

5-2019

Everyone is Pro-life: The Historical and Cultural Influences on Elite Discourse of Abortion in Argentina

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**Everyone is Pro-life: The Historical and Cultural Influences on Elite Discourse of Abortion
in Argentina**

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Government from
The College of William & Mary

by

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_____ for Honors
(Accepted, rejected)

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May 2, 2019

Acknowledgements

Thank you especially to my thesis advisor Claire McKinney for all of your support through the many stages of this project and for your guidance through its evolution over the past two years, especially as the context for this project changed rapidly over the summer. To my friends and family, thank you for your endless support through long nights of work, for nodding supportively as I excitedly ramble about all of the interesting things that I've read, for helping me talk through my project when I am stuck, and for being a present source of support for my academic interests. Finally, thank you to Kiddo and Gilly for always keeping watch from my shoulders as I work and occasionally hopping onto the keyboard to add words, unknown to the English language, which I did not realize my project needed.

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Understanding Argentine Abortion Policy Outcomes: The Puzzle

During the months of June-August 2018, the Congress of Argentina considered and debated a bill to decriminalize abortion for the first time in the legislature's history.¹ While certainly not the first attempt to bring the issue of abortion to the floor, as more than 25 bills proposing the legalization of abortion have been presented since Argentina's last return to democracy in 1983, it was the first to ever make it to discussion, and certainly the first to ever pass one chamber of Congress.² The current abortion policy of Argentina is dictated by the Penal Code in Articles 85-88, which among specifying who is at fault for an abortion and sentencing rules, details that abortion is not punishable only: "1. if it was done with the objective to avoid a danger to the life or health of the mother and if this danger could not have been avoided by any other means; 2. if the pregnancy is the result of the rape or assault to the modesty committed against an idiot or demented woman. In this case, the consent of the legal representative is required for the abortion."³ This version of the Penal Code has been in place since 1922, and although edited in 1983, after the most recent return to democracy, the articles dictating abortion were untouched. Although no edits have been made to the penal code on abortion since its creation in 1922 and no bills concerning abortion have made it to the floor of Congress for debate until June 2018, a 2012 Supreme Court Case reinterpreted the antiquated wording of

¹ The debates can be found here, the first being the Chamber of Deputies and the second the Senate: "Reunión 8 - Sesión Ordinarias Ordinaria - (13/06/2018)," Honorable Cámara de Diputados de la Nación Argentina, last updated April 2019, <https://www.diputados.gov.ar/sesiones/sesiones/sesion.html?id=4465&numVid=1>. "Versiones taquigráficas," Honorable Senado de la Nación Argentina, last accessed April 2019, <http://www.senado.gov.ar/parlamentario/sesiones/tac?page=2>. (the session is 08/09/2018, click on "versión taquigráfica")

The Chamber of Deputies debate will henceforth be shortened to "Diputados" in the citations.

² Debora Loperite, "Explaining Policy Outcomes in Federal Contexts," *Bulletin of Latin American Research* 33, no. 4 (2014).

³ "Abortion: Argentina," Human Rights Watch, last accessed April 4, 2019, <https://www.hrw.org/legacy/women/abortion/argentina.html>.

Article 86, quoted above, which decided that abortion was not punishable in any case of rape, rather than the case of rape of a mentally ill woman.⁴

Legally, it has been a long path of small steps that led to the June 2018 floor debate of the bill: “Voluntary Interruption of Pregnancy.” Just as this historic bill did not appear out of nowhere, neither did the political and social context which culminated in the first public debate of abortion. An organization called La Campaña Nacional por el Derecho al Aborto Legal, Seguro, y Gratuito, or the National Campaign for the Right to Legal, Safe, and Free Abortion, was founded in 2005, and was presenting bills for the legalization of abortion in Congress as early as 2007.⁵ Since its foundation, the movement has grown considerably, culminating in alliances between more than 300 diverse organizations, the emergence and growth of related movements such as Ni Una Menos (Not One Woman Less), and massive demonstrations and protests comprised of thousands of people leading up to and during the debate.⁶ In the face of mounting pressure from these women’s rights movements and their supporters, President Mauricio Macri, a representative of PRO, a relatively newly emerged and politically conservative party, endorsed a debate of legalizing abortion in his state of the nation address to Congress on February 22nd in spite of being against it himself.⁷ Within a month, the bill entered

⁴ “La Corte Suprema precisó el alcance del aborto no punible y dijo que estos casos no deben ser judicializados,” Centro de Información Judicial, March 13, 2012, <http://www.cij.gov.ar/nota-8754-La-Corte-Suprema-preciso-el-alcance-del-aborto-no-punible-y-dijo-que-estos-casos-no-deben-ser-judicializados.html>.

⁵ “Quiénes somos,” Campaña Nacional por el Derecho al Aborto Legal Seguro y Gratuito, last accessed April 2, 2019, <http://www.abortolegal.com.ar/about/>.

⁶ “Marcha en Argentina pidió legalizar el aborto,” CiberCuba, filmed on February 19, 2018 at a Ni Una Menos march, C.A.B.A., Argentina, video, <https://youtu.be/cg54JFaApy4>; “10 años de la Campaña Nacional,” Agencia de Noticias RedAcción, last modified May 28, 2015, <https://www.anred.org/?p=48384>; Mar Centenara, “La marcha de #NiUnaMenos en Argentina se tiñe de verde a favor del aborto legal,” El País, June 5, 2018, https://elpais.com/internacional/2018/06/04/argentina/1528131219_651354.html

⁷ Luis Andres Henao, “Argentina president urges Congress to start abortion debate,” The Washington Post, March 1, 2018, https://www.washingtonpost.com/world/the_americas/argentina-president-urges-congress-to-start-abortion-debate/2018/03/01/225a02e4-1d86-11e8-98f5-ceedfa8741b6_story.html?utm_term=.8515a3a4d8c6.; “Macri, sobre el aborto,” Télam, filmed February 22, 2018 in C.A.B.A., Argentina, published March 1, 2018, <https://youtu.be/CtdShjnWjmg>.

into committee for discussion as a priority for Congress, and after two months on June 13, entered the floor of the House of Deputies for debate. After marginally passing through the Chamber of Deputies in June, it failed in the Senate in August. To many a news outlet, the ultimate demise of this bill came as no shock, as they reported it through article titles such as “Argentina abortion defeat shows enduring power of Catholic church,” containing many mentions of the pope’s prominent role in Argentina, his home country, and of the strong church-state ties that stem from Argentina’s constitutional protection of the Catholic Church.⁸ Still others, including the New York Times, recognize that in recent years, these church-state ties have declined in influence, referring back to the 2010 legalization of same-sex marriage.⁹

These conflicting theories of the role of the Catholic Church go beyond media representations and popular opinion, spanning into the academic field as well. Some authors have pointed to the Vatican as a serious source of cultural influence, not just over Argentina, but over many Latin American countries with which it has strong historical ties, namely its ability to influence the office of the President and to encourage bottom-up movements among its supporters to rally and protest for its interests.¹⁰ Other authors are beginning to pull away from a Catholic-centric framework of understanding the policy outcomes on issues such as abortion that the Catholic Church opposes strongly, focusing instead on the centrality of motherhood in Argentine society and around Latin America which add an additional dimension of obstacles for

⁸ Harriet Sherwood, “Argentina abortion defeat shows enduring power of Catholic church,” August 9, 2018, <https://www.theguardian.com/world/2018/aug/09/argentina-abortion-defeat-shows-enduring-power-of-catholic-church>

⁹ Daniel Politi and Ernesto Londoño, “Argentina’s Senate Narrowly Rejects Legalizing Abortion,” August 9, 2018, <https://www.nytimes.com/2018/08/09/world/americas/argentina-abortion-vote.html>

¹⁰ See Eric O. Hansen, *The Catholic Church in World Politics*, (Oxford: Princeton University Press, 1987); Jonathan Fox, “Religion as an Overlooked Element of International Relations” *International Studies Association* 3, no. 3 (2001); Rishona Fleishman, “The Battle against Reproductive Rights,” *Emory International Law Review* 14, no. 1, (2000); Merike Blofield, *The Politics of Moral Sin* (New York: Routledge, 2006).

policies such as the recent abortion bill in Argentina.¹¹ In spite of the heavy historic influence of the Catholic Church, there seems to be good reason for shifting our understanding of what factors are influencing the discourse around abortion in Argentina. Looking only at the recent abortion bill failure, it would be easy to suggest, as some news outlets did, that the Catholic Church was behind this policy outcome, but if we widen our considerations to include the recent same-sex marriage bill of 2010 and an in-vitro fertilization bill of 2011, both of which passed, the latter with unanimous support, the Catholic Church explanation complicates.

Catholic doctrine is largely based on the concept of “natural law” to which it takes an absolute approach, so that anything considered “unnatural” by their doctrine is strictly prohibited, including same-sex marriage, contraception, in vitro fertilization, and abortion.¹² While all of those actions are strictly forbidden by Catholic doctrine, even considered “intrinsic evils,” all but abortion are legal in Argentina. Looking at the bigger picture, the Catholic Church no longer outwardly seems like a reliable explanation for policy outcomes as a whole, even on the issues that it most opposes, and I will argue that even in the case of the recent failure of the bill to decriminalize abortion, it is not the most influential factor to determining policy outcomes. Instead, there is a trend towards a protection of life and rights, stemming from their culturally and historically imposed values, which may stem from traditional values instilled largely by the Catholic Church but have surpassed its influence in modern culture and politics.

As will be discussed later when elaborating the scholarship on the Catholic Church’s influence on Argentine politics, while there is plausible evidence that the Catholic Church has

¹¹ Elizabeth Jelin, “The Family in Argentina: Modernity Economic Crisis, and Politics,” *Handbook of World Families*. Ed. Bert N. Adams, Jan Trost, (Thousand Oaks: Sage Publications, 2005); Barbara Sutton, *Bodies in Crisis*, (New Brunswick: Rutgers University Press, 2010); Ana Cecilia Gaitán, “Algunas reflexiones sobre la construcción cotidiana,” *Revista de Estudios Sociales* 49 (2014).

¹² G. D. O’Brien, *The Church and Abortion: A Catholic Dissent* (New York, Roman & Littlefield Publishers, Inc.: 2010).

had a significant impact on national politics through the president and occasionally the judicial system, it has been ineffective in influencing the production of policy through the legislature. Now, for the first time in its history, the bill to legalize abortion has provided a one-of-a-kind document full of new data: the congressional debates. As the first bill ever brought to the floor of Congress, this is the first time in Argentina's history that politicians were forced to provide and defend a position on abortion publicly. Previously, the issue of abortion could not be found in any political platforms, as demonstrated by the large splits within political parties on this issue during the debates, and most politicians were reluctant to address the issue due to the possibility of losing votes no matter which way they sided.¹³ These debates offer for the first time an immense amount of information about the arguments and justifications on each side of the abortion debate. Nearly every representative spoke extensively on their thoughts of the bill, which allows these debates to serve equally as interviews answering the question: should abortion be legalized, in addition to allowing the study of the language and arguments that the representatives use to address the issue.

These debates, through the extensive commentary provided by a large proportion of Congress' representatives, offer a new perspective on the academic discussion pertaining to the factors that have prevented or enabled the passage of more liberal abortion policy in Argentina and like countries. By tracking certain aspects of the arguments of the representatives, I will be able to show what their reasoning is for voting the way they do and make inferences regarding their motivations and influences in doing so, specifically concluding that their argumentation is

¹³Milagros Belgrano Rawson, "Ley de matrimonio igualitario y aborto en Argentina: notas sobre una revolución incompleta," *Estudios Feministas* 20, no. 1, (2012), 183.

largely not motivated by the Catholic Church, but by other cultural and historical concepts: the protection of life, rights, and the country's path to modernity.

Literature Review: Theories on the perpetuation of strict Argentine abortion policy

The current literature addressing abortion, women's rights, and reproductive rights in policy consider a variety of explanations for outcome and the expression of the policy. While some studies focus solely on Argentina and its interesting case, many additionally address countries with a similar history and cultural context such as those in the Southern Cone of South America or in Latin America generally, and still others comparing Argentina with European countries, depending on their focus in explaining the differences of policy expression and outcome. The primary framework represented in the literature for understanding the influences over abortion and similarly situated policies is through the lens of the Catholic Church and other religious institutions, with considerations of the importance of feminist/social movement strength and women's presence in Congress as prerequisites to change in the face of a Catholic power. While explanations of the Church's power are perhaps clear in other policy areas such as working through the executive or judicial branch, the effects on the legislative branch have been unclear. Further literature on an overall societal distancing from the Catholic Church on an individual level, self-proclaimed religious sway over legislative officials, and the Catholic Church's new strategies to the secularization of society suggest that its influence may remain strong, although unseen and difficult to trace.

Initial Explanations

Beginning with the considerations on the feminist/social movement strength as a factor in outcomes on abortion or similar policies, Merike Blofield exemplifies these legitimate, but explainable arguments. In her comparative study of Catholic countries and their experience with

abortion policy, one policy explanation that she traces is the importance of feminists, their organizations, and their movements to politicians, in contrast to the importance of religious officials/institutions and how effectively the feminists in each case were able to counter those religious influences. She posits specifically that the success of those feminist movements is contingent upon their ability to reach across classes and redefine the issue as one of public health to effectively “politicize” it.¹⁴ While Italy, Spain, and Portugal had flourishing feminist movements which were successful in bringing the issue of abortion to the attention of lawmakers and especially in Italy, bring substantive change, Blofield elaborates that the cases of Chile and Argentina during the 1990s and 2000s did not have a similar burst of feminist support largely because of a lack of solidarity between classes.¹⁵ Between this weakness of the movement and other setbacks such as the recent experience with dictatorship which left feminist causes less prioritized than larger human rights violations and the 1994 attempt to amend the Argentine constitution to make abortion unconstitutional, the feminist movement of these years was overall unable to make much progress.¹⁶

While such claims may be relevant for the time period Blofield considered, as addressed in the introduction, recent times have seen a massive growth in feminist movements and demands for abortion rights among other concerns of reproductive justice addressed through the National Campaign for the Right to Legal, Safe, and Free Abortion, the slogan for which encompasses not only abortion, but sexual freedom, education, and widely available contraception. It seems that in the current case as well, the massive presence of feminists mobilizing in support of many of these issues culminated in one bill did not fit neatly into the

¹⁴ Merike Blofield, “Women’s Choices in Comparative Perspective: Abortion Policies in Late-Developing Catholic Countries,” *Comparative Politics* 40, no. 4 (2008): 409.

¹⁵ *Ibid.*, 413.

¹⁶ *Ibid.*

projections of this theory, in that ultimately the bill failed in the senate, albeit narrowly. As will be shown later, those speaking for the bill discussed in Congress in June largely framed this issue as one of public and women's health and the debates contained a heavy emphasis on the effects of clandestine abortion on poor women, creating a movement which by definition reached across class barriers, which Blofield argues is the key to the feminist movement's success on the issue of abortion, and yet it marginally failed. Thus, the strength of the feminist movement and its supporters are important for bringing the topic of abortion to the table, but not necessarily for understanding how it comes to be passed or how to understand the influence of the core issues of the debate, a point emphasized by other academics such as Benedicte Einarsen.¹⁷

Similarly, other authors have asserted that heavier female presence in Congress is an important prerequisite to advancements on women's issues such as abortion. While this may be the case in broader studies, two authors, Einarsen, mentioned above, and Jennifer Piscopo, in investigating this claim as it pertains to Argentina found that women's representation is not enough to ensure that such legislation will pass.¹⁸ In the Argentine case, in which today there is nearly 40% female representation in the House of Deputies and just over 40% in the Senate, Piscopo finds in her 2014 study that women's representation is important for many aspects of the policy process such as getting women's issues on the table, but that they depend on many outside factors such as alliances with other groups, including other women in Congress, the men in Congress, activist groups and organizations, etc. to effectively change policy.¹⁹ Einarsen continues past Piscopo's point to consider that in the midst of a lack of action from women in

¹⁷ Benedicte Einarsen, "Women's Substantive Representation in Parliament A Comparative Analysis of Legalising Abortion in Argentina and Uruguay" (Masters thesis, University of Bergen, 2014), 82.

¹⁸ Ibid and Jennifer Piscopo, "Female Leadership and Sexual Health Policy in Argentina," *Latin American Studies Association* 49, no. 1 (2014).

¹⁹ Piscopo, "Female Leadership," 123-4.

Congress to take on the issue of abortion, it has largely been left to civil society to address it, which includes the women's movements as well as the Catholic Church.²⁰ Both agreeing that there are larger factors at play than women's representation in Congress, and all previous authors directly alluding to the influence of the Catholic Church, this brings the conversation to the overarching debate over the role of the Catholic Church in determining the outcome of policy as well as shaping the way the issue is discussed and how the topic can be argued.

The Catholic Church: An Overview of the Conversation

Within the literature, there is a debate surrounding the question: does the Catholic Church have the power and position in society to influence abortion and reproductive rights policy? The answer to this broad question and its reasoning, of course, depends on the country it applies to, although many authors make use of cross-country comparisons between Catholic countries, including Argentina. A founding point of this argument begins with the Argentine Constitution, stating in section two: "the Federal Government supports the Roman Catholic Apostolic religion."²¹ This official and explicit tie to the Church indicates the influence that the Church has both in the government and Argentine society. The Catholic Church is the only state-sanctioned religion in Argentina, which provides a strong basis for the argument of those academics that believe that it is both the dominant and the most important actor in what some call a counter-movement to legalize abortion. Among those that would answer yes to the question of Catholic power in the state of Argentina, academics draw on evidence such as the Vatican's influence on

²⁰ Einsaren, "Women's Substantive Representation," 80-2.

²¹ "Constitution of the Argentine Nation," *Departamento de Biblioteca y Centro de Documentación*, accessed February 2017, <http://www.biblioteca.jus.gov.ar/Argentina-Constitution.pdf>. A Spanish version can be found by going to <http://www.biblioteca.jus.gov.ar/>, following the hyperlink "ingrese listados," clicking on "constituciones" and the first one is the Constitución de la Nación Argentina.

local Argentine politics, the Catholic Church's influence over the executive branch, its use of interest groups to influence the judicial branch, and political parties over the legislature.

On the other side of this conversation, there are those academics that would likely hesitate to answer no, that the Catholic Church does not influence abortion and reproductive rights policies in Argentina, and agree that in the legislative case, the Church is at least not directly or effectively influencing policy. These authors point to the secularization of not just Argentine society, but many traditionally Catholic societies and the replacement of Catholic values and discourses, at least in their outward appearances, with others, such as modernity, rights, democracy, and more general protection of life and vulnerable populations, concerns of public health, etc. They also point to the divergence between the Catholic Church's message and the beliefs of its members, finding that there are more and more divergences between official church doctrine and what politicians and their constituents believe. A combination of these church-wary explanations will best contribute to the understanding of how Argentina expressed the legislative moment at hand and what relevant factors are influencing the abortion debate.

The Catholic Church: Those in Favor

On the larger plane, the Vatican is known to have an influence over international policy and relations sometimes in broad, harder to trace ways like publishing doctrine or releasing statements on issues, but other times very directly participating in the policy process from an international standpoint.²² The Vatican holds a permanent observer seat on the UN, and as such can attend and influence UN conferences, which is exactly what it did at the Cairo conference of 1994, which had a heavy focus on reproductive rights. During this conference, the Vatican representative was able to largely delay the debate on abortion and ultimately influence the word

²² See Hansen, *The Catholic Church in World Politics*; Fox, "Religion as an Overlooked Element"

choice of the platform to diminish the acceptability of abortion as a family planning tool. The Vatican assembled a crew of ally countries, including Argentina (and other Catholic Latin American countries) to aid it in this process.²³ As the only religion represented as a permanent observer and with the power to bring together several Catholic countries to achieve significant delays in discussion on the international political field, Fleishman as well as others cited argue that the Catholic Church has a significant power to influence if and when a debate on issues that it is concerned with will take place.

On the domestic level, the office of the president represents a concentration of power into one official's hands, through veto power, executive orders, and policy options that can circumvent Congressional approval. As such the president is an empirically obvious site for those looking for direct Catholic influence in policy-making. Multiple authors have used the example of President Menem, the second president to follow the Argentine dictatorship, as an example of the Catholic Church's hand in politics.²⁴ After running on a platform of human rights and economic stability, Menem switched gears once in office and went instead towards a religious extreme, best represented by his attempt to revise the constitution to outlaw abortion, artificial insemination, and contraception, as well as his successful creation of the national Day for the Unborn Child, the latter being a result of a promise he made during a visit at the

²³ Fleishman, "The Battle," 283-86.

²⁴ Blofield, *The Politics of Moral Sin*, 135.

Lynn M. Morgan, "Reproductive Rights or Reproductive Justice? Lessons from Argentina," *Health and Human Rights Journal* 17, no. 1 (2015): 139-140.

María Angélica Peñas Defago & José Manuel Morán Faúndes, "Conservative litigation against sexual and reproductive health policies in Argentina," *Reproductive Health Matters* 22 no. 44 (2014): 87. (Listed in Bibliography under "P" for Peñas Defago)

Dora Barrancos, "Problematic Modernity: Gender, Sexuality, and Reproduction in Twentieth-Century Argentina," *Journal of Women's History* 18, no. 2 (2006): 138.

Marta Alanis and Serra Sippel, "A Calculating Alliance: Argentina's President Menem, the Vatican, And the Politics of Abortion," *Conscience* 20, no. 2 (1999).

Vatican.²⁵ Since Menem left office in 1999, there have never been ties quite so overt between the Catholic Church and the President of Argentina, and while the possibility of a constitutional amendment preventing further discussion on reproductive rights was a serious threat, the “power” of the Catholic Church was not strong enough to get it passed. Ultimately, this example demonstrates a flaw in the presidential power approach: the president does not pass policy alone. There were certainly very symbolic anti-abortion actions undertaken by this particular president, including the creation of an official Day of the Unborn Child, but large, far-reaching policy changes such as a constitutional amendment, or even the creation of laws, are not up to the president alone.

While the president does have some power to move policy as Menem attempted with the constitutional amendment, their power to stop policy from passing through a veto is a more realistic understanding of the power a president has over the policy process. Under the Kirchner administrations, a self-proclaimed human rights-centered pair of presidencies (Nestor followed by his wife, Cristina) no bills concerning abortion made it to the debate floor. During their administrations, both were vocally against abortion but pushed heavily the topic of human rights and injustices of the dictatorship. In this context, some authors suggest that the veto power of this president, who had come out explicitly against abortion, disincentivized the legislature to attempt any law decriminalizing abortion.²⁶ The president’s daunting veto power and a long tradition of anti-abortion presidents could contribute to the explanation as to why no legislation debating the liberalization of abortion had ever made it to the congressional floor until June 2018, only after an address from current President Mauricio Macri who, although known as a pro-life politician,

²⁵ Blofield, *The Politics of Moral Sin*, 135 and Morgan, “Reproductive Rights,” 139-140.

²⁶ Blofield, *The Politics of Moral Sin*, 59-60, 137 and Morgan, “Reproductive Rights,” 139.

fully and explicitly endorsed the debate.²⁷ Had the threat of veto from a Catholic president been the preventing factor in the abortion debate, the bill should have passed Congress once this fear was directly addressed by the President who encouraged a debate and pledged to sign the bill into law if that were the Argentine will. This situation in which a Catholic president openly calls for a debate that defies Catholic policy does, however, have implications on the third theory of Catholic influence on the issue of abortion, that the Catholic influence is shifting to a more subtle framework, to be addressed in the next section. Briefly first, we will turn to an additional theory on the influence of the Catholic Church on non-legislative abortion policy.

There remains the consideration of the Church's influence over political parties, and thus the legislature directly. Blofield, in *The Politics of Moral Sin* concurs with other feminist writers that the presence and power of the political "left" is important for the success of a political movement for reproductive rights because of their more sympathetic tendencies towards those issues.²⁸ This is especially necessary, she considers in this and other works discussed in this paper, in traditionally Catholic countries such as Argentina in which the Church has the power to block progress on reproductive rights when unsupported by the political left, or by inter-class feminist movements. She and others have recognized, however, that not only traditionally "right," or non-reformative parties like the Partido Justicialista, but reformist ones too like the Unión Cívica Radical, and in fact, most political parties do not include a stance on abortion in their platform and have been very reluctant in the past (before the June-August 2018 debates) to release any statement taking a side on the issue, due to losses in their support base and voters either way they sided.²⁹ The issue of abortion was not even implied in any platforms, leaving

²⁷ "Argentine president asks Congress to debate abortion," AFP News Agency, March 1, 2018, https://www.youtube.com/watch?v=QbOvIIXGkL8&feature=player_embedded.

²⁸ Blofield, *The Politics of Moral Sin*, 36.

²⁹ *Ibid*, 136; Rawson, "Ley de matrimonio igualitario y aborto," 183.

many political party representatives to have their own party-independent opinions on it. In other words, until very recently the issue of abortion was not a partisan issue and many parties had a significant number of representatives on each side of the debate. Due to these large splits in especially the largest parties and political blocks in Congress, it would be difficult to argue that the Catholic Church had the power to sway any major party as a whole to vote in favor of its interests.

There may still be something to say about the importance of support coming from inter-class feminist movements in overcoming the Church's implicit influence, even if there are no suggestions that the issue had any ties to any political parties on the left or right before this debate. It certainly was not the legislature that pushed heavily for this debate to occur but the work of the feminist movements: The Campaign for the Right to Legal, Safe, and Free Abortion and Ni Una Menos, discussed in the introduction. As these movements have grown and deepened their support, it is plausible that the demands from their protests implored the president to address the concern in his State of the Union address and explicitly authorize this debate in the legislature.

The Catholic Church: A Subtle Presence

So far, the Catholic Church's influence has been greatest when considering its effect on individuals, rather than entire groups, which may also be the case in the legislature. To address this consideration, I will turn to literature regarding the Church and its positions and a variety of new strategies of the church in the presence of an apparent secularization of society to keep its values relevant and present in debates such as the one at hand. To begin with, the notion that the Catholic Church is losing popularity is a common one, but one that plays out interestingly in the context of Catholic countries. Multiple studies regarding public opinion in Argentina and

countries with similar abortion policy and history such as Brazil have concluded that there are significant differences between the opinions of Catholic-identifying individuals and Catholic Church attendees on abortion legalization and when abortion is acceptable.³⁰ In other words, it is not the Catholic identification that leads to a congruence between an individual's political opinions and Catholic doctrine, but the active practice of the religion, measured in the Brazil study as time spent praying and in other studies as church attendance. To include some of the studied numbers of the Argentine case, Rabbia and Ruata find from their survey-based study that although 60% of the survey respondents were Roman Catholic, 84% of the total respondents did not believe in a complete ban of abortion in all cases, which is the position of the Catholic Church.³¹ Ruediger's data, through which she conducted logistical regressions and determined that while Catholicism was not a significant factor in determining abortion or same sex marriage opinions, tells a similar descriptive story. While 64.2% of respondents were Catholic, there were 13.3% identifying as atheist, another 13.3% other, 5.8% Jewish and 1.7% Evangelicals, yet 51.7% of the respondents claimed "never or practically never attending religious services."³² Through this information and her logistic regression results, Ruediger concludes that "the data suggests both secularization and religious diversification."³³ These are the societal trends that the Catholic Church is confronting in Argentina on the issue of abortion, but public opinion data may not map directly onto the positions of legislative officials, those which directly control the policy. After all, the above studies suggest that the Catholic Church maintains the tightest hold

³⁰ Leah Ruediger, "Deinstitutionalization and Youth Attitudes Towards Gay Marriage and Abortion: The Decline of the Catholic Church in Argentina," *TCNJ Journal of Student Scholarship* XV (2013): 9.

Hugo H. Rabbia and María Candelaria Sgró Ruata, "Posiciones sobre aborto en Argentina: de la Conferencia Episcopal a las opiniones de los/as ciudadanos/as católicos/as," *Política & Sociedad* 13, no. 26 (2014): 210-11.
Curtis P. Ogland and Ana Paula Verona, "Religion and Attitudes Toward Abortion and Abortion Policy in Brazil," *Journal for the Scientific Study of Religion* 50, no. 4 (2011): 817-820.

³¹ Rabbia and Ruata, "Posiciones sobre aborto," 209.

³² Ruediger, "Deinstitutionalization and Youth Attitudes," 7.

³³ *Ibid*, 9.

over those still attending church services or actively practicing their religion, and it may be that legislative officials are more likely to fall within the active religious category which would statistically align them closer to Catholic ideology.

One study by Juan Cruz Esquivel addresses the application of these questions directly to the Argentine congress, through which he randomly surveyed 1/3 of all Congresspeople on a variety of questions.³⁴ For the following issues, all of which are explicitly against Catholic Church doctrine, congresspeople were asked about their opinions. Artificial insemination was supported by 84% of the respondents, changing sexual identity 75%, adoption by same-sex partners 51%, same-sex marriage 59%, euthanasia 52%, and a massive 84% for abortion in the first trimester.³⁵ Although there is clearly a divergence from Catholic ideology in their personal opinions, as Esquivel points to, only 3% of the congresspeople responded that religion did not affect the bills or votes of their peers and 27% reported that religion had a “considerable influence.”³⁶ In addition, only 25% said they had not met with a religious leader on their positions in the past year and when asked about those experiences, “three out of four legislators asserted that the opinion of the Catholic Church partially influenced their votes on bills regarding sexual education and same-sex marriage and close to 20 percent said that it determined their votes on those topics.”³⁷

Esquivel’s data appears to support the findings of the previously discussed studies in an interesting way. Whether or not these members participated regularly in Catholic Church activities, many were in direct contact with leaders of the church and in direct consultation

³⁴ Juan Cruz Esquivel, “Religious Influence on Legislative Decisions on Sexual and Reproductive Rights,” *Latin American Perspectives* 43, no. 3 (2016): 133-143.

³⁵ Esquivel, “Religious Influence,” 139.

³⁶ *Ibid.*

³⁷ *Ibid.*, 140.

regarding their legislative positions. Through congresspeople, academics have the unique ability to be able see how opinions on such issues can be affected by outside institutions such as the Catholic Church by comparing their opinions to their votes. Although this study was conducted in 2016, in 2018 for the debates over the legalization of abortion many of the same Congresspeople remained either by elections or for the continuation of their four- or six-year term (Deputies serve four years, Senators serve six). The topic of abortion legalization, which shown in Esquivel's data to have privately received an 86% approval rating from members of Congress, only marginally passed the House of Deputies only to marginally fail in the Senate.

Esquivel's study offers an explanation to why personal opinion and vote may be disjointed among certain Congresspeople. According to his data, 34% responded that "the support of the Church was important to winning an election" as opposed to 26% on the other end of the spectrum.³⁸ Counterintuitively, he is not arguing with this data that society is not becoming secularized, nor that legislators believe that society is more religious than it is. Instead, he posits that "although the public is not religiously active, Christian culture is imposed as a symbolic reference that permeates the values and meanings of political practices and decisions."³⁹ In other words, the rhetoric and general values of the church are engraved on society, even when the explicit positions of the Church cease to correspond to public opinion. Thus, in respect for the "framework of belonging" that the Church provides and in return for its support, deputies and senators could be expected to vote in line with its policies in spite of their own opinions. From this study, one could conclude that the Catholic Church may very well have a sizable influence over the legislature on some strongly pushed issues such as same-sex marriage and abortion.

³⁸ Ibid.

³⁹ Ibid, 141.

An Interesting Manifestation of Influence

After establishing the influence that the Catholic Church appears to hold over individuals in the legislature, the next topic of concern is how this influence may be expressed, how it can be recognized, and why it may look the way it does. Esquivel continues his study after showing the self-proclaimed influence of the Catholic Church over members of Congress by applying the concept of “subsidiary laicism” which he explains “corresponds to a type of state that has strong Catholic roots but in which democratization and secularization have forged innovative recognitions of the plural forms existing in contemporary societies.”⁴⁰ In such societies, he continues: “we find legislatures that pray lip service to the principles of laicism (freedom of conscience, no discrimination) coexisting with public policies that have a religious substratum. Far from being a contradiction, this is an instance of the tensions and détente that are produced in the negotiation process between a norm, its translation into a public policy, and an ingrained political culture on the part of the managing class that is charged with executing state policies.”⁴¹ In sum, the political condition of the legislature is one that professes the values of freedom of church and state, a secular state, but may demote those values when in conflict with longstanding traditional norms like those from the Catholic Church.

The conflict between laicism and religious norms is apparent in Esquivel’s categorization of two types of people: those that consider it appropriate to use religious beliefs in Congress (arguing, among other things, that “every representative votes according to his or her convictions... Convictions are nonnegotiable... ethical views should be a part of the law) and those that do not (arguing, among other things as well, that “laws apply to everyone independent

⁴⁰ Ibid, 141.

⁴¹ Ibid, 142.

of belief system... We are not here to express our personal beliefs because we are representatives of our nation... The Congress is a laicist institution that should create laws that universalize rights, and not all of us are believers”).⁴² Esquivel does not specify the percentage of respondents that fell within either category, thus suggesting that this may be a common conflict in issues which imply the influence of religious values on the relatively new considerations of the secular state.

An important prerequisite to subsidiary laicism is the secularization of society, which demands the separation of church and state and thus transitions institutions such as the legislature from an explicit expression of the known Catholic norms to an implicit or disguised support for those norms. In the wake of the secularization of society, the Church has not stood by and allowed itself to become irrelevant. Instead, it has adopted the societally expected and accepted, secular rhetoric to argue for its causes, especially with regards to sexual and reproductive politics. According to a qualitative study by Mario Pecheny, Daniel Jones, and Lucía Ariza, “religious actors have consistently led the opposition to these measures, with a growing use of a secular discourse: while few have mentioned the Bible, most public statements on the matter made use of different forms of scientific and juridical knowledge, frequently formulated in the language of human rights and quoting documents recognized by the international community.”⁴³ This shift towards secularism and specifically a heavy reliance on human rights rhetoric began as a part of the Second Vatican Council (1962-1965), understood by the authors as a “strategic secularism... in order to find greater resonance in public opinion and open spaces that might otherwise be closed to them.”⁴⁴ As other authors such as Lynn M. Morgan among others have

⁴² Ibid, 139-40.

⁴³ Mario Pecheny, Daniel Jones, and Lucia Ariza, “Sexual Politics and Religious Actors in Argentina,” *Religion & Gender* 6, no. 2 (2016): 209.

⁴⁴ Pecheny et al., “Sexual Politics,” 210.

emphasized, the rhetoric of human rights is abundantly important to the Argentine society and culture, particularly in wake of a history of military dictatorships, the most recent of which “disappeared,” tortured, and otherwise assassinated up to 30,000 people between 1976 and 1983, and earlier.⁴⁵ It is important enough for those fighting for reproductive rights to refuse to compromise their human rights-heavy rhetoric for a “reproductive justice” framework, as Morgan suggested to them, and it is important enough for the Catholic Church to adopt this rhetoric so that their claims can compete in the same framework.

On the topic of abortion, a tactic that has been used by the Church is the rhetoric surrounding the phrase ‘in favor of life,’ and the juxtaposition of politics of ‘life’ and ‘death.’⁴⁶ In addition to the intuitive tactic of claiming that choosing motherhood is choosing life whereas choosing abortion is choosing death, the Church has begun to infuse the language of human rights into the conversation of life and death. Again, connecting the history of dictatorship and death with a push for life, Pecheny et al. says: “Catholic groups argue that a culture of life, which taps into values shared by the entire population after the torture and ‘disappeared’ of the 1970s, is being challenged by a culture of death.”⁴⁷ Through this analysis of the politics of Argentina, we can expect that the use of life and human rights, among other secular arguments will be prominent in the legislative debates. Human rights create a crucial framework for people on both sides of the debate, stemming directly from a history of human rights abuses and loss.

Ultimately, my conclusions on what influences are present in this debate align with this literature on the secularization of Argentine society in which we expect to see non-explicit religious rhetoric from especially those against the bill to legalize abortion. I diverge from this

⁴⁵ Morgan, “Reproductive Rights,” 136.

⁴⁶ Pecheny et al., “Sexual Politics,” 217.

Rabbia and Ruata, “Posiciones sobre aborto,” 205.

⁴⁷ Pecheny et al., “Sexual Politics,” 217.

understanding, however, in my additions that due to the common rhetoric's historical and cultural roots in society, it is equally valuable and available for those arguing for the bill and the language used in this debate is much larger than a Catholic shift in rhetoric as an attempt to strengthen its arguments in a secularizing society.

Additional Religious Considerations: The Minority

The Evangelical case presents an interesting supplement to the understanding of the influence of the Catholic Church and its contemporary argumentation for its issues such as abortion. While as presented in Ruediger data, only 1.7% of the respondents were Evangelical, making up a very small portion of Argentine society, Rabbia and Ruata's data suggest that there are some significant differences between Catholic and Evangelical thought that is worth attention. While of the Catholics, making up more than 60% of their respondents, only 15.9% agreed with the Catholic position that abortion should be prohibited in all cases, 39.4% of the Evangelical Christians agreed with that position.⁴⁸ The Evangelical Christian denominations are very fragmented, however, and deserve to be analyzed separately, especially on the topic of abortion, as a study by Daniel Jones, Ana Azparren, and Santiago Cunial does. Some, as the Rabbia and Ruata data demonstrates, are aggressively against abortion, more so than the general Catholic population. Interestingly, those denominations use similar arguments to those of the Catholic Church, although more willing to hold to its traditional ideals as valid arguments, including "the defense of life" and the protection of the defenseless, "the defense of the family" through heterosexual, monogamous marriage, and "the existence of a believer majority in Argentina" through which they consider it just to impose laws with a religious basis on society.⁴⁹

⁴⁸ Rabbia and Ruata, "Posiciones sobre aborto," 209.

⁴⁹ Daniel Jones, Ana Azparren, and Santiago Cunial, "Derechos reproductivos y actores religiosos: los evangélicos frente al debate sobre la despenalización del aborto en la Argentina contemporánea (1994-2011)," *Espacio Abierto Cuaderno Venezolano de Sociología* 22, no. 1 (2013): 116-123.

While small in number, these positions are statistically strong among self-identifiers of Evangelical faith.

On the other hand, there are those Evangelical Christian denominations that are in favor of legalizing abortion and present other common arguments within the rhetoric of those who are for progressive policy change on abortion including “the defense of the life of the woman who aborts” and the tendency of these arguers to reclaim the pro-life rhetoric in their arguments to legalize abortion, “abortion as a problem of socioeconomic inequality,” primarily as an issue that disproportionately harms poor women and families who are the most vulnerable members of society, and finally “abortion as a problem of gender inequality” where the issue of pregnancy disproportionately affects women, whether that be the burden of an unwanted pregnancy, the injuries of a botched abortion, the legal consequences of seeking an abortion, the blame for sexual activity, for all of which the man involved is absolved.⁵⁰ These positions are common throughout abortion argumentation, and thus are important to note in spite of their very small societal representation.

Conclusions and Hypotheses

From all that has been discussed, what is clear is that the Catholic Church maintains a direct semblance of control in reproductive politics, abortion in particular, primarily through the presidential position, international opportunities for influence, and other non-legislative routes. In the general population, those who are most likely to hold ideological positions of the Catholic Church as their own are practicing Catholics, however, in the legislature there is a disjuncture between the positions held by the individual representatives and how they are voting, in favor of Catholic Church doctrine in the case of abortion. The rhetoric of Catholic Church ideologies

⁵⁰ Ibid, 123-28.

such as a value of life and the protection of the vulnerable have permeated Argentine society deeply, aided by its history with dictatorship and excessive death and loss. In the face of a secularizing society, the Catholic Church has redirected its arguments to appeal to the greater Argentine position, including the overwhelming emphasis on their pro-life stance, embedded with language of human rights. They will additionally refer to international law, scientific, and other secular arguments which have broad acceptance regardless of religious belief. The conservative Evangelicals tend to have similar positions to the Catholic Church but are even stronger in their assertion of traditional and religious norms than the Catholic Church, seeming to care less about winning over the general population with their arguments perhaps because of their extreme minority representation. Beyond what previous studies have found, I will argue that the move of the Catholic Church to secularize its positions is confronted with counterarguments that reflect the same political/cultural values that they argue with. In the case of abortion, whether arguing for or against the bill, whether Evangelical, non-practicing Catholic, or neither, there is a *secular* reclamation of the pro-life rhetoric and a reliance on human rights rhetoric to directly combat the arguments imposed by the Catholic Church on these fronts. There are additional considerations for inequalities of class and gender that play into the conversation of protecting the vulnerable populations of society.

Previous research has done much in explaining where the church has and has not had an influence in this policy debate and how the rhetoric of the Church has shifted. In the midst of these conclusions of the literature, I expect that the argumentations of the debates should reflect primarily secular arguments on the outset with undertones of morality, suggestive of religious influence even when not explicit, and a heavy reliance on pro-life rhetoric, human rights concerns, scientific evidence, and a use of the law to argue both sides of the debate. I

additionally expect the use of each of these topics to vary slightly in the context of which side utilizes it, and through discourse analysis will be able to clarify how each side of the 2018 legislative abortion debate utilizes the rhetoric of these topics and better explain the political moment that Argentina experienced during these debates. Through the contribution of additional historical and cultural Argentine background, I will additionally position the importance of these arguments to broader Argentine political/cultural values and contribute to the understanding of why these topics are universally accepted by those in the debate, whether arguing for or against the bill.

Methods

As a project centered around congressional debates, the methodology that I employ is a form of political discourse analysis (PDA). As Andrew Stark discusses, PDA is useful in reaching a deeper understanding of politics expressed in forms such as a Congressional debate because their argumentations are constructed by “persuasion and rhetoric which may be more ideological than logical in their structure, and more anecdotal than scientifically empirical in their bases.”⁵¹ Thus, there is a lot to be gained, especially initially, from analyzing the speech and rhetoric from the perspective of language and its impact in discourse such as a Congressional debate. PDA additionally allows for the deeper consideration of the political contexts which shape discourse.⁵² In the debates that I analyze, the “context” considered is a historical context, or “context as time” as one study on critical discourse analysis distinguishes.⁵³ In terms of political domain, this project explicitly clarifies the political values indicated by the political

⁵¹ Andrew Stark, ““Political Discourse” Analysis and the Debate Over Canada’s Lobbying Legislation,” *Canadian Journal of Political Science* 25, no. 3 (1992): 513.

⁵² Teun A. van Dijk, “What is Political Discourse Analysis,” *Belgian Journal of Linguistics* 11 (1998): 14.

⁵³ Shirley Leitch and Ian Palmer, “Analysing Texts in Context: Current Practices and New Protocols for Critical Discourse Analysis in Organization Studies,” *Journal of Management Studies* 47, no. 6 (2010): 1202.

discourse of the Argentine debates. As discussed by Teun van Dijk, “shared cultural values may be declared typical for political systems” and these values often organize and differentiate ideologies, as well as express themselves within political cognitions, represented here as the expressed policy opinions of the Congresspeople of Argentina. As discussed in the literature, there are a variety of historical contexts to consider in the rhetoric and word choice of the Congresspeople to determine what values are being expressed in this debate which could be ascribed “typical” to Argentina. In my analysis, I refer to these “typical” values as value convergence. That is, when both sides of the debate are expressing the same values in their arguments, it is clear that the value is a shared Argentine value that goes beyond political ideologies and factions, and even opinions on the topic of abortion legalization.

I apply PDA to the lower house debates about abortion legalization in Argentina on June 13, 2018. The Chamber of Deputies debate is comprised of around 180 total testimonies, 98 from men and 82 from women. More than half of the 257-member Chamber spoke on this bill, and only one person was absent on the day of the debate (due to his suspension, and even in that state he submitted a testimony through another representative). I analyzed these testimonies by reading them and sorting the comments into categories described below by searching for key words and phrases, then by considering the context and use of these words and phrases. In analyzing their context and use, I framed each topic in terms of value convergence, when the uses were overall similar among all speakers, or value divergence, where the uses generally differed depending on which side, either for or against the bill, was speaking. After organizing the information as will be discussed below, I selected quotes on each topic which exemplified the patterns of the overall topic, with at least one example from a testimony on each side of the

debate. I then translated these quotes, with the review of Professor Silvia Tandeciarz to be included in this project.

Extracted from the conclusions of the literature review, this project tracked several topics that have implications on the values and the context at play in this debate: religion, pro-life, rights, public/women’s health, science, and law. Every time one of these topics was invoked by a statement in the debate, it was marked down as pertaining to that category. As will be seen later in the examples provided from the testimonies, many statements pertained to more than one category, in which case all topics to which the statement pertained were marked. Each topic was defined as follows:

Religion – Any argument in which religion is explicitly mentioned, either broadly or specifically referring to a particular religion or religious conviction.

Pro-life – Any argument which is founded on the basis of the speaker’s concern with and prioritization of life

Rights – Any argument which explicitly refers to “rights”⁵⁴

Public/women’s health – Any argument which referred to “health” explicitly or a concern such as maternal mortality, unsafe abortion conditions, and concern for the safety of women which have at their core, concerns of health.

Science – Any argument with a basis in scientific fields such as biology. These arguments may include concerns for health but are distinct from the above topic in the evidence they draw from. Whereas health arguments may utilize statistics of the health field to indicate concerns for public or women’s health, scientific arguments draw from studies and “known” scientific knowledge.

⁵⁴ As the debates are in Spanish, the word which invoked this topic was “derecho(s)”

Often, the congressperson will make the distinction themselves when invoking this topic by including in their argument the scientific value of what they stated.

Law – Any argument which refers to a specific law or type of law.

After determining that a comment fit a particular topic, I marked it with its designated color to keep easy visual track of the topics and copied them into a separate document organized by topic then by speaker. To ensure that these classifications were accurate and complete, I went through the designated section twice and adjusted as necessary. Although patterns became evident during the process of recording the data, patterns were formally extracted by first going through all of the comments of each topic and extensively summarizing the ways in which each topic was used, then organizing that information into patterns of the expression of values in the topics, rhetoric, and arguments of the debate. During this process, coinciding with additional research into Argentina's political history, other trends in relation to the historical context of these topics and values came to the forefront and I reread the data pertaining explicitly to Peronism, which required controlled searches due to its initial lack of definition or prominence in the topics which I tracked.

As discussed in the introduction, these debates are novel in part due to their newness and additionally due to the immense amount of discussion on this never-before-discussed topic. These aspects presented clear and unique challenges to this project. The debates, occurring in the Chamber of Deputies in June 2018 and in the Senate in August, were quickly available online in video format, for which the Deputies debate alone is 24 hours of debate. These videos were in Spanish and did not have subtitles, posing a challenge to data collection and at first requiring the recording of data through notes before even considering analyzing. Given that the lack of transcripts of the Congressional sessions was backed up for months before the debates, there was

no initial indication that there even would be a transcription before this project was completed or at least well underway. An unofficial transcript, which was a scrolling page on the Deputies website and as such had no page numbers, was uploaded in mid-October, allowing for a careful tracing of the topics and a development of methods to be used from that point forward, but essentially scratching the previous month's work with the debates. Only towards the completion of this project in April 2019 did the Deputies website finalize a transcript of the debates in the "Diario de sesiones" which included citable page numbers, although thankfully there were no substantial differences in the transcriptions of the two versions, only the format.

Ultimately, as illustrated above, this project of immense amounts of new information which had still not been finalized when this project began presented a problem of time. Due to a lack of time to address the hundreds of pages of debate (or 1000+ in my initial word document versions), a close reading of the entire debate was not reasonable or possible. At the point when this became clear, I had already been working substantially with the Deputies debate. As with the U.S. House of Representatives, the Argentine Chamber of Deputies is the population proportionate branch in terms of state representation, and as such is larger than the Senate which also like the U.S. Senate has two representatives per state. In the context of time constraints, I chose to continue working with the Deputies debate which had a broader representation of Argentine states and parties, and with them positions and argumentations. The Deputies debate also provided a self-constructed and reasonable cut-off for the sample of this project. In the initial document which I used for the debates, the first about 100 pages were the political blocks' representatives' statements and arguments, followed by several hundred more pages of individual testimonies. In the first section of block speakers, many blocks, especially the larger ones, send more than one or multiple people from their block to express different opinions on the

policy, some in favor and some against, ensuring a diverse representation of opinions and of the expression of values. As a project investigating the diversity or lack thereof of values, this self-selected diverse segment of the debate was the best choice for focusing on a reasonable amount of Congressional testimonies. The block testimonies were additionally allowed more time than the individuals making their arguments and testimonies as a whole generally more in-depth than the individual testimonies which followed and were more able to use many of the topics defined above than the individuals.

As I was able, I did skim through individual testimonies, especially as a part of controlled searches done to trace certain a certain word throughout the debate, but these testimonies were not analyzed in detail, and with the exception of one example given from an individual testimony which is noted and explained in the data analysis section, are not included in the data. Due to both the self-selection of the political blocks in who spoke for them, often presenting someone on both sides of the debate per block, and controlled searches through the rest of the document, I do not expect there to be any large differences in the conclusions I present based on the studied segment and those that would be found in the document as a whole. It, nevertheless, is a limitation of this project.

Data Presentation and Analysis

Over the course of the debate, patterns began to emerge between the topics that I tracked. While many of the variables overlap and influence the expression of each other, each one that follows has its own independent value and contribution to understanding the political horizons which shape the Argentine abortion debate. As in most debates, there are two sides, which here I will identify only as pro-bill or those supporting the bill to liberalize abortion and anti-bill or those against the bill that wanted to maintain abortion criminalization. As will be elaborated later

in the pro-life section, the term “pro-life” in the context of the Argentine debate does not exclusively pertain to either the pro-bill or anti-bill group, as it is, in fact, used by both groups, and as such will be reserved not to describe a congressperson’s position on abortion, but their comments about the issues at hand. Alluded to with my pro-life disclaimer, there are a variety of topics in the Argentine debate to legalize abortion for which we see value convergence, that is, an overall agreement from both sides on certain topics relevant to the debate to legalize abortion. Those congruences appear when discussing the larger ideals and topics which I traced: religion, science, health, rights, the law, and pro-life. Divergences appear in the side-specific application of these topics such as which side is the true “pro-life” side and which side truly protects rights. The instances where their arguments align and diverge in many cases have historical and cultural significance which will be elaborated and explained as they become relevant to exploring the variables and themes within them that situate this debate in the broader Argentine context.

Religion

As discussed in the literature review, religion in Argentina, particularly as articulated by the Catholic Church, has been a primary explanation for the current abortion policy in the country. On the outset of my investigation into the issues of reproductive rights in Argentina, the Catholic Church explanation seemed deficient in an explanatory sense given Argentina’s propensity to pass other policies that defy Catholic Church doctrine, beginning with legalizing divorce in the late 80s, the legalization of same sex marriage in 2010, and in vitro fertilization in 2013. Given its prominence in the literature on abortion policy in Argentina, it was a high priority when tracking the variables I extracted for best understanding the language and argumentations of the debate. Ultimately, based on the evidence I will begin to present in this section, I conclude that religion, especially the Catholic Church, has very little overt legitimacy

in this debate, whereas the use of culturally significant arguments such as the value for life, rights, the law, and science produce a shared horizon of value in the debate regardless of the side that is arguing, pro- or anti-bill.

To begin with, a concrete distancing from the Catholic Church resounds throughout this debate on both sides of the bill. One of the arguments made by Sr. Ramon, a congressman who voted against the bill, encapsulates the collective view on the church and its relevance to this debate: “The topic of the right to life, as we understand it in our nation, has tremendous importance that does not go away because a woman has a problem or a disagreeable sexual encounter and wants to abort. No Argentine wants to have to have an abortion. Can they conceive that here in the Capital? Yes, they talk about it, but it doesn’t come from the Catholic Church, it comes from the importance that life has and when they talk about life, they’re not just talking about any given thing.”⁵⁵ Sr. Ramon here alludes to an important value to be discussed of its own merit later: the right to life. Although a topic which is doctrinally and historically tied to Catholic argumentations against abortion, Sr. Ramon distances himself from these ties and refers to it as an independent Argentine value. Sr. Ramon was not the first, nor the last to explicitly deny the Catholic Church a place in this debate. While he talks of the defense of life as a general concept not being fueled by the Catholic Church, there are other members of the anti-bill side which emphasize that their own opinions on this topic were additionally untouched by religious justifications, such as Sra. Bianchi: “How can it be that the right to life, the root and foundation of all other rights, could be so easily questioned and trampled? My defense of life is not based on any religious beliefs; nor does it arise from any morals or dogma. It is born from my capacity of discernment and of observation, of seeing how applied technology permits a continuation and

⁵⁵ Diputados, Sr. Ramon, 79.

dynamic knowledge of embryology.”⁵⁶ Sra. Bianchi elaborates the distancing from the Catholic Church to be a distancing from religion and the general trend of this debate to emphasize secular values and argumentations. While the right to life is a very strong value, emphasized in both of these examples as secular, Sra. Bianchi alludes to that which appears to replace religious justifications: reasoning and science for the anti-bill arguers.

Those for the bill share at least this base-level distaste for the Catholic Church and religion within politics, especially in the discussion of legalizing abortion in Argentina. Sra. Macha, who voted in favor of the bill, says on the role of religion in this debate: “It seems to me that as legislators we have a representative function and that function implies the ability to separate our religious beliefs for a moment, the situation that each and every one of you would be in if you found yourself in a moment where you had to consider an abortion. It doesn’t matter what we do nor in what we believe religiously, what matters is that this implicates the death of many, many women in Argentina every year and that not legalizing abortion means that those deaths will continue to happen.”⁵⁷ She is not alone in calling for a religion-free debate. While overall, religion or the Catholic Church are most often left out of the congressional testimonies entirely, when either one is mentioned, it is overwhelmingly to denounce its presence in the debate in a similar manner to Sra. Macha. Some will call attention to the concept of the “secular state” and reassert the need to uphold that standard while others will call out the Catholic Church by name.

One congresswoman in particular, Sra. Gonzalez Seligra who voted in favor of the bill, used the better part of her testimony to elaborate on her concerns with the Catholic Church in particular: “In any case, when [the President] came here to Congress and gave his approval to

⁵⁶ Diputados, Sra. Bianchi, 69.

⁵⁷ Diputados, Sra. Macha, 55.

open the debate, at the same time he said that he was against legalizing abortion because he defended life. What a coincidence! That's the same argument that the Church used throughout the years and in these recent months has pounded and pounded to mark us, those of us that defend the rights to a voluntary interruption of a pregnancy for women and gestating people, as criminals. That same church which during the dictatorship endorsed the torture of pregnant women – as has already been said here today – and that after that torture many of those pregnancies ended in spontaneous abortion. Nevertheless, none of the ecclesiastic hierarchy ever said anything about that.”⁵⁸ This commentary on the Church offers insight into several key themes of the debate. Primarily, the clear value congruence that the Catholic Church is not a valid source for the justification of any defense of life. In spite of this agreement in message, there are clear differences between the ways in which each side distances itself from the Church. While those against the bill tended to distance their values from religious foundations to bestow a sense of greater legitimacy to those values, the reaction to the Church here is a blatant rejection that the Church represents the values of life at all. Sra. Gonzalez Seligra uses the imagery of the dictatorship here to delegitimize the Catholic Church's claim to the pro-life stance, as many others in the broader Argentine debate have done.⁵⁹ In this comment along with a variety of others, while the Catholic Church is the main target of criticism, implicitly those that use the Catholic Church as a justification are also attacked. Throughout the debate there is a call for a secular debate, primarily emerging from those for the bill. Those against the bill respond positively to this call in many cases, by similarly denouncing the Catholic Church's or broader religion's role in their argumentations. Whether those against the bill are simply shifting their

⁵⁸ Diputados, Sra. Gonzalez Seligra, 77

⁵⁹ Elizabeth Borland, “Cultural Opportunities and Tactical Choice in the Argentine and Chilean Reproductive Rights Movements,” *Mobilization: An International Journal* 9, no. 3 (2004): 331.

rhetoric to avoid criticism or genuinely shifting to a secular understanding of the right to life, there is a value congruence between the large majority of speakers that the Church should not be and is not a legitimate argumentation in this debate.

This is not to say that no single congressperson utilized a religiously charged argument to justify their anti-bill position. Although it was rare, the most thorough use of religion as a justification for the anti-bill position came from Sr. Olmedo: “I am Christian, Evangelical, proudly so. There is the Catholic Church, Judaism, other religions. I don’t think any of them allows killing a child for coming into being. So, we should respect all lives. Surely all religions have this testimony.”⁶⁰ An interesting note about Olmedo’s testimony, particularly in light of the literature on the influence and positioning of the Evangelical Christians, is how Sr. Olmedo identifies himself. This was the strongest use of religion in the section of the debate that I selected to study deeply, and the fact that Sr. Olmedo makes up one of the less than 2% of Argentines that identify as Evangelical is certainly relevant to understanding this outlying argumentation. The literature addressed above suggested that while smaller in numbers, Evangelical Christians tend to be much more adamant about their position on abortion policy and their faith-based backing, which may explain this outlier in the pattern. Nevertheless, the pattern remains that overall there is value congruence on the legitimate role, or lack thereof, of the Catholic Church in this legislative debate to legalize abortion.

As seen in many of the above comments, the topic of life, particularly of being pro-life, is a very prominent value expressed throughout the debate. Additionally addressed above was a taste of the Argentine history that resonates throughout these debates and is crucial to deeply understanding many of the Congresspeople’s comments. While the importance of the Catholic

⁶⁰ Diputados, Sr. Olmedo, 92.

Church to Argentina could be briefly explained by its well-known legal and historical ties to the Church, some of the other historical connections such as those to rights and the protection of the vulnerable require a more extensive historical summary to achieve a deeper understanding of the roots and implications of the topics to come. The history of Peronism is particularly crucial to understanding the politics of Argentina and the explanation of such will provide a layer of cultural importance to the specific topics to be addressed as well as an understanding of how some of those issues converge and diverge between the two sides of this debate.

The History of Peronism

As suggested by Seligra's condemnation of church inaction during the dictatorship, Argentina's political history, especially that of the last century, is key to understanding modern Argentine politics and the frameworks that are presented in the debates. Juan Domingo Perón, for whom the ideology Peronism was named, was arguably the most influential Argentine politician in the country's history. Beginning his career as a military man, General Perón entered the political sphere, as many have done throughout Argentine history, in a military "golpe," or coup, that removed the existing democracy in 1943.⁶¹ He was elected President in the elections of 1946, but the work he did in the interim – improving the conditions of the working class through wage increases, benefits, vacation, and an overall improvement in the quality of life – fueled his support and popularity with the working masses.⁶² He and his second wife Eva (Evita) Duarte de Perón took on labor and social issues during his first presidency, and while Perón geared his policies towards his ideals of industrialization and advancement of the Argentine people, with the working people at the core of the country, Evita positioned herself as the

⁶¹ David Tamarin, *The Argentine Labor Movement 1930-1945: A Study in the Origins of Peronism* (Albuquerque: University of New Mexico Press, 1985), 171.

⁶² James W. McGuire, *Peronism Without Peron: Unions, Parties, and Democracy in Argentina*, Stanford: Stanford University Press, 1997), 50-4.

people's spokesperson, traveling the country to be with the people, speaking at unions, and surrounding herself with charity work and the interests of the poor and working classes.⁶³ The movement which brought Juan Perón into power in 1946 was thoroughly founded in the benefits he had brought to his working class base and at the promise of more to come. In the years before the election as Head of the Labor Department, Peron successfully navigated the creation of a Secretariat of Labor and Welfare through which they were able to enforce existing labor policy, increase wages for organized workers, establish more humane working condition policy, expand social welfare policies for the poor and working classes, and create new labor unions.⁶⁴ The results of these policies along with the efforts of "propaganda teams" which held meetings with local labor forces to rally support brought Peron massive popularity among union leaders and everyday workers alike, all of which posited him well to run in and win the elections of 1946.⁶⁵ During his first presidency, the pro-labor policies of his early governmental years continued to expand, meanwhile his wife Eva Duarte de Peron presented a front which emphasized the rights of the poor and vulnerable, through her sympathetic speeches on worker's rights, visits around the country to be with the poor and excluded that her husband had no time to see, and help for the poor provided through her charity, the Eva Duarte de Peron Foundation.⁶⁶ She responded to a march of several hundred indigenous people protesting the loss of their land and attempts to evict them from it by reasserting "the land belongs to those that work it" and promised a change of laws for its return to them. She additionally reported that for the 1947 census "Peron devoted several days to popularizing the work of the small army of census gatherers by going out himself

⁶³ Tamarin (1985), 188; Robert Alexander, *The Peron Era* (New York: Columbia University Press, 1951), 105-10.

⁶⁴ *Ibid*, 190.

⁶⁵ *Ibid*, 191.

⁶⁶ John Barnes, *Evita First Lady: A Biography of Eva Perón*, (New York: Grove Press Inc., 1978), 66, 73-4, 76-7; Alexander, 107-8.

into the slums of the city,” and while the president went around with the census workers taking down information, Evita would visit with the townsfolk and give gifts to the women and children that gathered around her.⁶⁷ Evita and Juan Perón centered the protection and improvement of the lives of the masses in their policy from 1946 to 1955, allying themselves with this base, often at the cost of the elites whose interests they damaged and threatened. Through their rallying of the masses and their individual/personality-based popularity, Peronism as an ideology developed.

Although there have been many actors throughout its existence that have identified as Peronist ranging from leftist militant groups to moderate workers unions, the values and goals of Peronism as an ideology in favor of workers and broader rights has outlasted coups and military dictatorships, and with them, periods of severe repression ranging from proscriptions from politics to the disappearance, torture, and assassination of Peronist, designated “subversive” sympathizers.⁶⁸ These sentiments remain today in the modern Peronist movement, such as the previous Kirchner presidencies which framed their campaigns and goals around the amplification of human rights.⁶⁹ Some elements of Peronism seem to be durable, as one author notes saying “it would probably be best to describe [the ideology of Peronism] as fundamentally pragmatic in the economic sphere but also composed of a militant, intransigent sensibility of self-worth, a sense of inalienable birthright to participate in the nation’s public life and receive its share of the country’s wealth, as well as the blurring of the distinction between the nation and the working class.”⁷⁰ The work done by Perón for the working class in his first almost decade in power impacted the mindset and identity of the working classes so much that it outlasts Perón himself and continues to present itself in the dialogue of Argentine politics. Certain rights were given and

⁶⁷ Barnes, *Evita: First Lady*, 76.

⁶⁸ McGuire, *Peronism Without Peron*, 170.

⁶⁹ Calvo and Murillo, “Argentina: The Persistence of Peronism,” 148-161.

⁷⁰ Torre, “The Ambivalent Giant,” 129-30.

expectations created, such as mobilizing and fighting for one's rights, voicing political opinions, and the right to certain living conditions and comfort, that proved durable. Another author summarizes the trends of divergence within Peronism distinctly that "the quarry of Peronist beliefs is rich enough to take from it elements to build virtually any other ideological house. In the past it has changed quite a few times, and so it may in the future."⁷¹ While the pro-labor policies and a campaign of rights for the working class and the poor is where Peronism started, it has evolved and transformed to encompass much more than just that and has at some point forfeited all of the ideals it once stood for in one of its forms at some points in time, and thus could be used in almost any setting to make a political point coming from any side of a debate, pro-church, anti-church, pro-labor, anti-labor, pro-rights, anti-rights, etc.

Peronism in the Debates

Peronism is key to understanding Argentine politics in Argentina, even in the first debate over abortion policy in its history. Among some of the congressional testimonies, there is a heavy reliance on old Peronist rhetoric, some explicit and even more implicit. Beginning with the explicit references to Peronism, it is accepted and used by members of both sides of the abortion debate and by multiple parties, namely the Frente para la Victoria – Partido Justicialista (PJ), PRO, Todos Juntos para San Juan, Peronismo para la Victoria, and Frente Progresista Cívico y Social, among others in the individual testimonies. While some of these parties have direct historical ties to Peronism, such the PJ, Juan Perón's own party, others such as PRO are newly emerged and rather economically conservative, an ideology that diverges from the understanding of Peronist ideology. With all sides and a diverse spread of parties using the Peronist rhetoric of

⁷¹ Di Tella, "The Transformations of Peronism," 218.

rights and the protection of the vulnerable sects of society, we see that there is a value congruence on the legitimacy of Peronism as a framework in the argumentation of these debates.

While both sides make explicit use of Peronism, each of the five direct references to Peronism in the block representatives' statements uses different historical aspects of Peronism to make their points, which vary greatly depending on which way they intended to vote on the bill. Those who made explicit ties to Peronism and voted against the bill in my studied portion of the debates are Sra. Polledo (PRO), Sr. Allende (Todos Juntos para San Juan), and Sr. Contigiani (Frente Progresista Cívico y Social). While their uses of Peronism vary slightly, all three note a historic tie to pro-life policy and the history of social justice, such as protection of the underprivileged, which support their pro-life stance. The testimony of Sr. Allende highlights some of the key features of the explicit and later the implicit references to old Peronist doctrine: "The Partido Justicialista has transcended time, has survived coup d'états, proscriptions and many "isms," Menenism, Duhaldisism, Sciolism - it has persevered. How has it done it? By always holding to the principles of, above all, social justice, the defense of life, the family and its values."⁷² He says also: "Today [Evita] would fight to eliminate the causes of poverty, which is what leads to abortion, as she did during her life, and she would not vote to eliminate the poor in the wombs of vulnerable mothers."⁷³ Topics such as the "defense of life," the question of poverty, and of vulnerable populations are issues that resound throughout this debate. Although in many cases they are discussed without the Peronist references presented here by Sr. Allende, his explicit use of them points to the deep significance of these values which date back to early Peronism. Sra. Polledo, talking more broadly of Peronismo as an ideology says: "this initiative would be the final nail on the coffin of Peronist doctrine, given that it upholds children as the

⁷² Diputados, Sr. Allende, 58.

⁷³ Ibid.

only privileged ones, and that this is neither more nor less than the utopia that should function as a beacon for society.”⁷⁴ Finally, Sr. Contigiani specifically references the Peróns and their work in reference to these rights: “If Juan Domingo Perón and Evita secured social rights forever, if Raúl Alfonsín secured democracy after the long night of dictatorship forever, why can’t we as a nation assume responsibility for those lives, for all lives, and move forward, demanding more, not less, guaranteeing rights for more life, and not less?”⁷⁵

Here we see these individuals using historical ties to Peronism to make their anti-abortion arguments which outline some of the patterns that resonate throughout nearly all of the congressional testimonies at hand. In Señor Allende’s comments, there is an emphasis on traditional family values in the context of social justice. These are topics which resound throughout the debate, often without the explicit Peronist rhetoric. While the literature suggests that a lack of religious argumentation could be explained by the Catholic Church’s shift towards secular arguments, an important element that it misses is why it may shift towards the arguments that the literature suggested, rights and the law. Considering a Peronist interpretation of the debate introduces an additional layer of history particularly of the ideology’s connection with the protection of the vulnerable, which has here been appropriated as a defense of potential life. Both Sr. Allende and Sra. Polledo recognize the need to protect the most vulnerable of the population, which are in their eyes the unborn children, and have justified their positions not on religious merit but on historical/political merit of the Argentine experience with Peronism. In many ways, this approach fits well with Sr. Ramon’s earlier comments on the importance of life to Argentine society as not a value which proceeds from the Catholic Church. Rather this value of life may have stronger roots in the Peronist history of valuing the rights and life of all Argentines. Finally,

⁷⁴ Diputados, Sra. Polledo, 44.

⁷⁵ Diputados, Sr. Contigiani, 84.

Sr. Contigiani refers to the rights at hand, and a responsibility to protect life. These themes of rights, protecting the vulnerable, social justice, and pro-life rhetoric reoccur frequently throughout the debate on both sides of the argument, although used to different ends in each case. As I discuss the variables and themes traced in this project, many will continue to relate back to these core Peronist sentiments and concerns.

On the other hand, there are the two direct references to Peronism from the perspective of those that support the bill, who are Sra. Mendoza (Frente para la Victoria – Partido Justicialista) and Sra. Ferreyra (Peronismo para la Victoria). Sra. Mendoza also returns to the history of Evita, saying: “Please, remember Evita. We are the ones that represent the most vulnerable of our nation, and the most vulnerable women are those that die from the insecure methods and horrible practices of abortion. Eva Perón proposed that where there is a need, there is a right. Today there is a need to end avoidable deaths of women who practice clandestine abortions. There is a right to legal abortion.”⁷⁶ Sra. Ferreyra concisely ties Peronismo to the National Campaign for Legal Safe and Free Abortion slogan and the goal of this bill: “We work in memory of Nestor and of Evita because we want, ourselves, to be alive, free, sovereign, and also debt-free.”⁷⁷ As with those using Peronism to fuel their anti-bill arguments, those for the bill use very similar rhetoric of protecting the vulnerable, establishing rights, and protecting life with the social justice work of Evita Perón at the foundation. Although the explicit ties to Peronism are few, these ideals of Peronism are not openly contested or blatantly rejected as religious argumentations are, and the use of Peronism is a value congruence among the two sides. Notably, so are the relevant argumentations of Peronism that they use. Both sides are concerned with a protection of the vulnerable, of life, and of rights, diverging at the point of articulating who the vulnerable, whose

⁷⁶ Diputados, Sra. Mendoza, 52.

⁷⁷ Diputados, Sra. Ferreyra, 69.

life, and which rights are they protecting. These themes resound not only throughout the dialogue of one side of the debate, but throughout all of the testimonies of the congresspeople. These themes are universally invoked, with or without explicit reference to Peronismo, and with different ends and interpretations. The vagueness of Peronism, and all political parties up until this point as noted by the literature, on this topic has created a political environment in which it is possible to use the same ideology to such different means such as both pro-legalization and anti-abortion arguments. Even more interesting than the fact that both sides reference the same, enormously broad ideology to justify their arguments is that they use such similar language and draw on the same ideas from the same branch of Peronism. They refer back to Evita and her social justice work, the ideology's association with rights, and the protection of the vulnerable, now expanded from its historical roots referring to the poor as the workers and lower classes to include women and potential life. The variables pulled out from the literature to be discussed in the following sections share many characteristics with this rhetoric of social justice, rights, the protection of the vulnerable, a protection of life, and an emphasis on rights that are exhibited by this niche of Peronist doctrine, even when Peronism is not explicitly referenced as it was in the above cases.

Pro-life

As mentioned at the beginning of this section, the occurrence of a pro-life statement in the context of these debates varies from a U.S. understanding of the term. Rather than referring only to what might be better described as anti-abortion comments, pro-life here encompasses any comment that was arguing in favor of life, whether that be the life of an unborn child or the life of the woman that carries it. Perhaps unintuitively for someone used to the United States abortion debate rhetoric, pro-life sentiments are a point of value convergence in the Argentine abortion

debate. That is, both sides will utilize the pro-life rhetoric to make their points. That is not to say that they use them with equal frequency, as the anti-bill speakers used the word “life” an average of 15.5 times per person versus the pro-bill speakers with an average of only 4.5, and while there were no anti-bill speakers in the section of focus who did not use the word “life” at least 8 times, there were multiple pro-bill speakers who never used the word. Still, among those in favor of the bill, they tend to present their case in terms of being pro-life, which different individuals achieve in different ways, some involving the term pro-life, and others simply leaving behind the sentiment, or rather presenting an anti-death case.

Several individuals in favor of legalizing abortion explicitly made the case that the bill is pro-life, including the bill’s opener, Sr. Lipovetsky: “We all defend life, we all defend the thousands of women that put themselves at risk with clandestine and unsafe abortions. The legalization does not suggest a curtailment on life; just the opposite, or no country would have passed it... no one legislates for death, we all legislate for life.”⁷⁸ Or as Sr. Ramos says explicitly: “Here we are all pro-life. There isn’t a political official that is against it, no matter how differently they think.”⁷⁹ While those supporting the bill do not as frequently proclaim that their stances are pro-life as those against the bill, the only ones that fight against this classification are those on the anti-bill side when arguing that their stances are the pro-life stances. In this case, there is a value congruence on the emphasis of life, but a divergence on what should be considered a defense of life. In the individual testimonies, Sra. Villa, who voted against the bill, says: “For example, I have heard that we are all pro-life. I share this idea completely. Those in favor of this bill hold that position as much as those that reject it. Particularly, I am pro-life in an absolute form. In other words, I am pro-life for the woman and

⁷⁸ Diputados, Sr. Lipovetsky, 40.

⁷⁹ Diputados, Sr. Ramos, 90.

the unborn child.”⁸⁰ Villa’s comment succinctly represents the mandatory nature of the pro-life framework, in one way or another. Whether a congressperson was for or against this bill, they were pro-life. In the Argentine debate, the disagreement is not pro-life versus pro-choice, it is what the individual means by pro-life.

As alluded to in Villa’s comment, the concept of pro-life for those against the bill often revolves around a common Argentine slogan or idea about either saving, defending, or being in favor of “las dos vidas” or both lives, that of the mother and the unborn child. Sr. Pereyra says “we should always seek to save both lives.”⁸¹ Sra. Bianchi closes with this impactful sentence: “In honor of my mother; for your struggle, Daniela; for Bauti, who, since her birth at 24 weeks, is still living; and to all women that cannot conceive, I support both lives.”⁸² Sra. Sapag asserts: “we have to allow the development of both lives.”⁸³ It is in the context of this phrase that the two sides definitively diverge in their pro-life rhetoric. In fact, although those in favor of the bill used the phrase “las dos vidas” more than those against it, it is not in support of the phrase but in order to criticize it and its relation to the concept of being pro-life. Some individuals such as Sra. Donda Perez contest their claims of “absolute” support of life: “they are not voting for both lives, because if that were the case they would have presented a bill that abolished article 86 of the Penal Code which does authorize abortion. If they defend both lives, they have to defend all of them, including the children of rapists. But they aren’t eager to do that because many of them agree with it. Don’t lie then! You don’t defend both lives! You defend the status quo!”⁸⁴

Implicitly here she is arguing that lines have already been drawn as to when the interruption of

⁸⁰ Diputados, Sra. Villa, 111.

⁸¹ Diputados, Sr. Pereyra, 93.

⁸² Diputados, Sra. Bianchi, 71.

⁸³ Diputados, Sra. Sapag, 85.

⁸⁴ Diputados, Sra. Donda Pérez, 67.

life is necessary, and causes less harm to allow it than to prevent it, so the anti-bill arguments cannot be considered pro-life just for saying that the protection of both lives is mandatory. On another level of understanding this comment, the tone of accusation and contradiction resonates with Sra. Gonzalez Seligra's criticism of the Catholic Church. Just as in that case which questioned the Church's expression of pro-life doctrine, here we see an additional attempt to delegitimize the anti-bill claims to "absolute" support of life. Largely, all of these comments show an attempt to reclaim the pro-life values which both sides of the debate agree are important values to protect.

Others tie their disagreement with the phrase "las dos vidas" to the sensibility of the legislation, and thus their stance as pro-life individuals like Sra. Austin: "pressing the "no" button does not save both lives, but condemns women to clandestinity."⁸⁵ The relevance of clandestinity to the abortion debate and the pro-life stance is something that will come up numerous times throughout the analysis of the debates. As will be discussed later particularly within the analysis of the pro-bill argumentation, many congresspeople make arguments that the illegal nature of abortion is particularly dangerous for women because it eliminates the option for safe and controlled practices, especially for the poor. Here, Sra. Austin draws on this common argument to suggest that clandestinity is the anti-life stance, not abortion.

Although many congresspeople argue and contradict each other over which side presents the true pro-life stance, some of those in favor of the bill do so without using a direct "pro-life" rhetoric at all. Rather, they make their arguments using language that resonates more with an "anti-death" tone. In fact, the previous comment from Sra. Austin may relate closer to this type of rhetoric than a direct "pro-life" rhetoric. She emphasizes that those against the bill are not

⁸⁵ Diputados, Sra. Austin, 48.

representing the pro-life case and are not effectively saving both lives because if the mothers die or are severely harmed by unsafe abortion conditions with nowhere else to turn, there will be more death created than lives saved, which is a common argument throughout this debate. Another clear example of an anti-death argument in relation to a pro-life sentiment is through the words of Sra. Mendoza: “that is why we are here today discussing legalized abortion to not die” and even more clearly expressing these sentiments later in her testimony: “today there is a need to stop avoidable deaths of women that are practicing clandestine abortions.”⁸⁶ In the context of the idea that clandestine abortion is causing a preventable mass of death, the meaning of what is pro-life is able to expand to include abortion, which will enable the continuation of the lives of many Argentine women.

As the comments of the congressional testimonies have shown, all sides are concerned not only with life, but expressing that they are in favor of protecting it. Life and motherhood are particularly important concepts to the Argentine people and the need to protect these groups is key to understanding the debate. While arguments of women’s autonomy and the right to choose whether or not to be a mother as independent arguments are present in this debate, the overall emphasis on protecting life, sometimes by means of preventing death, is a much more common framework. The different sides’ argumentation of what it means to be pro-life may vary, but the tendency to rely on the protection of life as a significant argument is consistent throughout the speakers.

Rights

Intertwined with the pro-life language, there is a separate but equally crucial dialogue on rights that persists across party lines, gender, and vote on the debate. Similar to the findings with

⁸⁶ Diputados, Sra. Mendoza, 52.

the pro-life variable, while there is an overarching congruence in the use of rights as a persuasive and valid argument on both sides of the bill, it is often a question of which rights they are arguing to protect. The dialogue on rights clearly juxtaposes two main rights, those of the women versus those of the potential life, and each side uses different strategies to assert their rights as the most important to protect. Most common in the dialogue of rights is the explicit use of “human rights.”

In the Argentine context, as the debate quotes will exemplify, the concept of human rights is broad and encompasses much more than basic needs such as what is necessary to survive and are understood to compel state action. To better demonstrate the Argentine conception of human rights, I will refer to a document published by the Argentine National Government and posted to their page for the Ministry of Justice and Human Rights. In addition to having a Ministry of Justice and Human Rights, itself an indication of the importance of human rights to the Argentine society, this 105-page document outlines a plan for improving human rights in Argentina between 2017 and 2020, a project that, beginning in 2005, has carried through two drastically different administrations. For those three years, its five core principals of human rights that it intends to focus on, and goes into great detail on how they can and will be addressed, are “Inclusion, not discrimination, and equality,” “Public security, not violence,” “Memory, truth, justice, and reparation politics,” “universal access to rights,” further detailing in the subcategories access to health, work, education, science and technology, culture, and inclusive and sustainable development among others, and “Civic culture and commitment to human rights.”⁸⁷ The Argentine conception of human rights spans from basic protections and needs to more intricate human needs such as cultural inclusion and even internet access.

⁸⁷ “Plan Nacional de Acción en Derechos Humanos,” Secretaría de Derechos Humanos y Pluralismo Cultural, presented to Congress December 12, 2016, <https://www.argentina.gob.ar/derechoshumanos/plan-nacional-accion>.

While “memory, truth, justice, and reparation politics” may seem irrelevant to this study, the dynamics of human rights groups and the government around these issues have a gendered and reproductive element. This document, in making one of its five focal points “Memory, truth, justice, and reparation politics” refers to a branch of human rights that stems from the most recent dictatorship in which countless human rights violations ranging from illegal kidnappings to brutal torture and murder were systematically carried out by the military government.⁸⁸ The cultural emphasis on memory and the need to remember, teach, and bring to justice what happened during the six years of military rule in order to prevent its reiteration, is a central concept to understanding the importance of human rights in Argentina. Out of the horrors of the dictatorship elaborated in the CONADEP report *Nunca Más*, or “never again” in English, cited previously, have come countless human rights groups and organizations including the Provincial Commission on Memory, Las Madres de la Plaza de Mayo, Las Abuelas, the memorialization of the clandestine detention centers as museums or cultural centers of memory, all in dialogue with the human rights violations and working with their cultural memory as well as justice as a means of protecting human rights. The organization of Madres provides an interesting perspective in the broader discourse on abortion and reproductive rights politics. While today, Las Madres are an organized and official political organization, their history began during the most recent dictatorship as individual mothers of missing (mostly adult) children protested in the Plaza de Mayo, directly in front of the Presidential building, weekly.⁸⁹ In the context of the dictatorship, these bold mothers used their motherhood particularly to protest the human rights violations

To go directly to the file:

https://www.argentina.gob.ar/sites/default/files/plan_nacional_de_accion_en_ddhh_de_argentina_2017.pdf

⁸⁸Conadep. *Nunca Mas: The Report of the Argentine National Commission on the Disappeared*. (New York: Farrar, Straus, Giroux, 1986).

⁸⁹ Lyn Reese, “Today’s Heroes Linking Present to Past: Speaking Truth to Power, Madres of the Plaza de Mayo,” last accessed April 22, 2019, <http://www.womeninworldhistory.com/contemporary-07.html>.

against their children, emphasizing the horrors of having their children stolen from their lives with their fates, in many cases, remaining unclear.⁹⁰ While the Madres drew on an already strong cultural value of motherhood in their anti-dictatorship protests, the violence they experienced and represented spoke directly to the topic of the right to life, and the right to motherhood. In the wake of this violence, where life and motherhood were violated, there is an additional level of recognition that these are not values to take for granted or to discard lightly.

With this broad and deep understanding of human rights in Argentina and knowing all of its connotations for the political representatives, the historical and cultural roots of certain arguments, and particularly some of the aversion to death as a result of perceived human rights violations, become clearer. To begin with, those for the bill frequently referred to their own claims to abortion and women's autonomy as human rights or rights in general, which exist as a priority. Sra. Ferreyra in backing up her point that "we women are not incubators" says: "We fight for women's right to decide with sovereignty on all of the issues of their lives, and today in this precinct for the right that motherhood would not be an imposition but a free choice."⁹¹ While many of the congresspeople for the bill make claims to the rights of the mother independently of other rights, without directly acknowledging the claims to rights of the other side, others will address the claims to rights from the other side. Many will admit that there is a conflict of rights at stake, but that the difficult choice must be made in favor of women's rights to autonomy. Sr. Lousteau's first comment on rights sets up the conflict of rights, and particularly the rights at stake for women, that is common throughout the bill supporters' arguments: "We have in front of us two opposing values: on the one hand, there is life, and on the other, the legitimate right of a

⁹⁰ Ibid

⁹¹ Diputados, Sra. Ferreyra, 68.

woman to decide about her own body.”⁹² In comments such as these, the pro-life rhetoric continues to resound in the language of the argumentation. There is an admittance to the rights and the potential life, that of the fetus, that may be infringed upon through these actions, but the reminder that there is another life involved: that of the woman, and that her rights, especially regarding the decision to become a mother, are the most legitimate to protect. In line with the previously discussed dialogue of pro-life rhetoric, some of the congresspeople do not take the choice between rights lightly and are regretful of the seemingly lose-lose situation on the front of rights such as Sra. Donda Perez who says: “The embryos that will never be born weigh on my heart, but I believe that rights are progressive. What weighs on me even more are the faces of the women who fully enjoy all of their rights but cannot access public health because of clandestinity.”⁹³ The acceptance that some rights will be regretfully lost in the process, particularly some of the right to life that both sides tend to recognize as a true concern, is one approach to both sides’ argumentation on rights. Additionally the notion that some rights should be weighed heavier than others is at the core of the discussion on rights. While this is a reality that for the most part, both sides accept and agree on, the divergence occurs in which rights should be considered the priority to protect and why.

The juxtaposition of rights with an emphasis on one over the other is a tactic also utilized by those against the bill. Identical to those for the bill, they would frequently refer to the same human rights, but with varying language: the “right” to life juxtaposed with the “freedoms” at stake for women. Sr. Pereyra says in reference to the right to life versus the liberties of women: “the two conflicting rights which I presented, a woman’s right to decide and a child’s right to be born, are not comparable. To confront a child’s right to life with the freedoms of a mother is not

⁹² Diputados, Sr. Lousteau, 72.

⁹³ Diputados, Sra. Donda Perez, 67.

only biologically and ethically wrong, but ensures an act of injustice due to the inequality of these two rights.”⁹⁴ Within the arguments of those oppose the bill, there is a clear attempt to counter the pro-bill claims to rights by belittling those rights in comparison to the right to life. Some of this is done through the language they use, frequently terming the rights that those for the bill are claiming such as the right to choose and women’s bodily autonomy as “freedoms,” creating a level of separation between those rights and the right to life or, more accurately, the right to be born. Another example of this is within the testimony of Sra. Burgos: “today they talk of the right to abortion, but human rights go above all else. Nevertheless, over the days that we spent in committees, I discovered that there are human rights that matter more and others that matter less.”⁹⁵ Even when those against the bill are willing to use the same language to talk about the different rights at stake, those against the bill will still make it clear that the right to be born is more important than a woman’s right to choose. The testimony of Sra. Pitiot aptly considers that there is “a collision of rights” at stake in the abortion debate but concludes like most voting against the bill: “but we cannot allow the rights of some women to go above the rights of men and women yet to be born.”⁹⁶ Overall there are a couple of strategies used by the anti-bill arguers on the topic of rights. Represented here, there is an attempt to use language that emphasizes the damage done to human rights by allowing abortion. Additionally, the rights they concede in their case are either minimized to “freedoms” or “liberties” over a full-fledged human right or are accepted as human rights but deemed as of lesser importance. In an Argentine context where the concept of human rights is certainly broad enough to argue that it can encapsulate the right to

⁹⁴ Diputados, Sr. Pereyra, 94.

⁹⁵ Diputados, Sra. Burgos, 45.

⁹⁶ Diputados, Sra. Pitiot, 64.

abortion, as those in favor of the bill do, the denial of its representation as a human right is a notable strategy by the anti-bill arguers to use the human rights rhetoric in their favor.

The Law

In continuation with the discussion on rights, many congresspeople will use arguments of the law, ranging from international agreements, the constitution, and the penal code which mirror the rights arguments that each side utilizes, outlined above. On the side of those against the bill, arguments that utilize the law intend to back up their claims to the right of a child to be born. Among them are numerous constitutional and international law claims such as that of Sra. Bianchi: “If today in this precinct, this law is passed, we will have to modify the judicial order since our Constitution already recognizes personhood from conception. Furthermore, our international treaties, which have a constitutional rank, establish the same principal.”⁹⁷ A comment from Sra. Donda Perez’s testimony, on the other side supporting the bill, makes for an interesting comparison, as it says nearly the same thing but with the opposing viewpoint: “If it is crystal clear in our international treaties [that human rights are progressive], which additionally have constitutional rank, why is it so difficult for us to pass a law which recognizes this women’s right?”⁹⁸ While both sides show that there is a value congruence on the legitimacy of international treaties and their authority over Argentine political issues, what exactly they argue is contained in those treaties, either a support for personhood from conception or the concept that rights are bestowed progressively, implying that women’s rights should be prioritized over those of unborn children, depends on who is speaking. These two comments juxtaposed exemplify the broad use of the existing law to back up claims to the rights and life that each side fights to recognize.

⁹⁷ Diputados, Sra. Bianchi, 71.

⁹⁸ Diputados, Sra. Donda Perez, 66.

While some comments regarding law are as broadly sweeping as the two mentioned above, many will also reference specific articles of the Constitution, laws, international treaties, agreements, and court rulings as they pertain to their arguments. While the respect for the current law is a value congruence and a pattern throughout the argumentations of both sides' arguments, there are large divergences in the specific laws and treaties mentioned, and when specific law concerns are brought up, they are rarely repeated exactly, making for a very diverse representation of law arguments in both sides of the debate. The debate's opener, Sr. Lipovetsky, uses several law arguments, explicitly addressing three main concerns of law: the constitutional question, the UN Human Rights Committee's position, and Argentina's responsibility to the Interamerican Convention of Human Rights. On the constitutional question, he says "in no way is the bill that we are working on unconstitutional" and goes on to detail one reason why he may think others would disagree: "in the 1994 constitutional debate, the minority proposed an opinion with the objective of deregulating article 75, section 23, surely with the effects of putting obstacles in the way of the possibility of legalizing abortion, and it was rejected."⁹⁹ In 1994 during the Menem presidency, as a president who took on many anti-abortion initiatives, one of those was an amendment to the above mentioned article which enumerates the power of Congress "to legislate and promote proactive measures that guarantee true equality of opportunity and treatment, and the full enjoyment and exercise of the rights recognized by this Constitution and by current international treaties on human rights, in particular with respect to children, women, the elderly and people with disabilities."¹⁰⁰ The intention of the proposed amendment was to explicitly include fetal life as constitutionally

⁹⁹ Diputados, Sr. Lipovetsky, 40.

¹⁰⁰ Departamento de Biblioteca y Centro de Documentación, "Constitution." Alanis and Sippel, "A Calculating Alliance."

protected, but as Sr. Lipovetsky reminds his fellow Congresspeople, this amendment failed and the above language remains. This article is explicitly referenced 26 times during the debate, although the words, constitution, constitutional, and unconstitutional are mentioned collectively over 200 times. Although the amendment failed there is still a large debate over the constitutionality of legalizing abortion. Sr. Pereyra mentions the text of the preceding section explicitly: “These bills would legalize a violation of the National Constitution and of its international treaties, contradicting the text of article 75, section 22 which says: “the Convention on the Rights of Children; in the conditions of its validity, have constitutional hierarchy, do not repeal any article in the first part of this Constitution and should be understood as complementary to the rights and guarantees that it recognizes. They may only be denounced in the case that through national Executive Power, after approval from two thirds of the total members of each congressional chamber.””¹⁰¹ While many of those against the bill will generally refer to international treaties which sound like they could work in their favor, such as the Convention of the Rights of Children, very few provide any concrete evidence for their claims, such as direct quotes or statements from these treaties, leaving them largely open to counterattack and criticism from the pro-bill side.

In terms of why these sections either do or do not make this bill unconstitutional, two Congresswomen make two different points which allude to the conclusion that higher law such as the constitution or international treaties are agreed upon as valid sources for argumentation, and even when those for the bill have much more valid claims to its use, those against the bill are willing to bend the law to be able to use it in their arguments. On the anti-bill side, Sra. Burgos notes: “Besides, it’s what the National Constitution says; article 75, section 23 sustains that

¹⁰¹ Diputados, Sr. Pereyra, 94.

Congress has to sanction norms and promote measures directed towards the protection of children to be born, pregnant women, and people with disabilities. This bill does not achieve these objectives.”¹⁰² Just as Sr. Lipovetsky warned against, Sra. Burgos used section 23, quoted above, to claim that abortion is unconstitutional in spite of the fact that the amendment to change that section’s language to protect fetal life never passed and is thus not present in that article. As Sr. Pereyra made explicit, article 75 section 22 concerns specifically the Argentine commitment to the Convention on the Rights of Children, and section 22’s enumeration that other international treaties are also upheld to the Constitutional level. On the other hand, Sra. Austin counterargues: “The Committee on the Rights of Children, expressing itself in name of a treaty that has constitutional hierarchy for our country, five days ago asked Argentina to modify its legislation and guarantee young girls the right to access safe abortion, because it is a violation of the rights of children that today we are forcing those girls into clandestinity.”¹⁰³ Sra. Austin easily counters Sr. Pereyra’s claim to the treaty by providing evidence that the treaty, in fact, supports this bill.

The overall congruence in the use of law is apparent in the debates, but most of this law tends to favor the pro-bill side of the debate. Interestingly, this does not prevent those against the bill from manipulating the law to appear to be in their favor. It may seem odd for anti-abortion proponents to make arguments based on legal documents that do not support their claims but an emphasis on legal arguments may be part of a broader shift in rhetoric. While there is no evidence either for or against in the debates, the literature suggests that the Catholic Church has shifted its common anti-abortion argumentations to include concerns of the law. This insistence from the anti-bill side may be representative of this shift in Church rhetoric, but as many of the

¹⁰² Diputados, Sra. Burgos, 45.

¹⁰³ Diputados, Sra. Austin, 48.

Congresspeople, the above included, either distance themselves explicitly from the Church or never mention it, it is not possible to say whether or not this is the reason for their insistence upon the use of law, even when their interpretations of it are false. As a strong source of argumentation from the pro-bill side, the anti-bill side may have alternatively felt compelled to combat the pro-bill claims to the law, as it appears to be a very legitimized argument which can easily reinforce the pro-life and rights values at the core of the debate.

Public/Women's Health

Much like the topic of law, public health and topics of science are frequently used as justifications for the rights and the protection of life which each side claims. Among those in favor of the bill, the topic of public health most often resonates with their pro-life rhetoric and the possibility of death due to the unsafe clandestine abortion conditions. They return frequently to the concern of maternal mortality and the role that clandestine abortion plays in raising both levels of maternal mortality and of total abortion figures. Sra. Moises succinctly combines all of these concerns in a section of her testimony: "How many abortions are necessary for us to take to our conscience this problem? Surely during this debate, they will say there are 300,000 or 500,000 abortions per year. How many should we count? Only those in which the women die or also those cases in which they are hospitalized for massive hemorrhaging in their intestines, perforations in their uterus, and sepsis? That is what happens to poor women, in other words, to those who don't have the option to obtain a safe abortion."¹⁰⁴ She continues: "Thus, if in effect we are capable of justifying these decisions, as national legislators we should do so also to understand that this is a problem of public health."¹⁰⁵ In her testimony there are strong tones of the concerns with life, maternal life, and the complications which clandestine abortion brings to

¹⁰⁴ Diputados, Sra Moises 60.

¹⁰⁵ Diputados, Sra. Moises, 61.

the concern of protecting the lives and the rights of women. There is an additional moral level which relates back to Peronist tones of justice for the poor and the underprivileged. Although not explicitly Peronist here or in most instances throughout the debate, the value of protecting the underprivileged is one that is frequently present in the public health arguments of those supporting the bill. It is a common concern that the lack of safe abortion will unequally affect the poor who find themselves in a greater need for access to this right and are most hurt by the lack of access to it, due to their lack of ability to pay for a higher-end clandestine abortion which are considered to be safer.

Those in favor of the bill additionally use the concerns of public health to reiterate the failure of Argentina's policy of penalization of abortion. Sra. del Plá says: "We fight for a solution, that abortion be legalized, that it be removed from the Penal Code – penalization has already failed – and that abortion comes to be considered a topic of public health, the same as sexual education and contraception, issues which are blocked by the same sectors that today do not want to legalize abortion."¹⁰⁶ The concerns of public health and the failure of penalization often go together, as others argue that not only has penalization not prevented women from seeking abortions, it is also killing and severely injuring many who undertake it. They also point to other countries with legalized abortion where not only their maternal mortality rates dropped, but also their abortion figures, arguing that the best way to lower the demand for abortion is to legalize it. Sra. Moreau exemplifies this argument: "Furthermore, when we talk about politics of the state and public policy- above all the topic of health – the evidence is what matters. Without a doubt, it shows that in other countries of the world where abortion has been legalized for a while, maternal mortality did not increase, nor did the number of unwanted pregnancies. We do

¹⁰⁶ Diputados, Sra. del Plá, 81.

not have any doubts in supporting the depenalization of women.”¹⁰⁷ In other words, there is a need to change the law due to its lack of effectiveness and, in fact, the damage it does to the health, rights, and lives of women.

The concerns of maternal mortality are not, for the most part, ignored by those against the bill, but rather approached from a different perspective. Sr. Allende responds to these concerns: “There exists a grave problem of maternal deaths that we can, and we should, face and solve. Maternal deaths are avoidable. But free abortion does not attack the causes that drive a vulnerable mother to consider an abortion and put her life at risk.”¹⁰⁸ In a comment which contributes to the overarching concerns over the loss of potential life, Sr. Saadi laments in agreement with the opposing side: “In this sense, I must tell you that the penalization of women has failed entirely. Not only has it failed in protecting the right to life, it aggravates further the situation of women because we push them into clandestine abortion and put their lives at risk.”¹⁰⁹ Much like Sra. Donda Perez’s lament for the loss of the “embryos that will never be born” and the pro-bill’s recognition of potential life, and the tragedy that it is to lose it, some members of the opposing side arguing against the bill lament the death of women and the situation they find themselves in. While both of these comments, like many others on this end of the argument, mourn the loss of life of women, they differ in their solution. Coming from a position in which the protection of “las dos vidas” is their goal, their solution is not to legalize abortion, but, as Sr. Allende alludes to in his suggestion to attack to roots of the problem, to focus on sexual education, contraception, and maternal support. Sra. Polledo outlines, as many do with a slight variation in their individual thoughts on what the “root causes” of abortion could be: “Legalizing

¹⁰⁷ Diputados, Sra. Moreau, 63.

¹⁰⁸ Diputados, Sr. Allende, 57.

¹⁰⁹ Diputados, Sr. Saadi, 75.

abortion is not the only path you can take to avoid the death of women. Redoubling efforts on sexual education, psychological restraint, and obstetric support are methods that can be turned into state policies and would make the worries of the vulnerable mother coincide with the defense, which some of us argue for, of the life of the child within the womb.”¹¹⁰ As the comment from Sra. del Plá has already highlighted, several of the pro-bill congresspeople countered claims from the anti-bill arguers that there were other ways to combat abortion other than legalizing it pointed to their own lack of support, even in the weeks before this bill came to the floor, of policy that expanded sexual education and other measures which they now hail as alternative responses.

Science

While the anti-bill speakers do use some of their own public health language that is not just responding to the pro-bill arguments on public health, these arguments are infrequent and not entirely useful to them. A framework that they do make use of is scientific rhetoric. Rather than religion, and in addition to law, these anti-bill individuals rely on science to legitimize their claims that life begins at the moment of conception and that an unborn child both deserves and requires protection. Sra. Polledo, the first congressperson to speak against the bill, in her first sentence of argumentation says: “Just as is featured in the rejecting opinion which I have signed, I think this debate starts with a piece of known, scientific knowledge, true and tested, which is that there is life from the moment of conception.”¹¹¹ Polledo in other statements, vaguely refers to her faith, but does not base her arguments on any religious basis. The same can be said for all of the other scientific arguments as well, including that of Sra. Bianchi who makes this distinction explicit: “My defense of life is not based on any religious beliefs; nor does it arise

¹¹⁰ Diputados, Sra. Polledo, 44.

¹¹¹ Diputados, Sra. Polledo, 43.

from any morals or dogma. It is born from my capacity of discernment and of observation, of seeing how applied technology permits a continuation and dynamic knowledge of embryology.”¹¹² She continues: “Today we can not only know the sex of a person to be born, but also their blood movements; we can know their DNA, if they have any diseases, if they have the hiccups or suck their finger. It is even possible to submit them to surgical procedures from inside the mother’s womb. These observations allow us to demonstrate that what we are destroying is the life of a completely defenseless being.”¹¹³ While some comments are vague like that of Sra. Polledo and others have more detailed comments behind the science of life, these are arguments that are used as a legitimized approach to asserting that life begins at conception, which combined with their arguments on the right to life and the responsibility to protect the vulnerable, supplements their argument that abortion should not be legal.

Sr. Filmus, arguing for the bill, demonstrates an interesting aspect of this debate of when a fetus is considered a life: “Lastly, I am going to refer to the scientific question. There is not subjectivity. Listen to Alberto Kornblihtt, the primary biologist of Argentina. Search in YouTube for when he talks about the difference between life and a person. We aren’t discussing whether there is life or not, we are discussing whether or not there is a person.”¹¹⁴ While Filmus is the only one to make this explicit argument, there were very few on the pro-bill side who countered the argument that life begins at conception. Whether he is agreeing or disagreeing that life begins at conception, Filmus’ point along with many others on the pro-bill side is not that the science is wrong, but rather that this scientific point is irrelevant. As Sr. Filmus puts it, the main disagreement is whether or not there is a person, and whether that person should or even can be

¹¹² Diputados, Sra. Bianchi, 69.

¹¹³ Ibid

¹¹⁴ Diputados, Sr. Filmus, 53.

protected by the state, and if legalizing abortion is the best way to do that. Both sides are concerned with life but whether or not there are exceptions, obligations, and rights which justify the intervention into this life, to protect another person, is the conflict in this debate.

The use of science is a distinct argument from that of religion, as discussed earlier in detail. In the context of the abortion debate, and perhaps others, the legitimacy of religion as an argument has diminished, and has instead been replaced with modern and perceivably infallible justifications such as the law, human rights, and science, which has the cultural connotations, an aspect which is visible in the scientific comments of the congresspeople. Sra. Polledo emphasizes that the science she trusts is “true and tested.” Sr. Filmus repeats multiple times in his testimony that “there isn’t subjectivity” in science. While religious arguments fail to be universally accepted and pertaining to all, leaving them open to attack, science has the perception of being universally true, reliable, and modern, which additionally makes for a good defense against those pro-bill individuals arguing for legalized abortion in the name of modernity and advancement, a way to put them on the level of other developed countries.

The use of scientific rhetoric by those against the bill additionally allows those for the bill to use similar arguments to question the consistency of anti-bill support for life from the moment of conception, while not necessarily combatting their claims that life begins at conception or that life should be protected. Sra. Donda Perez goes through a variety of scientific scenarios ending with the recently unanimously passed law on in vitro fertilization: “Approximately 20 house members voted in favor of this law that are, nevertheless, against this bill. I ask myself what those congresspeople think happens to the cryopreserved embryos. Did they throw out any accusations of homicide to the scientists that throw away those cryopreserved embryos? No.”¹¹⁵

¹¹⁵ Diputados, Sra. Donda Perez, 66.

Her comment here relates to another of hers discussed in the pro-life section, in which she questions other congresspeople's support of "las dos vidas." While they may have scientifically backed up their arguments that life begins at conception, as she later says, there are already excusable instances of interrupting this life, and, in fact, it happens regularly through laws and means which they have supported. Thus, there are, according to her and many others in this debate, reasonable circumstances in which the interruption of "scientifically proven" life is not only justifiable, such as in the case of rape which is already allowed in the Penal Code, but as many have argued, necessary due to the danger and oppression of rights that result from clandestinity. Thus, the scientific rhetoric is a valid and useful framework for both sides making arguments over this bill, especially concerning the clarifying of life and what it means to protect it. In a debate where religion is not overtly an influence in this debate, the anti-bill congresspeople do make use of science to justify what would have once been a Catholic-based argument that life begins at conception, and in line with this shift of rhetoric those for the bill use scientific arguments to combat the legitimacy of the argument that life begins at conception altogether. It is an important note that they do not frequently combat whether or not life begins at conception, but rather the relevancy of the argument to the issue of legalizing abortion. In delegitimizing this argument, whether or not it is because they agree with the theory that life begins at conception, they are delegitimizing the basis of the anti-bill arguments, that they are the defenders of all life in all cases, which is a core argument that resonates with both sides of the debate.

Synopsis of the Analysis

In the course of the Congressional debate to legalize abortion, the discussed topics which were indicated by the literature were indeed relevant and prominent in the understanding of the

Argentine abortion debate. Central to all of the topics was a concern over life, and how to best protect it. While each side argues to different ends, the congruence in the value of life seeps into every relevant aspect of the discussion. The value of potential life urges those against the bill to argue for the rights of a fetus, to assert that they are in favor of saving “both lives,” to cite the “scientifically proven” fact that life begins at the moment of conception, and to manipulate law to argue a legal protection of this life. On the other hand, the value of existing life compels those for the bill to argue for the rights of women to choose over their bodies, in spite of the loss of life that results, to remind their counterparts of the hypocrisy of being in favor of “both lives” when clandestine abortion kills so many women, to point out that the law favors women’s rights, and to redirect the scientific and pro-life arguments to uncover contradictions in the pro-life claims of those against the bill. Ultimately, this debate is a fight over which policy outcome best and most legitimately protects life, but to protect life as best possible is the goal for both sides.

The framework of the Catholic Church provides one level of understanding this debate. As discussed in the relevant literature, the anti-abortion stance is a major Catholic value, however, in the context of a secularizing society the support for strict abortion policy as advocated by the Catholic Church has diminished. This is realistically evident in the existence of these debates in Congress for the first time in its history, and in the bill’s ability to pass one chamber of Congress before narrowly failing in the Senate. In the context of the secularization, some of the literature does suggest that there would be a shift from religious arguments to secular arguments such as those summarized above, and this theory is supported by the explicit distancing from religion in the debates by even individuals who are themselves religious and more broadly by the anti-bill arguers who could have utilized these arguments in their favor.

Largely, they chose to focus instead on the language of science, health, rights, the law, and above all, the value of life, independently of religion.

While the literature may explain the shift of topics from religious to secular, it does not fully capture the significance of the argumentations and value congruences that define the debates, nor why, if the Catholic Church has experienced a diminished influence in Argentine society, the pro-life values are universally accepted by the Congresspeople of this debate. The considerations of Argentina's political history contribute a layer of meaning to the overarching topics of the debate which are not fully captured by only understanding the debate as a distancing from religion. Pro-life values originated largely with the church, but in a country that has experienced a recent history of dictatorial violence and the loss of life, the values of life evolve to have a separate cultural meaning unrelated to the church. With organization upon organization devoted to understanding and bringing to justice the human rights violations and the disappearance of thousands of people, presented as the missing children of the Mothers, the value, protection, and justice for life is a core value that supersedes its Catholic Church origins. This is not to say that all of those anti-bill arguers share this historical basis for understanding the value of life, but it does allow for the space where the Argentine Congress can discuss the issue of abortion under the framework of protecting life without inherently invoking the Catholic Church.

The considerations of Peronism deepen our understanding of the use of rhetoric on rights and the protection of vulnerable populations. The value convergence on the use of rights and the protection of the vulnerable are a notable part of the debate, used frequently to back up each side's claims to the pro-life stance. The populism exhibited by Juan Peron and his second wife Eva Duarte has resonated throughout Argentine history since its conception in the mid-1940s.

Their early policies bolstered the rights and protections for the working class and the poor, and Peron was rewarded with undying political influence which endured two military dictatorships complete with proscriptions from politics and assassinations and disappearances of many Peronist sympathizers deemed subversive by the state. It survives today fractured into many parties and organizations but its foundational values on the protection of the poor and vulnerable and an emphasis on rights remain. This is the rhetoric that is used when the Congresspeople of the debate refer to Peronism. While these arguments are used often without Peronist rhetoric, the historical context of these topics is important to understanding why arguments such as the protection of the vulnerable, whoever that may be for the side that is arguing, are compelling and universally accepted as a baseline for making an argument. The topic of human rights has many historical connotations, relating to the history of Peronism and the aftermath of the most recent dictatorship, which makes it an overwhelmingly powerful and historically rooted argument. This contributes to the understanding of the power in phrases such as “the right to life” or “the right to abortion,” and the significance when Congresspeople of the anti-bill side particularly use language that demotes women’s rights to “liberties” or compares them to the “human right” to life.

Conclusion

This project has traced key discussion topics in the June 2018 Argentine Congressional debate to legalize abortion and explained the potential connections of these topics to Catholic Church dialogue shifts as well as culturally and historically significant politics which have come to shape this dialogue. Ultimately, the value for life is central to these debates, around which all other topics fall, and although it would be simple to suggest that the Catholic Church is the only influence, there is a plethora of evidence from the debates to suggest that there are other

historical and cultural factors, such as Peronism and the most recent dictatorship, at play in the value congruence from both sides on the value of life and the need to protect it. The impact of these significant political topics is that dialogue on life, rights, and protection of the vulnerable are largely accepted arguments that can be utilized by both sides. The secularization of society has similarly opened up the way for the reliance on other topics by anyone either in support of or against the bill such as science and the law.

While these are important advances in the understanding of the influences on the Argentine abortion debate, as discussed in the methods section, this project was realistically only able to address a portion of this debate. These debates offer a novel amount of data regarding the elite discourse on abortion policy and, in essence, what topics they consider relevant to whether or not this policy should pass. The overview of crucial topics for all congresspeople involved is important to introducing the country-specific context that shapes the arguments of the debate, but more extensive research such as quantitative analysis of the debate could add a layer of analysis linking region, party, gender, religion, and other potentially interesting variables to the use of certain arguments and the likelihood to vote one way or the other. While this project looked only at the June 2018 debate in the lower chamber of Congress, an additional analysis of the Senate debate in August, where the bill failed, would be useful as a comparison to the topics and value convergences of the Deputies debate.

Now that the debate has occurred once, the taboos of the discussion have been broken and it will likely be brought back to the Congress floor in a new form before long, presenting an opportunity to investigate additionally how the introduction of the abortion issue affects party politics, how the terms of the debate change over time, and what historical and cultural factors are defining the debate. s

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