



## ORIGINAL PAPER

# Social Mobilization and Political Representation: The Women's Movement's Struggle for Legal Abortion in Uruguay

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Abstract This article analyzes the political process leading to the recent legalization of abortion in Uruguay, underlying the multiple strategies resorted to by the women's movement to create a social consensus around women's rights—and, more generally, around sexual and reproductive rights—as belonging to the realm of human rights. It seeks to identify the main reasons accounting for the movement's success, which appear to be connected to the breadth of its repertoire of actions, progressively expanded to include various (and sometimes innovative) strategies operating in both the realm of civil society and public opinion and the sphere of political institutions and political representation. Focusing on the dyad speech action, the article examines the movement's broadened repertoire of actions as well as its discourse setting human rights as a horizon of legitimacy in the context of a cultural war against a countermovement organized in defense of the status quo. Last but not least, it analyzes the issues pertaining to political representation brought to the forefront by the clashes, discrepancies, and disconnections between social movement and political institutions.

**Résumé** Cet article analyse le processus politique menant à la récente légalisation de l'avortement en Uruguay, qui sous-tend les stratégies multiples amorcées par le mouvement féministe pour créer un consensus social autour des droits des femmes - et, plus généralement, autour des droits sexuels et génésiques - comme appartenant au domaine des droits de l'homme. Il vise à identifier les principales raisons qui expliquent le succès de ce mouvement, qui semble être lié à l'étendue de son répertoire d'actions,

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progressivement élargi pour englober différentes stratégies (et parfois innovantes) fonctionnant à la fois dans le domaine de la société civile et de l'opinion publique et dans la sphère des institutions politiques et de la représentation politique. S'intéressant principalement à la dyade parole-action, l'article étudie le répertoire élargi du mouvement d'actions ainsi que son discours déterminant les droits de l'homme comme horizon de légitimité dans le contexte d'une guerre culturelle contre un contre-mouvement organisé pour la défense du statu quo. Enfin et surtout, il analyse les questions relatives à la représentation politique, portée à l'avant-garde par les affrontements, les divergences et les déconnexions entre le mouvement social et les institutions politiques.

**Zusammenfassung** In diesem Beitrag wird der politische Prozess analysiert, der zu der kürzlichen Legalisierung von Abtreibungen in Uruguay geführt hat. Dazu hat man die zahlreichen Strategien zugrunde gelegt, die die Frauenbewegung anwendete, um einen sozialen Konsens dahingehend zu erreichen, dass die Rechte von Frauen - und im weiteren Sinne die sexuellen und reproduktiven Rechte - zu den Menschenrechten zählen. Es sollen die Hauptgründe für den Erfolg der Bewegung ermittelt werden, die scheinbar mit deren großen Handlungsrepertoire in Verbindung stehen, welches zunehmend erweitert wurde, um diverse (und zum Teil innovative) Strategien einzuschließen, die sowohl im Bereich der Bürgergesellschaft und öffentlichen Meinung als auch im Bereich politischer Institutionen und politischer Vertretung eingesetzt werden. In dem Beitrag konzentriert man sich auf die Dyade zwischen Reden und Handeln und untersucht das erweiterte Handlungsrepertoire der Bewegung sowie ihren Diskurs, der Menschenrechte als Legitimitätshorizont im Zusammenhang mit einem kulturellen Krieg gegen eine Gegenbewegung zur Verteidigung des Status quo darstellt. Zu guter Letzt werden die Probleme mit Hinblick auf die politische Vertretung analysiert, die durch die Konflikte, Differenzen und Spaltungen zwischen der sozialen Bewegung und den politischen Institutionen in den Vordergrund gerückt werden.

**Resumen** El presente artículo analiza el proceso político que lleva a la reciente legalización del aborto en Uruguay, basándose en las múltiples estrategias a las que recurrió el movimiento de mujeres para crear un consenso social en torno a los derechos de las mujeres - y, en general, en torno a los derechos sexuales y reproductivos como pertenecientes al ámbito de los derechos humanos. Trata de identificar los principales motivos que explican el éxito del movimiento, que parecen estar conectados con la amplitud de su repertorio de acciones, ampliadas progresivamente para incluir diversas estrategias (y algunas veces innovadoras) actuando tanto en el ámbito de la sociedad civil y la opinión pública como en la esfera de las instituciones políticas y la representación política. Centrándose en la díada discurso-acción, el artículo examina el ampliado repertorio de acciones del movimiento, así como también su discurso estableciendo los derechos humanos como un horizonte de legitimidad en el contexto de una guerra cultural contra un contramovimiento organizado en defensa del status quo. Y por último, aunque no menos importante, analiza las cuestiones pertenecientes a la representación política puestas de relieve por las disputas, discrepancias y desconexiones entre el movimiento social y las instituciones políticas.



**Keywords** Uruguay · Women's movement · Abortion legalization · Sexual and reproductive rights · Human rights · Repertoire of contention · Political representation

#### Introduction

Forty years after Roe v. Wade, the world map of abortion offers a shocking graphic depiction of the situation of Latin American women. While most countries in the Northern Hemisphere have legalized abortion with no condition other than a reasonable time restriction, most countries in the South either ban it altogether (allowing it only when necessary to save the woman's life) or allow it under a very narrow set of circumstances, usually without effectively regulating its implementation. The situation is no different in Latin America, where abortion is legal only in Cuba, Mexico City, and, since 2012, Uruguay.

Although legalization campaigns have recently gained steam in many countries in the region, fueled by local efforts as well as regional and transnational activist networks, Uruguay remains unique in that the decades-long work of its women's movement has led to the legalization—and therefore, the democratization and deriskization—of a widespread practice hitherto available without risks only to its better-off citizens. In most other countries of the region, abortion remains an illegal procedure that is either tolerated but not publicly funded, and therefore too risky for poor women, or punished with prison sentences that in some cases are even longer than those applied for rape.

This article explores the activism of the Uruguayan women's movement in the pursuit of the legalization of abortion, an issue under debate in the country for over 25 years. This debate became especially intense starting in 2002, when for the first time a legalization bill was discussed and passed by the House of Representatives (but later defeated in the Senate). In the pages that follow, we focus on the events that took place since the leftist Frente Amplio won the presidency in 2005. The process is reconstructed with data obtained from the websites of newspapers, magazines, and radio stations, as well as from the web pages and Facebook profiles of organizations and campaigns, including publications, documents, brochures, videos, and photographs. Additionally, fragments of discourse are analyzed from both press sources and informal conversations with qualified informants and leaders of the women's movement.

In the first section, some basic information about the origins and evolution of the Uruguayan women's movement is provided, followed by a compressed chronology of its efforts to include sexual and reproductive rights in the public agenda and the evolution of the debate—as well as the ensuing shift in public opinion—regarding the legalization of abortion. The second and third sections focus on the dyad discourse-action, first by thoroughly analyzing the repertoire of actions through which the movement speaks, then by going on to analyze the discourse through which the movement acts—a discourse that sets human rights as a horizon of



<sup>&</sup>lt;sup>1</sup> Cf. http://worldabortionlaws.com/map/.

legitimacy and whose clashes with that of the countermovement that has emerged in defense of the statu quo add up to a true cultural war. The fourth section, in turn, focuses on the issues regarding political representation put forward by the social movement as its initiatives were repeatedly blocked or repealed by a maledominated political system viewed as increasingly disconnected from the public's demands. Lastly, our conclusions underline the main reasons accounting for the Uruguayan women's movement's success, which appear to be connected to the breadth of its repertoire of actions, progressively expanded to include various (and sometimes innovative) initiatives in both the realm of civil society and public opinion and the sphere of political institutions and political representation.

# From Feminist Extravagance to Citizen Demand: the Evolution of The Uruguayan Pro-legalization Movement

The women's movement in Uruguay—a country characterized by early processes of urban development and secularization—has a history that stretches back to the early 1900s, when its first organizations—champions of workers' rights on one hand, feminist suffragists on the other—were founded (Lissidini 1996). Laws imposing standards of labor safety and work schedules for women were enacted as early as 1905, the country's first Divorce Law was passed in 1907, and women gained the right to vote and be elected to public office as early as 1932. Abortion, however, was banned in 1938, when a law—which would remain in force until 2012—imposed 3-to 9-years prison sentences to women undergoing abortions. Although the law considered some exceptions, these were rarely invoked due to a lack of additional regulations; therefore, no mechanisms existed that could be used to obtain a legal abortion. In practice, punishments established by law were increasingly ignored but remained biased against women from the lower social classes.

Along with the birth-control pill and the ensuing "sexual revolution," the 1960s witnessed the feminization of university ranks and the growing protagonism of women in leftist parties and guerrilla movements (Sapriza 2009). The 1970s, in turn, saw the massive entrance of women into the labor market. Under the dictatorship (1973–1985) and especially in the early 1980s, new women's organizations were founded which focused, on one hand, on the satisfaction of subsistence needs and on the other, on the defense of human rights against state terrorism (Barreiro and Cruz 1988). Both organizational responses to socioeconomic deterioration and state repression shaped a social movement that Sapriza (2009, p. 65) describes as "structured by feminism."

After a brief period of inaction born out of the illusion that the restoration of democracy would by itself bring solutions to the problems that had given rise to women's organizations in the first place, the women's movement gathered new momentum, multiplied, diversified, and eventually became a dense network of political, union, feminist and social development organizations, plus academic units and highly specialized research institutes. More recently, this conglomerate was joined by sexual diversity organizations, women's natural allies in the struggle for the enshrinement of sexual rights within the framework of human rights.



Over time, sexual and reproductive rights and gender equality became the main themes of the Uruguayan women's movement. Not surprisingly, the criminalization of abortion came to be perceived as an attack on the autonomy of women, its deadly consequences as class discrimination, and the prohibition itself as the product of blatant hypocrisy in a country of little more than 3 million where 55,000 live births and between 30,000 and 60,000 abortions take place every year.<sup>2</sup>

Alternatives to clandestine abortion were discussed in Uruguay for over a quarter of a century. Starting in 1985, when the dictatorship came to an end, about a dozen decriminalization projects were drafted, but only a few were even discussed in congressional committees, and even fewer made their way into the House or the Senate. The relevance of the issue within the national public agenda increased in the early 1990s, in line with changes occurring at the regional and global levels. In 1990, the Fifth Feminist Meeting of Latin America and the Caribbean declared September 28 as International Day for the Decriminalization of Abortion in the region. During the 1990s, three influential United Nations conferences were celebrated revolving around human rights (Vienna, 1993), population and development (Cairo, 1994), and women's issues (Beijing, 1995). These events had institutional aftereffects in Uruguay, where sexual and reproductive health programs with a gender perspective and a focus on the expansion of rights were implemented since 1996 (López Gómez and Abracinskas 2009). As a result, the topic of sexual and reproductive rights started capturing the attention of other actors well beyond the feminist movement.

Public debate increased in the 2000s, in the context of an economic crisis that provoked a steep increase in the number of abortions performed in high-risk conditions, which therefore became the first cause of maternal mortality in the main Uruguayan public maternity hospital. Health professionals reacted by making a public denunciation and forming a group named Sanitary Initiatives, which put pressure on the government to issue clinical guidelines for post-abortion care (even when the procedure itself remained illegal) and then closely monitored their implementation. These actions, along with later pro-decriminalization expressions delivered from respected sites of medical knowledge, had a strong legitimation effect on the discourse of the women's movement.

In 2002, the National Coordination of Organizations for the Defense of Reproductive Health was formed, including a variety of women's organizations, trade unions, neighborhood, professional, human rights, youth and sexual diversity organizations, advocacy groups for people of African descent, and even a few religious associations. Later that year, an initiative was drafted for a Law of Defense of Sexual and Reproductive Health that would provide for sexual education, reproductive health, family planning and contraception, and abortion rights. The initiative received half congressional approval in December 2002, while opinion surveys showed a 63 % of public support for decriminalization. Both the National Coordination, on one side, and religious organizations, on the other, developed

<sup>&</sup>lt;sup>2</sup> According to Sanseviero et al. (2003), the number of abortions in the early 2000s was 33,000 per year; some NGOs, however, estimate that it might be about twice as high.



strong campaigns and resorted to mobilization for and against the initiative, which was defeated in the Senate in May 2003.

Despite this hard blow, the pro-legalization conglomerate expanded further in 2004, when the national labor federation first pronounced itself in favor of legalization on Labor Day. Explicit support also came from the national student federation (FEUU) and the authorities of the main Uruguayan university, the Universidad de la República, which also produced abundant research and became a frequent site for informational events and public debates.

Although the pro-legalization movement had long set their expectations in the imminent presidential victory of the Frente Amplio leftist coalition, even before taking office president-elect Tabaré Vázquez announced that, out of his personal convictions, he would veto any legislation decriminalizing abortion. Still, Frente Amplio senators introduced a new legalization initiative in 2006, which was passed by the Senate in late 2007 and by the House of Representatives a year later. Despite intense activism by the women's movement, a presidential veto soon eliminated all of the law's provisions regarding abortion, and the congressional Frente Amplio could not produce the supermajority required to overturn it. Efforts were then refocused toward forcing the issue—which had now made its way into the party program—on the center stage of the 2009 electoral campaign.

Led by José Mujica—who had as a senator voted in favor of the bill that Vázquez had vetoed—the Frente Amplio retained the presidency and obtained majorities in both houses of Congress in 2009. By 2011, a new initiative had been drafted that not only repealed the prohibition of abortion but also guaranteed free coverage of the procedure by all health services. The bill was passed by the Senate but was subject to intricate negotiations and radical modifications in the House, leading to the introduction of an alternative decriminalization proposal that was eventually made into law. As a result, a number of conditions were imposed on women requesting an abortion, most notably a compulsory consultation with an interdisciplinary team of specialists followed by an equally compulsory 5-day "reflection period," plus a conscientious objection clause for health professionals and an exemption from performing the procedure for institutions opposed to it. The law was widely criticized by the women's movement all along but nonetheless fiercely defended once approved as revocation initiatives were immediately launched by the countermovement.

At this point a lot had changed since the early years, when the legalization of abortion had been demanded exclusively by feminist organizations, not recognized as legitimate stakeholders and lacking the ability to set the public debate agenda (Johnson 2011). A position favorable to decriminalization was now held by a growing majority of public opinion in almost all socio-demographic segments.

According to a study by MORI, in 2004, 63 % of those surveyed were in favor of a law including sex education, access to contraceptives and abortion rights.<sup>3</sup> According to data from Factum, in 2007, the legalization initiative gathered 61 % of public support, with 27 % of opinions against. The favorable position was positively correlated with education and socio-economic levels and negatively correlated with

<sup>&</sup>lt;sup>3</sup> Cf. http://www.chasque.net/frontpage/aborto/01noti043.htm.



religiousness (Rossi and Triunfo 2010). Other studies showed that approval figures were higher among those better informed—a task consistently undertaken by the women's movement. As a political weapon, the will of the citizenry as expressed in opinion polls was repeatedly invoked at least since 2004—as the pro-legalization majority began to consolidate and the number of its allies increased—to urge political representatives (legislators as well as the president) to properly represent their electorates.

# **Campaigns and Actions**

Starting in 2002, the pro-legalization movement's symbol was an orange hand raised to vote for the Sexual and Reproductive Health Law—that is, designed to accompany the parliamentary process. From then on, all the movement's campaigns had two clear targets: the citizenry and congressional representatives. The slogan used in 2006—"Citizen campaign for legal change"—grasped these two aspects well. Change had to come about through Parliament; however, according to polls, legislators were less liberal then the citizenry as a whole and unwilling to anger their more conservative and politically active constituencies and religious leaders. Therefore, the pro-legalization movement set out to accomplish two simultaneous tasks: on one hand, it presented the citizens with information and arguments aimed at creating a social demand around the issue, while documenting their advances through opinion surveys the results of which were disseminated in order to exhort legislators to "respect the majoritarian will of the citizenry." On the other hand, intense one-on-one work was done with legislators in an attempt to collect their votes and build a legislative majority.

By 2009, Uruguay had a law that established the basis for a system of sexual and reproductive rights. The campaign on that year was accordingly centered on two mottoes: "These are your rights, assert them (Decisions regarding your body, your health, and your life belong to you)" and "Your sexual and reproductive rights count." As a result of the partial presidential veto, however, the new legislation neither legalized nor decriminalized abortion. Not surprisingly, a radical change in the framing of the movement's demand took place right after the Mujica inauguration, when a new campaign was launched entitled "Yes to the law—Legal abortion 2010"—and renewed year by year afterward. Thus, abortion (and its legalization, no less) made its way into the movement's motto for the very first time. This setting aside of euphemisms was the result of intense internal debate and ended in the disengagement of a number of organizations that would not go further than supporting generic reproductive rights. The Coordination was therefore reshaped to include a new set of feminist, women's, social, trade union, student, human rights and LGBT organizations, and subsequently renamed Coordination for Legal Abortion.

# A Wide Repertoire

The movement's repertoire of actions was fairly wide, including the production and distribution (in print and electronic formats) of books, sexual, and reproductive health booklets and brochures; the publication of open letters; the organization of



seminars, forums, and workshops with human rights specialists, representatives of political parties and unions, international experts, and local academics; the development of campaigns on websites and social networks; the participation in debates in the media and particularly on television; signature collections, distributions of flyers, and the promotion of street debate; the implementation of actions directed to legislators, including lobbying, public declarations, technical inputs for parliamentary debate, attendance to sessions, and participation in parliamentary committees; the development of "urban interventions," public performances, and various "creative protests"; and repeated calls to mobilization both on emblematic dates or as a response to current political events.

The Coordination's member organizations performed a large number of urban interventions revolving around the main themes of the ongoing campaign. In mid-October 2009, for example, 20 women called on by MYSU (*Mujer y Salud en Uruguay*) walked through downtown Montevideo with their torsos exposed and painted to claim rights over their own bodies. With the slogan "While they set the conditions, we put our bodies on the line," a similar performance was staged next to the Congress building in late September 2012 so as to express dissatisfaction with the decriminalization initiative that was being debated in the House. In late August 2011, in turn, *CNS Mujeres* launched an intervention entitled "What else is there to see?" Signs placed on giant glasses read: "Let's look at the reality"; "More than 60 % of the population is in favor of legalizing abortion"; "30,000 clandestine abortions per year, no one sees them but they exist" (*LD*, 08/29/11). Also worth mentioning are the so-called "orange dusks," a strategy that consisted in decorating with the movement's color the areas surrounding the National Congress and other landmarks of the capital city. Several spots were circulated online to supplement these street actions.<sup>4</sup>

Public interventions and the launch of new campaigns followed, on one hand, the movement's emblematic dates; on the other, the rhythm of the electoral calendar, parliamentary work, and other political events. It is worth noting that not all actions were launched by the Coordination or its member organizations; some were promoted by autonomous groups of activists linked through the social networks. In 2007, for example, an online campaign was organized to protest the arrest of a young woman who had gone to a public hospital to seek care for complications resulting from a clandestine abortion. A statement signed by thousands read: "the undersigned have broken Law 9763 of 1938 [...] by having or paying for an abortion, by accompanying a woman to have an abortion, or by knowing the identity of many such women and keeping quiet. Either we are all criminals or the law is unfair" (*P/12*, 06/17/07). Participants of the Facebook campaign "No one else stays quiet" also posted photos of themselves holding banners and expressing their support for the bill (*LR*, 05/20/12).

### Mobilization on Emblematic Dates

The succession of the movement's iconic dates began on March 8, International Women's Day. Far from being—as stated by Milka Sorribas—"a day when they

<sup>&</sup>lt;sup>4</sup> Cf. "Priceless," http://www.youtube.com/watch?v=BmW0vW08Rn0; "The times is now," http://vimeo.com/39293674 and http://www.youtube.com/watch?v=11sPbirzSeM.



give us flowers," this date was conceived a privileged moment to raise political awareness on the problems afflicting women (*LD*, 03/09/12). On this day, year after year, the women's movement organized demonstrations to stage its claims. In the period under study, their list of demands included not only sexual and reproductive rights but also fair representation, wage equality, and legislation against gender violence. Additionally, at least since 2008, the carnival (celebrated a few weeks earlier in the summer) was also a scene for the free expression of legalization demands, enthusiastically voiced by the street band (*murga*) La Mojigata.

Another key date—starting in 2004, when the labor federation joined the legalization campaign—was May 1st, International Workers' Day. Along the process, May Day events staged by the workers' confederation and leftist political parties amplified the debate and expanded support for the women's movement's demands in both union and partisan contexts.

International Day of Action for Women's Health, celebrated on May 28 since 1987, comes chronologically next. On such day in 2008, the Uruguayan Network of Autonomies presented a street performance entitled "Decriminalization of abortion," by the group Women Artists in Movement; in 2012, MYSU and the Latin American and Caribbean Network for the Humanization of Childbirth jointly delivered an open letter to the president denouncing the situations of maltreatment and institutional violence faced by women in the absence of legislation guaranteeing their right to "decide when and how many children to have" (*LR*, 07/06/12). Additionally, World Population Day, commemorated on July 11 since 1989, was a welcome opportunity for institutional (rather than street) action; in 2012, for example, a special ECLAC committee in which delegates of two Uruguayan women's organizations participated alongside the country's government delegates ended with a declaration including a recommendation for pre- and post-abortion counseling as it had already been implemented in Uruguay (cf. *LD*, 07/12/12).

Last but not least, every September 28—International Day of Struggle for the Decriminalization of Abortion in Latin America and the Caribbean-women's organizations of more than 20 countries and several regional networks grouped under the motto "Women decide, society respects, the State provides guarantees" make public pronouncements explaining the need for the decriminalization/ legalization of abortion, criticizing those deemed responsible for the lack of progress, and stage actions aimed both at putting pressure on elected representatives and at presenting the issue to the wider public. Among the latter can be mentioned the "circus of life" that marched across Montevideo in 2008, the same year in which MYSU's campaign asked the public "Do you know someone who has had an abortion? (You think you don't? We invite you to ask around)." In the year 2009, mostly focused on the presidential campaign, one of few mobilizations took place precisely on this day, when MYSU staged an event in which an artist painted the faces of several women as well as placards with slogans (EP, 09/29/09). The following year another artistic performance took place in which women dressed in period clothes represented outside Congress a seven decade-long struggle for the right to voluntarily decide whether to continue their pregnancies.

On those dates it became increasingly frequent to see people—often catholic school students—distributing pamphlets against abortion in the areas surrounding



the above described events. Additionally, the countermovement commemorated its own anniversaries, among which March 25, Day of the Unborn Child, stood out for its specificity, symmetrical to that of September 28. Although religiously inspired, the selected date being that of Maria's Annunciation, this date was nevertheless unique in not having an ecclesiastic origin (it was introduced in the late 90s by then-Argentine president Carlos Menem); however, it summoned a public overwhelmingly made up of Catholic citizens. All other dates on the calendar of the so-called pro-life movement belonged to the (catholic) religious tradition: indeed, its main political expressions emerged from Sunday sermons, Christmas and Easter greeting messages, and pronouncements on holidays such as that of the *Virgen de los Treinta y Tres*, Uruguay's patron saint (cf. *EP*, 11/15/10).

Mobilization in Synch With the Electoral Calendar and Other Political Events

Besides anniversaries, the interventions of both movement and countermovement took place, on the one hand, in view of the political-electoral and legislative calendars; on the other, in reaction to current political and social events (or news thereof).

As expected, when elections drew close both sides of civil society redoubled their campaigning efforts. This was especially visible in the 2009 presidential campaign, when the legalization movement, hit by Vazquez's veto, concentrated its efforts in establishing abortion as a campaign issue, demanding that candidates publicly state their opinions about it—and kept their word. This is what the countermovement had (quite successfully) been doing for quite some time, conditioning support for candidates to their position on abortion (as reflected in the Episcopal Conference's "Guidelines for political discernment," which placed opposition to abortion among the criteria that should orient the Christian vote), campaigning against "abortionist" candidates (as expressed in repeated exhortations not to vote for the Frente Amplio as the runoff election approached), and, between elections, exerting pressure on legislators to have them vote against all liberalization initiatives. While some evangelic churches overtly sided with the Partido Nacional, many events (internal elections, anniversaries) in the Frente Amplio became occasions for pro-legalization mobilization once the leftist coalition declared itself in favor of legalization.

Delegates of both movement and countermovement also presented their positions before parliamentary commissions every time an initiative concerning abortion was under study in either house of Congress. Demonstrations by both sides took place on the days prior to key congressional sessions, and on select occasions, simultaneous expressions were staged by both of them, side by side, while votes were underway. It is worth noting that not only congressional action but also inaction and deadlocks triggered reactions by the social movement, as it happened in April 2012 when prolegalization organizations announced new mobilizations and threatened with adopting novel strategies, such as suing the government for "defenselessness," if the bill was left to expire (*LD*, 04/13/12).

Among the political events that triggered mobilization episodes one specifically stood out: the presidential partial veto of the law passed in November 2008, particularly traumatic for the legalization movement, mostly identified with the



same party as the president. Additionally, reciprocal accusations and public interventions were triggered in 2012 by the news that two young women had recently died after having clandestine abortions (cf. *EO*, 04/01/12); as a result, the pro-legalization movement redoubled its campaign by asking their fellow citizens "How many more women have to die so that Congress dares make a decision?" and argued that those lives would have probably been spared had former president Vázquez not vetoed the law passed by Congress years earlier.

# **Cultural War, Political Battles**

In Uruguay as in the rest of the world, abortion is at the center of an authentic culture war, that is, an irreconcilable disagreement resulting from the clash of different "moral visions" that are institutionalized and articulated in public life and that refer to "the most private of all matters: the body"—not surprisingly so, since the latter is not less than "a metaphor of the social order" (Hunter 1994, pp. 3–4).

On one side of this, cultural divide is a heterogeneous conglomerate headed by feminist organizations and organizations that defend women's rights; on the other, a countermovement led by high-ranking Catholic Church officials and the pastors of some evangelical communities, in addition to religious expressions within academic, political, and labor union settings. Uruguayan women's organizations are articulated within global, regional, and national networks—the widest of the latter being CNS Mujeres, a conglomerate of some 60 feminist, women's, and sexual diversity organizations, ranging from informal local grassroots groups to institutionalized organizations present nationwide. The countermovement also cultivates such links, not only just through the Catholic Church but also through regional networks and alliances with U.S. pro-life sectors—however, it frequently denounces the "foreign" character of the pro-legalization movement.

Despite their specular positions, these antagonistic expressions of civil society are far from being symmetrical. While the former actively seeks change, the latter reacts in defense of the status quo. While one is internally diverse and focused on sexual and reproductive rights and gender equality, the other is relatively homogeneous, religiously inspired, and dependent on an institution with a much broader political agenda. Consequently, while the former includes autonomous organizations and consolidated networks with a long experience on health and women's rights issues, the latter includes ad hoc organizations with no institutional density and well-known high-ranking individuals expressing the views of the Catholic Church. In addition, while on the pro-legalization side women are unquestionably the protagonists,<sup>6</sup>

<sup>&</sup>lt;sup>6</sup> Additionally, the Coordination's spokespersons—Lilián Abracinskas (MYSU), Lilián Celiberti (Cotidiano Mujer), and Milka Sorribas (CNS Mujeres)—were (much like many other activists with less public exposure) strong women with decades-long political experience and, more often than not, a past of leftist activism that often included jail time and/or exile.



<sup>&</sup>lt;sup>5</sup> Although the highest ranks of most churches oppose the legalization of abortion (with notable exceptions, such as that of the Evangelical Methodist Church of Uruguay), there are dissident voices within all of them, a noteworthy example being the organization Catholic Women for the Right to Choose (Católicas por el Derecho a Decidir).

leaderships on the opposite side are overwhelmingly male—a fact did that never went unnoticed by feminist and women's organizations.

It is no wonder their strategies differed significantly as well. While both contenders resorted to lobbying, public campaigns, street demonstrations, and protests during legislative sessions, the pro-legalization movement differentially emphasized the informational strategy, including academic research, publications, and the promotion of a public debate articulated in the language of rights, while the countermovement increasingly resorted to weapons—such as the threat of excommunication—aimed at disciplining the faithful rather than at convincing the wider public through rational argumentation.

Not surprisingly, the ensuing controversy was highly asymmetrical too: in fact, rather than truly debating each other, the contenders separately addressed specific audiences of their own, each demarcated with clearly different criteria. Nevertheless, debate on the issue—promoted by the women's movement and its allies—did gradually intensify within a society that was obviously less polarized than its leaders. Debate took place not only on the media but also—to a great extent as a result of media reception—in the context of everyday interactions, both real and virtual, and within social and labor organizations and academic institutions—and eventually within the political system as well. What separated victory from defeat at each critical point, however, was not the compelling force of the best argument but the occurrence of relatively minor changes in the composition of Congress or in the positions of a handful of legislators (or the president).

# Science and Human Rights as References of Legitimacy

While reserving the most recalcitrant religious discourse for its faithful, the countermovement often communicated with the rest of society in a language with scientific overtones—an implicit recognition of the scant ability of the conclusions derived from purely religious "reasoning" to reach non-believers. Nevertheless, religious discourse often overflowed the confines of the churches, and its patina of science was usually too thin to successfully mask it.

The playing field was delineated from the start by the self-named "pro-life" movement, which by virtue of its appropriation of life allowed itself to designate its adversaries as "anti-life" and "supporters of death." Likewise, the reference to a fertilized egg or a days-old embryo as "the child" or "the baby" enabled it to reject as an "abominable crime" and an "infant massacre" what the pro-legalization movement designated—euphemistically, according to them—as "voluntary interruption of pregnancy" (cf. *LR*, 06/22/12; *EP*, 11/16/11). As a result, the pro-legalization movement was put on the defensive and forced to explain the obvious: that advocating for legalization did not amount to being "in favor" of abortion but meant instead protecting countless women, mostly poor, who risked and even lost their lives to unsafe abortions (*EP*, 11/13/08). This argument—best summarized by president Mujica, who stated that legalization was "the most efficient method to save the most number of lives" (*EP*, 11/15/09)—was typically contested with vague allusions to policies for improving adoption policies and helping low-income pregnant women in order to—as the slogan went—"save both" mother and child.



While the women's movement focused on respect for women's autonomy and their right to make informed decisions about their own bodies, the countermovement argued that the embryo "is not a part of the mother's body, but rather is a new life" (*LD*, 11/07/07) and that, as confirmed by a "vast body of literature," it was a "scientific fact" that (human) life exists since the moment of conception. While the former did not dispute the fact that the DNA of a fertilized egg is human, it did argue that no moral consequences could be derived from that the zygote, the embryo, and the fetus were not to be counted as subjects of rights. Their adversaries, in contrast, postulated—in the words of the archbishop of Montevideo—that "these human beings that are in their mother's womb are persons, they have an absolute value, they are the fruit of the love of God," and therefore sacred (*EP*, *EO*, 04/06/12).

In the pro-life discourse, "natural right," "Christian principles," and "basic values" were haphazardly mixed with vague scientific references. Within a single sentence, allegedly scientific statements were often linked to purely religious ones. The typical formulation departed—as in an Easter greeting released by the Episcopal Conference—from the "conviction, supported by science, that each life in gestation is a human life" and went on to state that this life "asks to be born and to continue developing in all dimensions of existence" (EO, 03/31/12). Arguments formulated in the name of the "Judeo-Christian ethic" were not lacking in the parliamentary debate—or out of Congress, for that matter, where pro-life protesters led by evangelic pastors went as far as to accuse pro-legalization female protesters of being "possessed by the devil" (AP, 11/10/08).

Rather than discussing God and specific beliefs regarding sinful sexual conduct, the pro-legalization movement rejected pro-life fundamentalism—that is, the will to impose "God's law" on society as a whole—and emphasized the distinction between sin and crime. Reigning above the pluralism of modern society, a secular State was strongly defended on the basis that laws should not be aimed at promoting virtue but at protecting rights.<sup>7</sup> From this perspective, while the decision to have an abortion could possibly be an "issue of conscience," the decision to legally permit people to make such decision did not present any moral dilemma: it was merely a political response to "a serious public health and human rights problem" (Lilián Abracinskas in *DL*, 11/11/08).

Indeed, the most noteworthy victory of the women's movement—reached in association with sexual diversity organizations—was the inclusion of sexual and reproductive rights (including abortion) within the framework of human rights, ratified in turn by the pronouncements of human rights organizations such as Amnesty International. The long battle that led to this victory took place over a period that started with the transition to democracy; as a result, the advancement of these rights in Uruguay, as in many other countries in the region, remained closely linked to the process of democratic construction. In this context, the inability of the political system to respond to the social demand expressed by the pro-legalization movement was consistently denounced as a "debt of democracy" with Uruguayan women.

<sup>&</sup>lt;sup>7</sup> See the arguments regarding this point by Frente Amplio senators Mónica Xavier and Luis Gallo, in EP; EO, 12/27/11, 12/28/11.



In this reference to human rights, two perspectives productively converged the classic feminist discourse that emphasized the right of women to make decisions regarding their own bodies, thus placing the abortion issue within the realm of civil rights, and the discourse of the left that underscored social inequalities regarding access to safe abortions and, therefore, placed the right to abortion (along with its coverage by the public health care system) within the framework of social rights. The main leaders of the pro-legalization movement offered a good synthesis of both perspectives by asserting the autonomy of *all* women, including the poorest, to make decisions regarding their own bodies and lives, and denouncing class discrimination in access to this (and other) rights (*EO*, 12/27/11). This synthesis, as noted by Lilián Celiberti, was the foundation for alliances with other social movements—most notably the labor movement—in the quest for further social democratization.<sup>8</sup>

In recognition of the entrenchment of human rights as a horizon of legitimacy, the countermovement repeatedly invoked the American Convention of Human Rights, known as Pact of San José, to denounce decriminalization of abortion as illegitimate and unconstitutional, and ratified its commitment to the human rights of "the weakest" and "the most defenseless human beings" (*EP*, 03/21/10; *EO*, 03/28/11). This commitment was also invoked as a protection against calls made in the name of public opinion and democratic majorities—because "human rights cannot be legislated upon based on public opinion" (*EO*, 12/27/11), "life cannot be subjected to a plebiscite" or "decided upon in an assembly" (*EP*, 11/16/09), and "the rights to life do not depend on the will of the majority," which, after all, "can be wrong" (*EP*, 11/17/09).

# Social Movement and Political Representation

Critical Mass and Critical Acts

Democracy did not bring about instantaneous or dramatic changes in the institutional inclusion of women within the Uruguayan political system. In fact, although from 1985 on women's commissions were created within Congress and political parties, during the inaugural period (1985–1989), no female legislador was elected to Congress, and the few ones that ended up there as alternates did so for extremely brief periods.

Despite qualitative progress—including the organization of a Network of Female Politicians and the First National Meeting of Women in Political Positions in 1992, as well as the creation of a Women's Bicameral Caucus early in the 2000–2005 legislative period—by 2005, the percentage of women in the House of Representatives was still only 12 % (IDEA 2005). The situation varied widely across parties: only the Frente Amplio experienced a continuously upward trend in female representation (Johnson 2005).

<sup>&</sup>lt;sup>8</sup> Cf. interview in http://www.feminismo.org.br/, 04/01/11.



In the absence of a critical mass (Dahlerup 1988) of female representation in Uruguayan legislative institutions<sup>9</sup> (set at about 30 % by the specialized literature), the leadership—the "critical actions" (Childs and Krook 2008; 2009)—of a few Frente Amplio female legislators was key throughout the process.<sup>10</sup> In close contact with the social movement, women senators and representatives such as Mónica Xavier and Margarita Percovich, respectively, wrote and introduced parliamentary initiatives, argued vehemently, and patiently worked to build alliances and to garner support in legislative bodies.

Although they were obviously supported by several of their male colleagues, the bills under discussion were typically authored by women, and women were overrepresented both in signatures and in yes votes of bills compared to their rates of participation in Congress and within their own party factions (cf. Jones 2007). Hence the insistence of the women's movement on the relevance of female political representation, which—they pointed out—would have resulted earlier and more easily in the legalization of abortion had it reached a critical threshold. Indeed, the image of a mostly male political class and Congress legislating on (and against) the rights of women was placed at the forefront by the slogan that accompanied the painted naked bodies performance staged in the gardens of the Legislative Palace, while a narrow decriminalization proposal was being debated inside: "While they (men) set the conditions, we (women) put our bodies on the line" ("Mientras ellos ponen las condiciones, nosotras ponemos el cuerpo").

# Parties and Public Opinion

Although throughout the process, abortion legalization/decriminalization was defended by legislators of all major parties, there was a much more determined and majoritarian (although not unanimous) pro-legalization stance within the Frente Amplio and the rest of the partisan left, as well as contrary positions, equally majoritarian (and frequently unanimous) in the Partido Nacional, located on the right of the ideological spectrum and with greater connections to the Church. The Partido Colorado, in turn, was more divided on this issue but mostly against legalization/decriminalization. In short, all parties (including the Frente Amplio, even after explicitly supporting legalization in its program) experienced divisions or at least dissidence. In fact, bills were always presented as individual initiatives even when, as it occurred in some cases, all signatories belonged to one party.

In the realm of public opinion, in turn, the majority in favor of legalization not only consisted of Frente Amplio voters but also fed from other parties to a greater extent: seven out of ten Frente Amplio voters were in favor of it, as were six out of ten *colorados*, nearly half of voters of the Partido Nacional, and two-thirds of those leaning toward smaller parties and undecided voters (*LD*, 04/26/12).

<sup>&</sup>lt;sup>10</sup> The significance of the presence of women with a gender agenda in key places was visible even beyond the Legislative Branch: for example, when the newly appointed female president of the Supreme Court of Justice (the first woman in 17 years) declared herself in favor of legalization (EE, 01/25/07).



<sup>9</sup> Throughout the period, minimal to low rates of female presence in seats of power were also registered in the other branches of government as well.

As the distance between the positions held by the public and those of their representatives became increasingly apparent, the legalization movement grasped the importance of exerting pressure on legislators who would otherwise easily yield to those (typically pro-life) voters who they perceived as more willing and ready to punish them electorally. The search for the accountability of elected representatives only intensified following the traumatic veto experience, a reflection of a deep disconnection—also present in other parties—between leaders and followers.

# The Veto Controversy

The women's movement's actions regarding the veto included both ex ante demands (starting as early as 2004, when then president-elect Vázquez first expressed his positions on abortion) and ex post-repudiations. In all cases, it appealed to the president as a representative and called on him to put aside his personal convictions, which—besides not being shared by the majority—were deemed private and therefore not to be imposed on society by the most public of instruments, the law. Imposing them, the argument went, would violate the secular character of the Uruguayan state. It would also go against the will of the majority—regarding which point president Vázquez was also accused of hiding his position during the campaign leading to his election. The anti-veto campaign resumed when Congress passed the Law of Defense of Sexual and Reproductive Health in late 2008, with the additional argument that a veto would contradict not only just the political agenda of the Frente Amplio but also the progressive line adopted on other matters by the Vázquez administration itself.

Despite all mobilization efforts, Vázquez vetoed the section of the bill that decriminalized abortion shielded behind his condition as a medical doctor. The decision—celebrated by Catholic Church officials as a victory of their own—put the president at odds not only just with the overwhelming majority of his own party's members of Congress but also with a majority of his cabinet ministers (but, instead, turned him into an instant pro-life hero), and caused major protests by the women's movement. Soon after, the Congress of the Socialist Party issued a declaration rejecting the veto and ordering its lawmakers to promote legalization starting the next legislative session. The next day Vázquez quit the party. Shortly thereafter, an Extraordinary Congress of the Frente Amplio included the decriminalization of abortion in its government program for 2010–2015.

# The Party Discipline Controversy

Despite holding a majority of seats in the House, by early 2012 the Frente Amplio found itself unable to turn its legalization initiative into law, as two of its own refused to vote for it. Although the bill under debate reflected a commitment enshrined in its own government program, the Frente Amplio did not attempt to force the two dissidents' alignment. Votes could not be summoned from the ranks of the other two major parties (Nacional and Colorado), as both of them had disciplined their own representatives to vote against the law (even though one *Colorado* was himself the author of an alternative decriminalization bill). The



Independent Party, which had granted freedom to decide, only had two legislators: one of them was against the initiative; the other one, Iván Posada, had himself authored a decriminalization initiative but rejected the legalization bill advocated by the Frente Amplio.

Frente Amplio activists insisted that the party program be implemented by declaring the issue a "political matter" and calling on legislators to vote in favor of the initiative or let their substitutes take their place if their personal convictions did not allow them to do so. This demand did not prosper; instead, the original bill was set aside and negotiations started in order to smooth the angles of Posada's bill that were most resisted within the Frente Amplio (and the women's movement)—obstacles and conditions that were deemed humiliating, condescending, and disrespectful of the capacity of women to make their own decisions. Following tough negotiations, some changes were made, but the situation remained that legalization (that is, the recognition of abortion as an enforceable right) had been resigned in the interest of decriminalization (that is, the elimination of the criminal consequences derived from committing an act that was still treated as reprehensible, if not as a crime).

While negotiations were still underway, the social movement harshly questioned all political parties and their ability to represent, as made clear in a communiqué issued by MYSU that ended with the warning that "women's rights are at stake and we are 52 % of electoral constituents" (*LR*, 04/22/12). As stated by feminist leader Lilián Abracinskas, none of the parties "obey their constituencies. All public opinion surveys show that more than half of the voters of the Partido Colorado are in favor of legal change, but no Colorado legislators will vote for the bill. And the same goes for the Partido Nacional. So here we have a problem that has to do with the quality of democracy: whom are the representatives representing?" When the movement took to the streets to demand legislators to either perform their duty or pay the "political costs" of their irresponsibility, their proclamation warned: "We know the names of those who are forcing this negotiation and we all are going to remember them well, because we are through with unconditional votes!". <sup>12</sup>

# **Conclusions**

In Uruguay, the legalization of abortion has long ceased to be a demand posed by a marginal and extravagant handful of feminists and become a policy change supported by a majority of citizens. Initially promoted by a few isolated groups, it is nowadays embraced by a broad coalition of social, trade union, youth, student, Afro-descendent, and sexual diversity organizations. Far from its origins in which it was readily dismissed as a "women's thing" that should remain relegated to the private sphere, abortion has become a social issue, a concern for both men and women and a legitimate object of public policy. As stated by a leader or the



<sup>&</sup>lt;sup>11</sup> Interview in the TV show Buen Día Uruguay, 06/22/12, available in http://www.hacelosvaler.org/La-Campana-en-la-Television.html.

<sup>&</sup>lt;sup>12</sup> Cf. audio in http://www.youtube.com/watch?v=SRNbHkD62v4.

organization Proderechos, abortion is no longer "a problem exclusive to women and the feminist movement; it is also a problem for workers, students, young people, artists, men, and women" (*LD*, 11/30/11).

This change must be understood in the context of the democratic post-transition as well as within the broader framework of the emergence of new sets of rights—in particular, those of reproductive rights since the early 1990s and of sexual rights since the 2000s. Also central in the Uruguayan context was the early articulation between feminist and popular women's organizations, which later enabled their coming together with other social movements as well. Those linkages produced a synthesis between, on one hand, the classic feminist discourse of women's autonomy and their right to decide regarding their own bodies, and on the other, the discourse of the left, focused on social inequality and the resulting discrimination regarding access to resources—safe abortions, in our case.

Also apparent at the present stage of the process is a slow but decisive evolution from the concept of reproductive rights to the broader notion of sexual rights—both of them components of the so-called "sexual citizenship" (Di Marco 2010). This demand for full sexual citizenship is as much a demand for civil rights (to the extent that it involves the recognition and provision of guarantees for the exercise of individual autonomy) as it is for social rights, since it assumes that these rights should be provided for through the public health system. It was under this umbrella that the women's and sexual diversity movements converged. This natural alliance was only made stronger by the unified attacks they received from their common Christian fundamentalist enemy.

Throughout the process, two strikingly asymmetric sets of public arguments for and against the legalization of abortion faced one another in a confrontation that met all requirements to be described as a cultural war, that is, a profound dispute over the authority to name, interpret, and regulate social life. The reason why these arguments rarely resulted in true debate is that they were formulated at different levels. On one hand, the question was raised as a "moral problem"; therefore, what needed to be decided upon was whether abortion was "good" or "bad." Once defined as bad, there was no question that the power of the state should be used to enforce its prohibition. Accompanied by a virulent esthetic that included the waving of crucifixes and the sensationalist exhibition of (not necessarily authentic) images of aborted fetuses, the pro-life discourse was not lacking in scientific fallacies, low blows, and questionable analogies (such as between the deaths of fetuses due to abortions and the deaths of civilians in terrorists attacks; cf. IPS, 05/05/04); in fact, it did not even stop short of the dissemination of knowingly false information. <sup>13</sup> On the other side of the divide, in contrast, the question was raised as a political issue: within the framework of the recognition of the polytheism of values that is the hallmark of modern society, no serious attempt was made to argue against the religious convictions of evangelicals and Catholics; instead, the advocated solution was that of relegating those convictions (as well as ones' own) to the plural scene of

<sup>&</sup>lt;sup>13</sup> Indeed, not only were the results of research produced by academically marginal religious institutions presented as infallible: typically, the contents of the initiatives advanced by the pro-legalization movement but were also intentionally twisted—including accusations of a plan to get rid of handicapped people or to legalize necrophilia and zoophilia.



social life, while setting up the state as the protector of the right of every person to lead a life in accordance with their own values.

Not being a mass movement (and being instead reliant on a core of activists able to summon a few 100 people at the most), the reasons for the pro-legalization movement's success should not be searched for in the numbers brought out to the public square, but rather in the depth of the transformations introduced in the prevailing common sense of Uruguayan citizens and, as a result, in the stances expressed by the so-called "public opinion." These changes can be credited to the intense informational campaigns and the efforts at promoting public debate that were carried out for decades by the women's movement.

Besides their persistence, a specific articulation of the two inseparable elements of politics—discourse and action—accounts for the success of these campaigns. Indeed, not only were the movement's demands effectively framed as human rights issues, but they were also publicly staged in various innovative ways. As countless other social movements around the world, the Uruguayan women's movement gave proof of a growing ability for picking up various forms of artistic self-expression and putting them to political use. Even in a national context characterized by slow generational change within political and social organizations, a sort of "carnivalesque reinterpretation of protest" (Teune 2005) seems well underway. Blending the old and the new, the Uruguayan women's repertoire of contention, much like those of many other contemporary protest movements around the world, encompasses classic street campaigning, demonstrations and rallies as well as online mobilization, e-mail petitions, the activation of social networks, and a wide variety of colorful cultural expressions—including dance, percussion, street performances, art installations, the use of costumes, masks, painted faces, humoristic placards, and high doses of spontaneity and irony. Colorful, eye-catching protests that turn city streets into stages also reflect a strategy of adaptation to the coverage requirements of the mass media. Inasmuch as they increase the visibility of the movement's demands and therefore its chances of being heard, the new staged forms of protest have tended to become a part of the movement's contentious repertoire.

Last but not least, the complicated, tense relationship between social movement and political system brought to the forefront a number of issues related to the quality of political representation, responsiveness to popular demands, and democratic accountability. The topic of abortion is indeed unique in its aptitude to open gaps between representatives and represented, inasmuch as its being framed as a moral issue appears to enable the former to invoke reasons of conscience so as not to fulfill their promises to the latter—the same promises, in some cases, that helped turn them into representatives in the first place. It also seems to be one of the issues regarding which the implementation of gender representation quotas could produce the biggest differences in outcomes.

In a context of very limited female representation and a major disconnection between the preferences of a majority of citizens and the positions collectively expressed by their elected representatives, the law passed in late 2012 did not leave anybody happy. While pockets of resistance to implementation remained, particularly in the interior of the country, and pro-lifers readily mobilized to restore the prohibition, the women's movement struggled to keep in place and in



working condition a law that it deems insufficient and even insulting, inasmuch as it withholds the recognition of women as free, equal, and autonomous beings not in need of tutelage. Therefore, far from the idea that the time has come to put politics and protest aside to give way to administration and the attention to the details of public policy implementation (a task that the women's organizations have indeed wholeheartedly tackled as well), the conviction remains that activism and mobilization are the staple of democratic politics because the broadening of rights is a moving target and, as representative Mónica Xavier lucidly observes, "rights are never secured once and for all" (*LR*, 05/13/12).

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