognition of the individual risks of unsafe abortion, and adopted the commitment to 'deal with the health impact of unsafe abortion as a major public health concern'"(Cook 2003:5). The varying interpretations of human rights conducted in abortion law reform seek to answer the question: "To whom do human rights belong—mother or unborn child?" Cook and

Dickens distinguish how states choose to address the regulation of abortion, noting that while an increasing number of UN member-states are choosing to view abortion through the lens of a major public health concern while others choose to “enforce the moral prohibition of abortion, by including criminal sanctions”(Cook 2003:5).

In “Abortion as a Human Right—International and Regional Standards,” authors Zampas and Gher point to a statement from the African Women’s Council for being the human rights treaty that most explicitly pronounces abortion as a human right. Their language encourages the protection of women’s reproductive rights, while also explicitly outlining the cases in which abortion may be permitted. Adopted in 2003, it reads:

States Parties shall take all appropriate measures to . . . protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus (Zampas 2008:250).

In the aftermath of this treaty, other groups of human rights advocates and international authorities on women’s health have gathered to speak in favor of abortion’s being considered a human right, specifically the Parliamentary Assembly of the Council of Europe in April of 2008 (Zampas 2008:251). Outside of the European and African efforts to assert a woman’s claim to life and well-being, inter-American efforts have often interpreted the right to life as beginning at conception (Zampas 2008:267). In the courts and in legislative bodies, efforts to change the legal status on abortion hinge on the definitions of human rights. In the case of Argentina, advocacy efforts largely remain in the hands of local feminist organizations to lobby for the alterations of policy and to

argue that human rights belong to the mother over the unborn fetus. The international recognition of abortion as a human right bolsters the legitimacy of the human rights framework beyond its cultural resonance at the local level, linking it back to the statements made by international bodies like the United Nations (Sutton & Borland 2018:45).

Michelle Oberman's book, *Her Body, Our Laws* closely follows legal debates on abortion and the real repercussions and reverberations felt on the ground in communities where abortion is illegal. Oberman chose to study and analyze cases in El Salvador, where abortion is illegal in every circumstance, and Oklahoma, one of the most conservative states in the United States with one of the fastest rates of passing abortion legislation that was "right at the limits of what was permissible under federal law"(Oberman 2018:70). Oberman poses several interesting questions regarding the legalization of abortion. She asks: "What is it about abortion that we think will be changed by way of abortion laws?" (12), along with "What is the expressive function of the law when writing abortion laws?"(41) Oberman turns to legal scholar Cass R. Sunstein to define the expressive function of the law, or how citizens use the law to reflect who they are and what they value. Abortion laws represent a critical moment for pro-choice and pro-life activists alike. Debating and protesting for different abortion laws provides pro-choice and pro-life activists the opportunity to determine whether Christian-influenced morality, public health concerns, or the expansion of women's reproductive rights will define the meaning of abortion legislation. Pro and anti-abortion advocacy groups use the expressive function of the law to delineate what they perceive as the identity and values of their country by determining what the law says about abortion.

Regarding Argentina, approximately 500,000 clandestine abortions occur each year. This fact is accompanied by the statistic that the most common cause of maternal mortality is from abortion complications (FUSA Argentina, 2018). Attorney and legal theorist, Paola Bergallo, is renowned throughout her native Argentina, as well as greater Latin America, for her work on arguing the unconstitutionality of an abortion ban. In the volume *El aborto en América Latina*, she and her peers provide legal strategies for Latin American lawyers and legislators to push for legalization and confront conservative resistance. In an article published in the International Journal of Gynecology and Obstetrics, Bergallo challenges the “the suitability of criminal law as a regulatory tool to address abortion”(Bergallo 2016:231). In her research Bergallo notes the liberalizations in abortion legislature passed across Latin America, allowing for the expansion of access to abortion in cases of rape, incest, and when the mother’s life is at risk; however, she continues to articulate the potential liabilities of acquiring an abortion in these countries when uniform application of these laws cannot be expected (Bergallo 2016:231).

The United Nations released a report on gender equality in 2008 to improve gender relations and development in Argentina. *Desafíos para la igualdad de género en Argentina* (Challenges for gender equality in Argentina) addresses issues of sexual and reproductive health with an air of success on certain issues. The report praises the widespread implementation of programs like sex education in schools and the expansion of access to contraceptives. On a less positive note, the report speaks directly to the maternal mortality rate in Argentina. Pregnancies ending in botched abortions make up 31.8% of maternal mortality cases (UN 2008:38-39). The report does not call for the legalization of abortion but it does call for an expansion of efforts that protect and

improve maternal women's health and in turn lessen the rate of maternal mortality. These figures encourage abortion activists to call directly for the legalization of abortion to curtail the significant portion of maternal deaths whose causes are rooted in clandestine abortions.

### **Political History of Argentina**

The military dictatorship of Jorge Rafael Videla from 1976-1983 stifled the arrival of second-wave feminism, and in turn a widespread expansion of sexual freedoms to individuals in Argentina (Morgan 2015:140). Serving from 1989-1999, President Carlos Saúl Menem called for constitutional reform to include anti-abortion language, established an annual "Day of the Unborn Child", restricted public access to contraceptives, and encouraged Argentina to lead the opposition to the platforms presented on reproductive rights at the population conferences in Cairo and Beijing hosted by the UN (Morgan 2015:139-140). Following Menem's presidency, Argentina experienced severe economic turmoil. Several different presidents rotated in and out of the *Casa Rosada* until emergency elections were called and Néstor Kirchner was elected in 2003. With the election of Néstor in 2003 and his wife Cristina Fernández in 2007 came a wave of post-neoliberal policies marked by a dedication to expanding individual rights, specifically those concerning sexuality and gender (Jones, et al 2018:88).

In Latin America, "religious institutions continue to exercise authority over definitions of what is publicly permissible around questions of gender, the body, and sexual conduct" (Sáez, et al 2018:5). The history of the Catholic Church both during and after the dictatorship does not indicate a unified front. There are documents from the dictatorship years that assert that members of the Church hierarchy worked in

conjunction with the military rule to conceal instances of torture and abuse. The Argentine Episcopal Conference confirmed the authenticity of a document from 1978 that contained details about members' collaboration with dictator Jorge Videla (Le Goff 2013). In spite of this, the Argentine Episcopal Conference has been releasing publications on human rights and their stance against torture and abuse since 1977, several years prior to the re-democratization of the country in 1983. The Catholic Church in Argentina has looked to the example of the Vatican in the latter half of the 20<sup>th</sup> century for cues on challenging advancements in legislation that contradict traditional ideas of family and sexuality (Morán Faúndes 2018:55-56).

The Catholic Church in Argentina has historically referred to the teachings of the Catholic Catechism regarding the morality of abortion. Their official stance on abortion has been unequivocal, and in the months leading to the August 8<sup>th</sup> vote in 2018 the Argentine Episcopal Conference explicitly condemned the legalization of abortion. Ernesto Giobando, the auxiliary bishop of Buenos Aires, wrote that, “the ideology of gender and feminism have a take on abortion that they impose with harshness and aggression” (Giobando 2018).

### **History of Women's Activism in Argentina**

In the late 20<sup>th</sup> century, expectations for women stemmed from what Lynn Morgan notes is the separation of women's private spheres from men's public spheres (Morgan 2015:140). One such example of women engaging in the male-dominated sphere of politics and protest is one of the most famous women-led protest movements in Latin America, *las madres de la Plaza de Mayo*, or the Mothers of the Plaza de Mayo. Las Madres called attention to the human rights abuses under the rule of the military

dictatorship that lasted in Argentina until 1983. Protestors like las Madres harnessed a traditional and conservative image, conforming to what Evelyn Stevens names *marianismo*. Stevens defines it as, “the cult of feminine spiritual superiority, which teaches that women are semidivine, morally superior and spiritually stronger than men”(Stevens 1973:4).

The Madres broke into the public, political sphere in a way that retained their identities as mothers and grandmothers serving as protectors of their sons, grandsons, brothers, and husbands. The image cultivated by las Madres stands in stark contrast to the images put out by other feminist organizations that emerged during and immediately after the democratic transition in 1983. Bárbara Bilbao notes that the Madres were not explicitly a feminist organization. Their efforts to organize women in political protest did create a space for women in the political sphere of dissent and protest (Bilbao 2011: 2-3). American anthropologist Lynn Morgan also points out that abortion activism is often thwarted by the Madres’ symbolism, “whose legitimacy as human rights advocates was predicated on their roles as mothers willing to defend their children to the death”(Morgan 2015:140). The Madres broke into the public political sphere as an emblem of social change, but their maternal image and the subsequent assumption that ties protection for human rights with motherhood inhibits the aims of the advocates seeking the legalization and expansion of access of abortion. Argentina continues to maintain rigid gender roles for women that encourage a conservative, maternal image (Morgan 2015:140).

### **The Debate on Abortion in Argentina**

Contrary to Mario Pecheny’s argument that human rights creates the *lingua franca* for forwarding causes in Argentina, American anthropologist, Lynn Morgan,

previously argued that Argentinian activists should move away from framing reproductive rights in the language of rights. Morgan proposed that feminists and abortion advocates should move towards using the phrase, “reproductive justice.” Morgan made this assumption due to the widespread use of rights language among both sides of the debate. She argued that the Catholic Church and conservative politicians adopted of rights language to diminish the claim articulated by abortion activists. This argument encouraged Morgan to assert the perspective that the framework of justice, rather than the framework of human rights, would better serve Argentinian abortion activists. Morgan’s suggestions of the superiority of “reproductive justice” was met with disdain by local Argentine feminists and anthropologists.

Argentine feminists deliberately claim abortion as a “human right” for the framework’s solidarity with larger, international organizations like the United Nations and Amnesty International, as well as its relevance in the local context. In this article, Morgan also presents the challenges abortion advocates have while confronting the conservative activists who argue that human rights activists during the dictatorship, most prominently seen in the form of the *Madres de la Plaza de Mayo*, were truly the ones advocating for human life. The relevance of the term “human rights” as it appears in the materials from pro-choice and pro-life advocates affirms the notion that the history of the dictatorship has shaped the fight for abortion decades later.

The Catholic Church in Argentina began a public action plan against the legalization of abortion between the years of 2005-2011, as seen in Dr. Jones’ article “Abortion and Political Protection of the Church Hierarchy in Argentina.” Today’s Pope Francis, Jorge Bergoglio, served as the Archbishop of Buenos Aires, Argentina from



1998 to 2013. The period in question in Dr. Jones' research shows Bergoglio presumably at the height of his role while serving as President of Episcopal Conference of Argentina between October of 2005 to October of 2011. Jones's research takes issue specifically with the "public action" plan of the Church. He uses qualitative methods to analyze newspapers and official Church statements to glean how the Church positions itself in the public sphere to argue for the continuation of a ban on abortion in the country. Jones concludes that the Church makes deliberate actions to prove that activists' claim that women deserve the right to abort is eclipsed by the dignity of all to have a right to life.

Mario Pecheny is an Argentine political scientist whose research details the history of the inherent conflict of the Catholic Church and other religious actors participating in sexual politics (contraception measures, effective sexual education, LGBTQ+ rights, and abortion) in his native Argentina. Pecheny presents the debate on abortion as a fight between modern, liberal-democratic Argentinian establishment, most notably in the form of Néstor Kirchner and Cristina Fernández de Kirchner, and the political preferences of the Catholic Church. In other realms of sexual politics—legalization of gay marriage, streamlined sex education, access to contraceptives—legislation has passed and remained law, while abortion outside of extenuating circumstances is still illegal. Pecheny has examined the way that the Catholic Church continues to oppose the passage of laws that ensure rights that encourage the separation of sexuality and procreation.

The work of Mónica Tarducci reveals the history of women's groups organizing and protesting Argentina's ban on abortion. She presents a history of the first emergence of women's reproductive rights groups formally organizing in Argentina during

feminism's Second Wave, delayed until the 80s during the country's democratic return. Tarducci, like Lynn M. Morgan, speaks to the importance of language. Her research reveals that in the re-democratization period, advocates for the legalization of abortion were swift to utilize slogans like "*No queremos abortar. No queremos morir de aborto*" (We don't want to abort. We don't want to die of abortion) as well as "*Que destino, que destino, muere una mujer por día por aborto clandestino*" (What a fate, what a fate, a woman dies everyday by clandestine abortion) (Tarducci 2018:426).

These slogans reflect the desires of these activists to elucidate the realities of maternal mortalities through the severity of potential loss of women's lives. Tarducci's article provides a thorough review of each decade's feminist movement, but the organization that has been most successful thus far is *La campaña nacional por el derecho al aborto legal, seguro y gratuito*. "The national campaign for the right to a legal, safe, and free abortion" has had the most success at moving the topic into the mainstream, out of the darkness. The efforts of this national campaign have propelled the debate on abortion to the national stage in Argentina. Activists and legislators involved with this group were responsible for drafting the legislative bill *Interrupción voluntaria del embarazo* (voluntary termination of the pregnancy) that was voted on in the House and Senate chambers in the summer of 2018. The organization outlines its personal history on their website, providing a timeline for their first meetings in 2003 and 2004 with the National Meeting of Women in Rosario and Mendoza, respectively. After formally launching the organization on Women's Health Day on May 28<sup>th</sup> in 2005, the group successfully lobbied and drafted legislation on the legalization of abortion that was first presented in congress in 2007. The National Campaign presented the latest draft of

the voluntary termination of the pregnancy bill for the seventh time on August 8<sup>th</sup>, 2018 and the vote lasted into the early hours of the next morning, where it ultimately failed by seven votes in the Senate (La campaña nacional 2019).

Juan Marco Vaggiones's chapter *(Re)acciones conservadoras*, in Paola Bergallo's collection on abortion law reform, *El aborto en América Latina*, aims to understand the motives and strategies of conservative actors, as well as how feminist organizations and lobbyists for the legalization of abortion can best counter the conservative movement. Juan Marco Vaggione identifies religious actors, specifically the Catholic Church, as the largest obstacle to passing legal reforms regarding abortion. In "Iglesia católica: Argentina, ni diversa ni laica" (Catholic Church: Argentina, neither diverse nor secular), Mónica Tarducci continues to explore how conservative actors resist the progressive reforms suggested by abortion expansion activists, addressing the ways that fundamentalism within religions work to thwart the passage of laws like "Voluntary termination of the pregnancy." Tarducci claims that fundamentalism should be understood as a modern movement within a religion, that is often separate from individual church-goers and believers. Fundamentalists, using a strict, literal interpretation of scripture, launch active and concrete campaigns to counter the policies that ensure sexual freedoms in Argentina (Tarducci 2004:192-193). Through the lens of the fight to legalize abortion, Vaggione asserts that there is insufficient autonomy of politics and law when it comes to religion (Vaggione 2017). *El aborto en América Latina* presents the argument that the resurgence of conservative political strength in the region and Argentina belongs to a larger transnational movement (Bergallo 2018:329, 351).

Legal scholars who work in abortion law reform, like Paola Bergallo in Argentina and Rebecca Cook in the United States, provide insight for analyzing the work presented by Eugenia Zicavo, Julieta Astorino, and Lucas Saporosi in their article “Sexual and Reproductive Rights in Argentina: Parliamentary Projects Referred to Abortion.” The bills recognized by the authors include a collection of bills that have been brought to the National Congress, from the complete decriminalization of abortion to the bill that successfully offered legal abortions in the case of rape, incest, and when the woman’s life is at risk. From the analysis provided here, the latest abortion bill, voluntary termination of the pregnancy, is a moderate stance in that it calls for legalization up until twelve or fourteen weeks, or up until the end of the first trimester. For scale, “Roe v. Wade” ensures that each state must allow legal abortions through the first trimester, giving individual states the authority to regulate the limit within the second trimester (Roe v. Wade 1973). The article also reflects the importance of language that signals socio-cultural values in Argentine society—bills opposing the legalization of abortion relied heavily on imagery of mother and child (Zicavo 2015: 97-98). The emergence of this kind of language sets the stage for the arguments frequently heard emphasizing the importance of abortion access for women and the commonly asserted facts used by pro-choice activists—that clandestine abortion complications are the leading cause of maternal mortality in the country and that approximately 500,000 illegal abortions are conducted each year (Zicavo 2015). The Foundation for Adolescent Health (FUSA) affirms that clandestine abortions present a definitive problem to women’s health in Argentina (FUSA 2018).

At the time of publication in 2015, Zicavo and the other authors note that despite several opportunities to be debated in congress, no initiatives to bring abortion legislation to the floor of the legislature succeeded. In 2019, Zicavo, Astorini, and Saporosi would be pleased with the progress achieved—the voluntary termination of the pregnancy bill lost narrowly in congress, after months of media attention and successful advocacy work brought the debate on abortion to the forefront of public discourse. October saw the election of Alberto Fernández for President of Argentina, who in mid-November of 2019 promised, “I’m an activist for putting an end to the penalization of abortion... As soon as we get to it, there will be a bill sent from the President” (Ginzburg 2019).

## Chapter Three:

### *Women's Organizations and the #AbortoLegalYa Movement*

#### **Introduction**

Several organizations comprise the Argentinian #AbortoLegalYa movement. The National Campaign for the Right to Safe, Legal and Free Abortion coined the motto *¡Aborto Legal Ya!* (Legal abortion now!) to convey the urgency of legalizing abortion in protests, publications, and social media use. The origins of abortion and other sexual rights activism dates back to the early 80s, during and immediately after the end of the military dictatorship. Decades later, the abortion advocacy movement continues to deliberately claim human rights language to combat opposing claims from Pro-Life and religious organizations. Through savvy use of social media, collaborations with feminist legislators and politicians, and public outpourings of support groups like the National Campaign and Catholic Women for the Right to Decide (CDD) have utilized contemporary tools to articulate a culturally relevant claim—human rights belong to a woman and her right to decide.

In the decade following the UN Conferences in Cairo and Beijing, developments in Argentina encouraged the growth of organizations like the National Campaign and CCD. Today, these groups continue to use a framework of human rights to argue for legal access to abortion. Interviews from *TV Pública Argentina* depict a variety of activists who continue to challenge the human rights claims made by religious and pro-life organizations with their own assertions that the rights in question should be reserved for women. Historically, the influence of the Catholic Church and unwilling executive

powers have thwarted the success of feminist organization's efforts to legally expand access to abortion in Argentina.

### **Feminist Movement and Human Rights Language**

Globally, the 1970s and 80s saw the emergence of second-wave feminism as activists in the United States and Western Europe advocated for causes like reproductive rights and gender equality in the workforce. Though feminist groups concerned with these issues also existed in Argentina, the dictatorship inhibited the growth of the movement. These groups moved into the public sphere after the election of Raúl Alfonsín in 1983. Alfonsín made efforts in the 1980s to create spaces for women's issues. He supported the establishment of national organizations on human rights and women's rights and programs in the Ministry of Health that focused on women's health and family development (Bilbao 2011:3). Mainstream radio and television programs produced in the late 70s and early to mid 80s inhibited feminist ideas from reaching the masses. Commercials and programs reinforced stereotypical, feminine ideals of women being mothers and housewives. During the dictatorship and in its immediate aftermath, "women could not have television or radio programs that promoted ideas that differed from the stereotypical, conventional model of woman as housewife or mother." Mass media and advertisements ensured that the Argentine female identity remain deeply rooted in her status as a wife or mother (Bilbao 2011:3).

In smaller, more niche circles, the Argentine feminists movements began to organize workshops, readings, and the publication of feminists magazines. Gender studies began to emerge as a serious field of study in the country's universities and in turn organizations began to be founded from as early as 1976, during the dictatorship.

Several more were founded in the immediate aftermath of the dictatorship's end between 1982-1984 (Bilbao 2011:7-8). Bookstores and magazines offered a wider dissemination of topics frequently debated and studied in feminist circles. Publications like *Feminaria* and *Sur* openly grappled with questions of reproductive and LGBT rights and were among the first to locally call abortion access a human right. Columnist Mabel Bellucci writes in the May 1994 issue of *Feminaria*, "There remains a long road for the basic human right of a women to terminate her own pregnancy and not subject herself to forced motherhood to become law"(Bellucci 1994:25). At the same time, President Carlos Menem called for an addition to the country's constitutional reform that stipulated one's right to life began at conception, challenging the efforts of abortion activists who claimed the right to decide belonged to the mother (Jones et. al 2018: 95).

Mabel Bellucci's column in *Feminaria* on abortion offers an interesting contrast to the country's current climate on abortion. Organizations like the National Campaign and CDD have worked to bring the topic of the abortion to the forefront of political discourse, encouraging debate and discouraging its being a taboo subject. From the 1994 article, Bellucci writes, "The depenalization and legalization of abortion more often generates a climate of silence than a climate of heated debate and disagreement between extreme positions"(Belluci 1994:25). The developments of the 21<sup>st</sup> century in the feminist movement in Argentina build upon the foundations built by late 20<sup>th</sup> century feminists. Early publications in magazines like *Feminaria* reveal thinkers who made the first connections between larger human rights frameworks recognized internationally and their local salience. With regards to public discourse on abortion, the 21<sup>st</sup> century successfully brought the subject to the public sphere in both explicit and more subtle ways. The



diffusion of women in the country wearing the green *pañuelo* in solidarity with the feminist movement reflects a growing confidence with drawing attention to the issue and publicly advocating for abortion's legalization.

### **Contemporary Abortion Advocacy Organizations**

The National Campaign for Legal, Safe, and Free Abortion describes itself as a “vast and diverse federal alliance, that articulates and forms a part of the developing fights in our country for the support of the right to legal, safe, and free abortion”(La campaña, quienes somos). The National Campaign includes several other feminist organizations that began to organize more seriously for abortion advocacy after the National Meeting of Women in Rosario in 2003 (Rosario plus). After they were formally founded on May 28<sup>th</sup>, 2005, The National Campaign has worked to execute the aims of their slogan, “Sexual education to decide, contraception to not abort, legal abortion to not die” (La campaña, quienes somos). The National Campaign notes that the number of women who have died of clandestine abortions since the re-democratization of Argentina in 1983 is estimated to be greater than 3,000 that the lack of legal abortion is a “great debt to democracy that constitutes a grave public health crisis”(La campaña, quienes somos). Today, the National Campaign has led the way for seven presentations of the Voluntary Termination of the Pregnancy bill in Congress, as well as workshops, marches, and organized events that encourage the expansion of reproductive health rights through sexual education, contraception, and abortion advocacy. Their website offers tutorials on how to write a letter of support to congress, news concerning reproductive health policy updates, and activities that offer abortion advocates opportunities to take action and protest together.

Another notable women's feminist organization that has greatly contributed to abortion advocacy is *Católicas por el derecho a decidir*, or Catholic Women for the Right to Decide (CDD). Several members or organizers of Catholic Women also participate in events put on by the National Campaign. Catholic Women offers similar insight as The National Campaign—encouraging women to participate in advocacy efforts and marches that support the expansion of reproductive health rights and most specifically the expansion of access to abortion. Their organization diverges from the mission of the National Campaign in their efforts to host these opportunities with resources that encourage Catholic women to understand their faith as a call to participate in social justice causes. Their “About” page writes that the CDD , “works for equity in gender relations and for women citizens by countering, from a theological and feminist perspective, religious fundamentalism”(Católicas 2016). Their organization belongs to a larger network of other groups of Catholic women working in abortion advocacy across Latin America and internationally, including Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Mexico, Nicaragua, Paraguay, Peru, and Spain (Católicas 2016).

Leadership and staff members for both organizations often work in close contact. Catholic Women for the Right to Decide are also heavily involved with the National Campaign for the Right to Legal, Safe, and Free Abortion. Both of these organizations aim to increase advocacy for the legalization of abortion and foster discussion on women's rights, specifically concerning sexual and reproductive health. CDD diverges from the work done by the National Campaign in their focus on the relationship between reproductive rights, sexuality, women's health, citizenship and religion. Resources on their website include legal tools, links to radio shows discussing the intersection of

religious fundamentalism, secular states, and reproductive rights, interviews with feminist-theologians, as well as relevant books and videos (Católicas 2016). Their organization also offers post-graduate courses in conjunction with national universities in Sexual and Reproductive Rights and operates a research arm, “created to reflect and debate on the women’s situation in the current sociopolitical context, specifically in relation to sexuality and reproduction”(Católicas 2016).

Several publications on feminist theology speak to the reasoning behind Catholic advocacy for the expansion of abortion access in contrast to the human rights claims made by religious organizations. CCD has released one such publication, titled “Jesus and Women: a letter on religion,” authors María Teresa Bosio and María Marcela Frencia confront the current disputes between religious fundamentalists and the feminist’s movement. The letter tells a story in first-person of a young, Catholic girl who feels her religious beliefs can often come in conflict with her personal beliefs on gender and sexuality. Using examples from the New Testament, the first-person narrator offers the perspective that Jesus’ empathy and empowerment of all peoples in the Bible, especially those who were deemed unworthy by Jewish religious leaders at the time, calls people to respect and uphold the dignity of all people in modern times as well (Bosio and Frencia 2017:14).

The letter offers an introduction to feminist theology and the groups’ refusal of the ecclesiastical hierarchy of the Catholic Church and encouragement of a free consciousness (Bosio and Frencia 2017:49-50). This first-person narrator addresses the conflict between Church teachings on the strict delineations of sexuality and its real-life implications, including the immorality of abortion. The narrator reviews real life

examples of religious fundamentalists whose activism inhibited access to abortion, like young women who have been raped and refused abortions, although abortions are legal under those circumstances (Bosio and Frencia 2017:29). As an educational tool, the letter provides a straightforward summary of how members of CDD use their faith to support progressive policies and how they challenge the “Pro-Life” approaches made by their Catholic counterparts.

Along with their involvement with the Voluntary Termination of the Pregnancy bill, two women involved with the National Campaign are responsible for establishing the unifying symbol of the abortion advocacy movement. The *pañuelo*, or handkerchief, was already a symbol of women organizing for political gain in Argentina. In an article from the Rosario newspaper, *Rosario Plus*, two of the women involved with the first organization of the National Campaign thought of the white handkerchief that symbolized the Argentinian women’s movement for the right to vote in the 1940s. A few decades later, the grandmothers and mothers who protested their disappeared loved ones during the dictatorship of Rafael Videla also donned white handkerchiefs around the heads.

Diverging from the neutral white previously used, Director of Rosario Institute for Gender, Development and Human Rights, Susana Chiarotti and Marta Alanis, with CDD, elected to choose green to symbolize the women’s right for abortion. Both women came to a consensus that the color should not be neutral. Their decision to choose green was rooted in Susana Chiarotti’s explanation that, “green is a color that signifies life, and we shouldn’t let that word be taken away from us”(Makaroff 2018). In images of public protests for abortion specifically, as well as more general marches for women’s and

LGBTQI rights, a sea of green handkerchiefs reflects the ubiquity of the symbol across progressive sexual politics in Argentina. Today, the green handkerchief has evolved to represent feminism and progressive feminist politics across the region. Below is an image from the National Campaign's Twitter account that depicts *la marea verde* or the sea of green visible at the organization's protests (La campaña 2020).



### **Human Rights Language in Argentinian Media**

TV Pública Argentina produced a series of three videos released in late July of 2018, just a few days before the historic vote on August 8<sup>th</sup>, 2018. These three videos are compiled of three pairs of women— activists, students, and legislators—all answering similar questions that seek to understand their support or opposition to the *Proyecto de ley: interrupción voluntaria del embarazo*, or legislative bill: voluntary termination of the pregnancy (VTP). Throughout the course of their interviews, each respondent is asked questions regarding their introduction to advocacy for this issue, what they believe the final result of this debate serves, and other stimulating questions that offer each participant the opportunity to utilize the “human rights” language frequently used by both sides of the abortion debate. Talk of rights, freedom, and life abound in the responses from each of the individuals interviewed, offering a glimpse into how activists on both

sides utilize similar language to conceptualize and argue for the outcome of the bill that they desire. The respondents' answers serve to represent the opposite poles of the debate on abortion. Those chosen to participate in the videos are known by their credentials as activists or legislators. Their responses lend insight to the way participants in advocacy and activism related to the abortion debate vocalize their opinions in ways that reflect the identities of their respective causes.

The participants in the activists' videos were 40-year-old activist Celeste Mac Dougall, with the National Campaign for the Right to a Legal, Safe, and Free Abortion and 28-year-old lawyer Sofía Matozzi, with the Federal Commission of Lawyers for Life. The participants in the legislators' video were 46-year-old Romina Del Plá, representative from Buenos Aires province with the Left Front party and 53-year-old Silvia Elías de Pérez, Senator from Tucumán with the *Cambiamos* party. The participants in the students' video were 18-year-old Ofelia Fernández, an ex-study body president of her high school in Buenos Aires and 24-year-old Sol Buchanan, a political science student at la Universidad Católica Argentina in Buenos Aires.

Opponents of the VTP bill repeatedly spoke “about” the sacredness or sanctity of life, in reference to the Catholic teaching that life begins at conception. In a document published within the Congregation for the Doctrine of the Faith on the procuring of abortions, the Catholic Church states, “Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person—among which is the inviolable right of every innocent being to life”(Catholic Church 2009). Activists arguing for the passage of the on the voluntary termination of the pregnancy bill relied on

language that reflected female autonomy over one's own body and a woman's "right" to choose what she does with her pregnancy. Though seldom, some activists for the legalization of abortion also spoke in terms of "life," crediting that the mental and physical of health of women is at risk when they are prevented from seeking abortion.

While answering the first question offered in the video of the legislators— why is it important to have this vote in the senate—Senator Silvia Eliás de Pérez states, "In reality this bill doesn't help anyone... This bill discriminates against those [unborn] persons who are wanted or unwanted— if they're wanted then those persons have all the rights, while unwanted persons don't even have a chance at life. This bill is not good because it's unconstitutional, it's unconventional, and it goes against all the rules we have today in Argentina"(YouTube 2018, legisladoras). In this case, Senator Pérez uses language of discrimination to describe the reasoning for opposition to the legalization of abortion. This stance emulates the arguments once singularly posed by the proponents of the VTP bill, who claim that lack of access to abortion discriminates against the women who may need one. Pérez also calls the bill unconstitutional—claiming unconstitutionality calls to mind the work done by Paola Bergallo and other legal scholars who have worked to interpret the constitution in a way that places the rights in favor of women (Bergallo 2016:229-230).

As for the arguments articulated by women in favor of the legalization of abortion, activist Celeste Mac Dougall states that, "this bill is one that guarantees life, health, and freedom of decision-making for all women and others with the capacity to be pregnant"(YouTube 2018, legisladoras). Celeste's use of life is a tactic typically used by opponents to the VTP bill. The larger movement of those who oppose the legalization

and depenalization of abortion is known by the phrase “Salvemos las dos vidas,” or let’s save two lives. The activist that follows Mac Dougall also speaks to the importance of liberty and life, but asserts that these concepts do not apply to only the women who may seek an abortion. She claims that in a world where the VTP bill is passed, people will soon be living by “a theory of discarding things... if something or some person doesn’t serve me, I get rid of it... this bill will not solve the social problem that we have”(YouTube 2018, activistas).

The use of language that concerns human rights and life appears repeatedly from both ends of the debate on the legalization. What separates the two sets of activists is the ways in which those who support the legalization of abortion talk about the progress that has already been made through debate, protests, and activism. Celeste Mac Dougall calls this a “social depenalization” of talking about abortion (YouTube 2018, activistas). Representative Romina Del Plá echoes this in her responses, noting that abortion is typically a subject “that no one speaks of and everyone hides”(YouTube 2018, legisladoras).

The interviews from TV Pública Argentina prove that the debate on abortion has emerged from the shadows and come to the forefront of political discourse. Examples of abortion’s move into the mainstream can be seen in its relevance in the 2019 presidential election and the symbolism of the issue’s representing support for feminist ideals. At the time of the vote in 2018, conflicting opinions on abortion evolved from being a taboo subject to a subject of nightly news. On both sides, the local and international media coverage that centered on the vote in the winter of 2018 created an environment in which the debate fostered active participation in the form of public protest by the voluntary



termination of the pregnancy's vote in August of 2018. In the 2019 presidential elections candidates were frequently asked on their stance on legalization and depenalization (Ginzberg 2019). Both the feminist organizations and conservative religious activists have used the direct media attention and individual efforts to manage social media accounts to disseminate information and project their opinions on the argument to the public.

## Chapter Four:

### *Church and Pro-Life NGO Activism*

#### **Introduction**

Though Argentina has no political parties or coalitions from the religious right in their national legislature and maintains a fairly secular state compared to other states in the region, the Catholic Church continues to have a looming influence in the highest levels of government. During the 1990s, President Carlos Menem exemplified an alliance between government officials and the Catholic Church, going so far as to propose an addition to the reformed Constitution that would ensure the ‘right to life’ since ‘conception’ (Jones et. al 2018: 95). The Argentine case reflects larger, international efforts by the Catholic Church to incorporate human rights language in anti-abortion advocacy. The push by Pope John Paul II in the 1980s to use the “Pro-Life” label was heeded by local arms of the Catholic Church in Argentina. However, the recent effects of the dictatorship harmed the Church’s credibility in advocating for human rights.

Modern efforts utilize several of the same tools used by the feminist and women’s organizations advocating for the expansion of abortion access. In pro-life publications from both religious and secular sources there is an emphasis on the term “life” and a repeated assertion that life begins at conception. Menem’s effort to include life’s start at conception in the constitutional reform of 1994 proves how salient this point is for pro-life supporters. Language from Church publications continues to emphasize the sanctity of life from its conception and fails to comment on its complicity in the crimes of the dictatorship.

## Religious Activism and Strategic Secularism

Though the Catholic Church plays a large and visible role in Argentinian society, other organizations contribute to the growing “Pro-Life” movement that challenges the advances encouraged by women’s organizations. Argentine social scientists agree that the Catholic hierarchy and conservative, Evangelical churches have led the way to challenge the advancements made by feminist and women’s movements regarding abortion. Their efforts have been matched by the evolution of *pro-vida* or “Pro-Life” NGOs. The emergence of the “Pro-Life” label in the 1980s can be traced to the international effort spearheaded by the Vatican under Pope John Paul II in opposition to abortion (Morán Faúndes 2018:56). These organizations have the opportunity to mobilize in the public spheres in ways the Church cannot (Morán Faúndes 2018:54). Though often influenced by religion, NGOs situate themselves in the post-dictatorial democratic process as entities concerned with promoting their members’ best interests in the public sphere. Religious leaders and churches do not have the same sort of direct access to community organizing and political advocacy (Morán Faúndes 2018:54-55). Some organizations were founded in the mid-20<sup>th</sup> century, years before their counterparts in the U.S. and Europe began to organize. In the late 80s, the Pro-Life movement in Argentina began to develop modes of activism that fit the historical context of the country through developing rhetoric that focuses specifically on the right to life (Morán Faúndes 2018:55).

The years of Kirchnerism (2003-2015) reflect conflict and compromise between the executive and the Catholic Church on sexual rights (Tabbush, et. al 2018: 88). The first two terms of the Kirchners, with Néstor Kirchner serving from 2003-2007 and Cristina Fernández de Kirchner serving from 2007-2011 resulted in several successes for

the progressive sexual rights agenda, much to the Church's chagrin. The last four years of the Kirchner years, 2011-2015, diverged from the oppositional relationship maintained between the Church and State in previous terms. Previously, CFK had utilized a "period of high government popularity" to advance the Marriage Equality Law of 2010 (Tabbush et. al 2018:88-89). CFK's final years as head of state coincide with Cardinal Bergoglio being named Pope Francis in 2013. Ultimately, Kirchner began drawing closer to the Vatican and her compliance with the Catholic Church in her last term "thwarted measures that caused the Church's unease"(Tabbush et. al 2018:88). In comparison to the previous years of Kirchnerism, the new partnership between CFK and the Pope created an unfavorable environment for the parliamentary review on the VTP bill in 2014.

What largely taints the Catholic Church's usage of human rights language in the context of the abortion debate is their intimate history with the authoritarian regime under General Videla. Sociologist and Jesuit Gusavo Morello makes the argument that not all Catholics are alike in this era—especially those in leadership. Though several Bishops and other Church leaders cooperated with the torture, kidnapping, and incarceration of radical and liberal priests, others were being hunted by the government with help from leaders (Young 2015). This facet of the Episcopal Conference of Argentina's history conflicts with their 1984 statement on the Church's recognition and support for human rights. Though the Church did not immediately use this framework to shape their stance on abortion, concerns over other issues on the Church's agenda were made known very quickly after the democratic election of Raúl Alfonsín using human rights language.

The article "Catholic Church in front of sexual politics: the configuration of religious citizenship," by Vaggione explores the configuration of religious citizenship in

Argentina and provides a helpful framework for understanding the ways in which conservative activists operate in Argentina. Vaggione’s research points to several different components of religious citizenship that are exercised by members of the Church to encourage believers to integrate their faith into their lives as citizens—the redrawing of identity borders, the mobilization of beliefs, and the recognition of religious rights (Vaggione 2017:2-3).

Vaggione’s definition of the configuration of religious citizenship affirms the notion that individuals and Pro-Life NGOs do work that lies beyond the reach of churches in Argentina. In the words of Pope Benedict XVI’s announcement during a UN Visit, the leader of the Catholic Church stated that it’s inconceivable that “believers must eliminate a part of themselves—their faith—to be active citizens”(Vaggione 2017, Benedict XVI 2008). Religious citizens, as they are defined by Vaggione, challenge ideas of secularism and incorporate their faith through political activism.

The development of a conservative, Christian movement, predominantly present in the Catholic and Evangelical churches, occurred in unison with the development of feminist and LGBTI movements. Morán Faúndes writes, “since the 1980s ‘Pro-Life’ have developed other forms of activism that transcends the actions of [the Catholic and Evangelical] churches”(Morán Faúndes 2018:54). These developments in Pro-Life activism aimed to make a legislative and judicial impact outside of the efforts already made by the church. Specifically, these organizations use talk of rights to assert religion’s role in the public sphere. Starting in the 1990s, the Catholic Church, under the leadership of Pope John Paul II began to vocalize their opposition to the expansion of legislation that contradicted their view of sexual morality. Pro-Life organizations and local

leadership in the Catholic Church in Argentina followed the lead of the Vatican, expanding the scope of their NGOs to offer social services to expecting mothers and creating spaces for Argentinian professionals to gather with other like-minded individuals(Vaggione 2017:18).

The encouragement of incorporating faith in the workplace resulted in the creation of organizations specifically for lawyers and doctors, offering these individuals opportunities to discuss and implement ways to challenge abortion in their respective fields. These organizations have strategic lobbying leverage. Efforts to elect pro-life officials were also followed by efforts to take action in the courts. Morán Faúndes writes that “this new form of political intervention at the end of the Menem regime led various ‘Pro-Life’ NGOs to make extensive use of legal strategies, with the goal of delaying the implementation of certain policies or avoiding people having access to certain sexual and reproductive rights guaranteed by law”(2018:59). Legal actions initiated by Pro-Life NGOs is just one example of the ways in which these organizations have access to the public sphere in ways the Catholic Church cannot.

Mónica Tarducci addresses the rise of fundamentalism as a component in conservative activism. Other social scientists with similar research interests, like Juan Marco Vaggione and José Manuel Morán Faúndes, conceptualize fundamentalism in different terms. In her work analyzing and understanding the strategies employed by religious institutions and NGOs, Tarducci argues that fundamentalism inhibits the separation of Church and State. Tarducci opens with a mention of international women’s pact titled “Fundamentalism as a Present and Increasing Threat to Women’s Human Rights” signed between several different women’s organizations from around the world

(Tarducci 2004). Her concern stems from an array of different women’s organizations in Latin America and the Caribbean who felt their states were failing to be separate from the Church due to the rising influence of fundamentalist leaders and activists. She defines “fundamentalism” as something larger than belonging to just Christianity or Catholicism. She writes that fundamentalist movements emerge within each religion worldwide, and that each fundamentalist movement, “shares certain elements: it’s a modern phenomenon, separate from historic precursors; appeals directly to Scripture; it’s oppositional; and unifies a group whose members view themselves as a part in preserving a sacred remnant of a past and guarding the future”(Tarducci 2004:192).

Regarding the organizations concerned with opposing the expansion of abortion rights, individuals are encouraged to move away from keeping their faith separate from their citizenship. As Church and NGOs strategize to sway public opinion on the subject of abortion, use of human rights language is integral to framing Church teachings. All Pro-Life NGOs and anti-abortion advocates use language that speak to life as the first human right and incorporate life in the names of their organizations and in the slogan for their broader movement—*Salvemos las dos vidas*. or “Let’s save both lives.” Religion-adjacent activists combine the resonant human rights framework with a strategically secular angle. An activist interviewed in “Abortion and Human Rights” notes that these opponents purposefully argue their perspective from their professional knowledge as doctors, lawyers, or scientists and not from religious conviction.

Though an organization also rooted in faith, CDD provides a stark contrast to the rise in religious fundamentalism cited in the research of Juan Marco Vaggione and Mónica Tarducci. The workshops, seminars, and marches hosted by CDD and the

National Campaign are matched with the development of “an intensification of the defense of rights related to free exercise and expression of religion” (Vaggione 2017:3). Vaggione speaks of the conservative Catholic activists’ use of a “strategic secularism” to fashion believers into civic-minded citizens as well. The argument for secularism also provides religious activists opportunities to counter arguments from oppositionists with complaints of infringing on their right to practice their religion.

Unidad Provida (Pro-life unity) is part of a larger network of anti-abortion activists who conduct their activism behind the slogan *Salvemos las dos vidas* (Save both lives) in Argentina. Like the aims of CDD and the National Campaign, Unidad Provida offers news articles, information on marches and activism, and opportunities to volunteer with mothers in poor conditions. Several of the non-profits involved are connected to Catholic and Evangelical churches (Unidad provida). In contrast to the green that marks the feminist movement and its activists, anti-abortion activists have adopted a celestial blue handkerchief, that matches the blue seen on the Argentine flag. These handkerchiefs have the “Save both lives” slogan emblazoned on them.

Several Pro-Life non-profits working to stem the legalization of abortion do not have full or functioning websites, or a website at all, in contrast to the resource-rich and streamlined look of the websites of The National Campaign and CDD. The news source *notivida.com.ar* is one such website that contains updates concerning developments on “the promotion and defense of human life and the family”. Their outdated website does include functioning links to other Facebook pages and news articles. Bulletins on Notivida go back to 2001 and other features of the website include proposed legislation, court rulings, and publications on a variety of different sub- topics concerning abortion.



*Unidad provida*, or Pro-Life Unity was an exception; other pro-life groups only utilized social media accounts like Facebook, Twitter, and Instagram. Santiago Santurio, the director of one of these organizations, *Votá dos vida*, spoke to the Catholic news source *Aciprensa.com* citing that pro-life activists had a lot of work in front of them. The election of Alberto Fernández and Cristina Fernández de Kirchner signaled that, “we have to work together, in a more organized and strategic manner, carrying out concrete actions that make people more conscious of the importance of the two lives”(Ramos 2019).

Online resources for the Pro-Life movement, through the Church and advocacy-oriented NGOs, are not as ubiquitous as those articulated and disseminated by pro-abortion advocacy groups. Both groups utilize Twitter to advertise events and opportunities for protests. Pro-Life Unity has 11,200 followers compared to the 117,600 who follow the National Campaign. This difference in followings may signal to the difference in demographics for who supports the expansion of abortion legislation and other issues concerning gender and sexuality. In a study conducted by the Center for Research in Applied Statistics, 68% of a sample of approximately 500 young people living in Buenos Aires supported the passage of the voluntary termination of the pregnancy bill (UNTREF 2019). Though this sample cannot be indicative of the attitudes of all youth in Argentina, the survey serves to affirm that young and urban populations are most likely to vocally support the work being done by CDD and the National Campaign.

## Human Rights Language in in Church Publications

The Catholic Church also utilizes human rights language to challenge the stances taken by feminist organizations lobbying for the legalization of abortion. The Catholic Church as an institution in Argentina has a somewhat murky history. In the years following the dictatorial era, evidence emerged proving that several Church officials had not acted to challenge the disappearances and torture being carried out by Argentina's dictatorship from 1976-1983 (Le Goff 2013). The Catholic Church turned to the use of human rights language alongside the development and organization of Argentine feminists' organizations. Publications from the Episcopal Conference of Argentina show statements challenging the legalization of abortion that say, "No right exists to cause the death of our own children"(ECA 2007) and "laws should care for and defend life, the first of all human rights"(ECA 2003). The emergence of these publications follow a similar timeline to the development of groups like The National Campaign for Legal, Safe, and Free Abortion and Catholic Women for the Right to Decide. Efforts by the Catholic and Evangelical Churches match the efforts made by abortion advocates. These examples from the early 2000s, within the first Kirchner administration, reflect the Church's alignment with the Vatican concerning the prioritization of limiting the expansion of abortion rights (Jones et. al 2018: 95-96, Tabbush et. al 2018:88).

A central theme in the arguments made by the Catholic Church is the importance of family. In their 2003 publication "Family, Communion of Love, the work of all" the Bishops of Argentina provide six points that promote the family. The second of these points concerns supporting laws that promote life. Statements like these point to components of religious citizenship as delineated by Juan Marco Vaggione—there is a

clear crossing of identity boundaries, a mobilization of beliefs, and acknowledgement of religious rights present in the Church's call for laws that protect life in accordance with their beliefs. (Vaggione 2017). In this context, the Catholic Church directly calls upon citizens to incorporate their faith into their politics and call upon legislators to create laws that reflect the conventional family structures they value and want to uphold (Saéz, Morán Faúndes 2018:7).

Other arguments made in the document, such as “*No existe un derecho a causar la muerte de los propios hijos*” (There does not exist a right to kill one's own children) assert that no legislative or judicial authority in the country has the authority to rule over abortive measures, since the issue involves the life of an unborn child. The document reads, “There is no norm in our legislative system that authorizes governments, provincial legislatures, or the city of Buenos Aires to legislate over substantive issues... Abortion is never a solution. The option will always be life. We are convinced of this truth. We call upon every citizen to support the defense of life and for our legislators to defend the Constitution”(ECA 2007). Here the Church is calling for a synthesis of faith and citizenship, rather than a separation of religious belief from civic participation.

These publications from the Episcopal Conference of Argentina clearly display their response to the polemic question concerning abortion in Argentina: to whom does the right to life belong? In these publications, the Catholic Church asserts that the laws should protect life: namely the life of the fetus. The language seen in these publications do not reflect the nuances of the arguments typically propagated by feminist organizations that illegal abortions are one of the leading causes of maternal deaths in the country. The aim of these publications is to frame the rights language to fit the argument

at hand. The letters from the ECA emphasize that the first right of all human rights is life and grant that right to the unborn child. Apart from these explicit declarations that life belongs to the fetus first and foremost, these publications do not directly address points made by women's feminist organizations on the subject of public health. Though there are invocations of legislative authority and constitutionality, there is no mention of maternal mortality rates.

### *Conclusion*

The Catholic Church, Evangelical Church, and non-religious NGOs play distinct roles to work together in achieving their agenda: ensuring that progressive abortion legislation is not passed. However, these groups are at the whims of the shifting political climate. Argentina's two-party system contributes to a pendulum-swing effect in moving abortion legislation. The election of President Alberto Fernández and his running mate, Cristina Fernández de Kirchner, intimates that the narrow failure of the VTP bill in August of 2018 will not be repeated.

The emergence and solidification of local feminist movements occurred in unison with John Paul II's call for "Pro-Life" action from the Church. These organizations demonstrate specific strategies that emulate those invoked by the feminist organizations in spite of this. Non-religious NGOs especially employ the tenets of strategic secularism by providing social services to vulnerable mothers in place of abortion access and through advocating against abortion through their perspectives as professional lawyers, doctors, and scientists—not with religious conviction.

## Chapter Five: *Conclusion*

### **Whose Right Is It Anyway? Looking Forward**

In this thesis I have displayed the timeline of abortion legislation advocacy in Argentina and the obstacles feminist organizations face in seeking to legalize legal, safe, and free access to abortions for all women. The human rights language utilized by both religious, conservative non-profits and Church outlets and feminist women's organization reveals a keen sensitivity and intentional decision to appeal to local sentiments. Ultimate success in the legislature, however, hinges on the insider cooperation of legislators and executive powers that champion the causes organized by NGOs.

When I first began this research project, I predicted the success of the feminists' organizations efforts in abortion advocacy would increase over time, as the country leaves the dictatorship in its past and turns to the examples of Western Europe and its neighbor Uruguay in ensuring that abortion is an integral part of women's healthcare. I also anticipated that Catholic and Christian influences in politics would sharply decline over the course of the past few decades since Argentina's re-democratization. Naively, I failed to recognize at the outset of this project that progress with social movements is seldom linear.

The complexities of the political situation in Argentina and the development of strategies to counteract progressive sexual politics from Church institutions largely impact the timeline. As seen across the administrations of Carlos Menem, the Kirchners, Mauricio Macri, and now Alberto Fernández, the abortion debate in Argentina shifts and adapts to its political environment. My findings have led me to predict that within this next administration, led by President Alberto Fernández and Vice-President Cristina

Fernández de Kirchner, the Voluntary Termination of the Pregnancy bill will be passed. Fernández ran with the support of organizations like the National Campaign and CDD and has noted in debates and in recent months that he intends to pass legislation that would legalize access to abortion in the country.

Amidst the changes in the political climate, organizations like the National Campaign and CDD have proven the legitimacy to their claims of upholding human rights for women through their advocacy for abortion access and other facets of women's health, backed by larger international organizations' viewpoint that abortion, as an aspect of women's healthcare and a tool of bodily autonomy, is a human right (Sutton & Borland 2018:41). The Catholic Church's proximity and complicity in the human rights abuses of the regime under General Videla taints the Church's claims of seeking to uphold the honor and dignity of all life at all times. Barbara Sutton and Elizabeth Borland's research points to a 2012 comment from the National Campaign on the human rights framework in abortion advocacy, in which they say, "Those groups, which once again subject society to their dogmas of scorn and disqualification towards women, are resorting today to human rights discourse, when it is well-known that they took part in all the civil-military dictatorships in our country"(Sutton & Borland 2018:47).

I settled on this topic long after I left my semester in Montevideo and I conducted the research for this thesis project entirely from the United States. If I had the chance to do it again I would certainly conduct archival work in Argentina and gather data of my own on the ground. Finding public opinion polls on abortion legislation's favorability with the public was very difficult, but what I have contributed is a history of the debate's evolution and the tactics used by pro-life and pro-choice activists as they seek to persuade

public opinion, organize protests, lobby for legislation, and elect legislators who will advocate for their case in Congress, in court, and in the executive office.

The National Campaign is currently organizing protests and gatherings with the hashtag *#AbortoLegalYa2020* and celebrating the victory of having a liberal administration back in office. Within his first few weeks in office, President Fernández sought to guarantee abortion access to victims of rape (Bronstein 2019) and addressed Congress in late February to announce that he will introduce a bill legalizing abortion within the next ten days. These developments all point to the success of the organizing, lobbying, and legal work conducting by abortion advocates in communities and in Congress. However, these developments are often at the whims of the political administration in power. Argentina's history depicts an oscillating pendulum of successes and failures on either side of the debate as liberal and conservative leaders come in and out of office.

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