



# Debates about the Legalization of Abortion in Argentina: The Catholic Church and its Relationships with the Presidential Governments under Democracy (1983-2018)<sup>1</sup>

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*Abstract.* This article analyzes the historical relationship between the Catholic Church and Argentina's various presidential governments with regard to debates on the legalization/decriminalization of abortion (1983-2018). An account is provided of the ways that the relationship between democratic governments and the ecclesiastical hierarchy was marked by moments of contradiction and/or consensus that were decisive for the recognition—or rejection—of sexual and (non-) reproductive rights. In 2018, the proposed Law on Voluntary Interruption of Pregnancy (IVE) was voted down in the national Senate due to the conservatism of most of Argentine's political leadership and the constant pressure exerted by the ecclesiastical hierarchy.

*Keywords:* Catholic church; abortion; politics; democracy; Argentina.

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## **Introduction**

Since the country's return to democracy in 1983, relations between the political and ecclesiastical establishments in Argentina have been marked by confrontation and rapprochement alike. The presidencies of Raúl Alfonsín (1983-1989), Néstor Kirchner (2003-2007) and Cristina Fernández de Kirchner (2007-2015) were characterized by their conflictive relations with the upper echelons of the Catholic Church; but this was conducive to the emergence of political opportunities for expanding rights to sexual citizenship and gender and sexual diversity, historically demanded by the feminist movement and by sexual dissidents.

The Divorce Law (Law 2393), approved in 1987 under the Alfonsín presidency, came under attack by the Church—as did the same administration's lifting of restrictions on access to contraceptives. Both measures were seen by the Catholic hierarchy as a threat to the institution of the family and to the sexual morality of the nation. In turn, the estrangement between Néstor Kirchner and the episcopal hierarchy was based, in large part, on the progress his administration made in public policies linked to the recognition and exercise of sexual and reproductive rights; and on the political overtures that members of his cabinet made to dissident Catholic sectors and the National Campaign for the Right to Legal, Safe, and Free Abortion. In turn, Cristina Fernández de Kirchner's administration had a more ambivalent political relationship with the Church; though there were moments of discord with the bishops—centered on the Equal Marriage Law (Law 26618) and the Gender Identity Law (Law 26743)—the president's opposition to the legalization of abortion allowed her to sustain a working relationship with the ecclesiastical hierarchy.

In contrast to the abovementioned three governments, the presidencies of Carlos Menem (1989-1999), Fernando De la Rúa (1999- 2001) and Eduardo Duhalde (2002-2003) were ones of political connivance with Catholicism. The close ties between Menem and the Argentine Episcopal Conference (CEA)<sup>2</sup> were grounded in his administration's objections to abortion and sexual and reproductive rights. These issues were on the agenda at the 5th International Conference on Population and Development (Cairo, 1990) and the 4th World Conference on Women (Beijing, 1995), both organized by the UN, at which the Argentine representatives, acting as allies of the Vatican, pointed to these rights as examples of the malign consequences of gender ideology.

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2 Conferencia Episcopal Argentina.

At the local level too, Menem's administration sought to accommodate the prerogatives of the bishops who, capitalizing on the 1994 reforms to the Argentine Constitution, pressed for the inclusion of a clause that recognized embryos and fetuses as individuals with legal rights from the moment of conception, and which quashed as unconstitutional any attempts to legalize abortion in the country. Later, President Fernando de la Rúa looked to continue where his predecessor left off by forging a political nexus between his government and the bishops of opposition to abortion. But the socio-economic, political, and institutional crisis that struck Argentina in 2001 culminated in the resignation of De la Rúa and the appointment of Eduardo Duhalde as transitional president (2002–2003). Although Duhalde was known for his proximity to the Church's conservative sectors and his reticent stance on abortion, that relationship was tested when members of his government threw their weight behind the Sexual Health and Responsible Procreation Law (Law 25673).

Another focus of this article is the position of the Catholic Church in the debate about the proposed Voluntary Termination of Pregnancy Law in 2018, during the presidency of Mauricio Macri. This bill was granted preliminary approval in Argentina's lower house, the Chamber of Deputies, but was ultimately rejected by a majority vote in the Senate. To this day, abortion in Argentina is a criminal offense, except under the following circumstances regulated by Article 86 of the Argentine Penal Code: (1) when a woman's life and health is at risk, and (2) when the pregnancy is a result of rape. The rejected bill had sought to give all women the right to voluntary termination during the first fourteen weeks of pregnancy, and to add the possibility of therapeutic abortion in the event of severe fetal malformation. The feminist activists and government representatives who supported the Voluntary Termination of Pregnancy Law did so largely because unauthorized abortions are the primary cause of maternal mortality in the country. Conversely, for the Church, the proposal was an endorsement of infanticide and crimes against innocent children in the womb. The debate was a historic milestone for Argentina since it led to the mass mobilization of civil society, with sectors linked to Catholicism and evangelical denominations on one side and feminist organizations (under the banner of the National Campaign for the Right to Legal, Safe, and Free Abortion) on the other.

The aim of this article is to explore the various sociopolitical situations and conjunctures in which the ecclesiastical establishment has worked to block recognition of sexual and reproductive rights, and block all proposals for the decriminalization/legalization of abortion since the restoration of democracy in Argentina. The relationship between successive administra-

tions and the Church with regard to the debates around sexual citizenship has been marked by opposition and consensus, but also by political indecision, fluctuation, and gray areas. The present study entailed the methodical and systematic review of documentary sources, including sermons, pastoral letters, episcopal statements, and bulletins of the Argentine Catholic Information Agency (AICA),<sup>3</sup> and the historical archives of the Archbishop of Buenos Aires and the CEA. Other sources included major Argentine newspapers such as *Página/12*, *La Nación*, *Clarín*, *Crónica*, and *Perfil*; as well as magazines published by feminist organizations, such as *Nuevos Aportes*, and by Catholic lay organizations opposed to abortion, such as *Aciprensa* and *Revista Familia y Vida*.

### **1. The Catholic Church during the presidency of Raúl Alfonsín (1983-1989): conflicts over the Divorce Law and the “danger” of legalizing abortion in a democracy**

Relations between Raúl Alfonsín’s administration and the Church were fraught with conflict and tension. From the outset, Alfonsín presented his regime as a democratic government that would curb ecclesiastical meddling in the affairs of state. In Argentina, the Catholic Church has historically used state structures to extend and reproduce its pastoral agenda within civil society, focusing on matters such as the teaching of religious education in public schools and the regulation of sexuality and marriage. For the Catholic authorities, the election of Alfonsín’s Radical Civic Union (UCR)<sup>4</sup> party—secular and anticlerical in its leanings—meant a loss of power and a threat to the preservation of Christian values in Argentina. Indeed, his administration’s commitment to defending human rights and restoring the rule of law in the aftermath of the military dictatorship attracted feminist women’s collectives—who saw the democratic reopening of 1983 and the UCR’s anti-clericalism as a source of political opportunities for the recognition and expansion of sexual citizenship rights (Di Marco, 2012; Brown, 2014).

In Latin America, the processes of democratization that brought an end to the military dictatorships were linked with the activation of public-sphere demands for a secular state, unfettered by the interests and prerogatives of the ecclesiastical authorities (Blancarte, 2015). Alfonsín in Argentina was particularly active in fostering the modernization and secularization of the state (Ezcurra, 1988; Dri, 1997; Martín, 2009; Mallimaci, 2015), with

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3 Agencia Informativa Católica Argentina.

4 Unión Cívica Radical.

the formulation and approval of the Divorce Law (1987) one of the key manifestations of his estrangement from the Church. Other landmarks were Alfonsín's project to promote a secular model of public education, and public family-planning policies based on the recognition of freedom of choice when it came to sexual and reproductive rights. In 1986, by way of Presidential Decree 2274, the UCR government did away with the barriers to accessing contraceptives that both the third Peronist administration (1973-1976) and the military dictatorship (1976-1983) had put in place. The former regime had deployed pro-birth policies, appealing to the discourse of demographic scarcity as a problem that impeded the defense of national sovereignty (Cepeda, 2008; Felitti, 2012), in what was known as the Three-Year Plan for National Reconstruction and Liberation. By way of Decree 659 (1974), Juan Domingo Perón's presidency restricted the marketing and over-the-counter sale of contraceptive pills. The decree also prohibited activities related to birth control in the public healthcare system. In 1977, the military junta ratified this decree, also citing sluggish population growth and a dwindling birth rate while asserting that demographic control policies were the work of foreign interests that jeopardized Argentine sovereignty.

The lifting of restrictions on access to contraceptive methods by the UCR government represented a major stride toward recognition of couples' rights to decide freely and responsibly on family planning. This government action took place in the framework of Argentina's accession in 1985 to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which recommends that nation states resist the application of coercive population policies that go against women's reproductive freedom.

To this end, the Argentine Ministry of Health addressed the UN's recommendations through information campaigns about the use of contraceptives, as well as providing for the free distribution of pills at public health centers. For the Catholic Church, these policies aided the subversion of the natural relationship between sex and procreation; meanwhile, sympathetic civil society organizations, such as the Consortium of Catholic Doctors and the Argentine Society of Medical and Biological Ethics and Morality,<sup>5</sup> mounted publicity campaigns to inform the shape public opinion about the abortive effects of contraceptive pills.

On November 7, 1983, and immediately after the presidential elections won by the UCR, the CEA published a document entitled *Ante la*

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5 Consorcio de Médicos Católicos y la Sociedad Argentina de Ética y Moral Médica y Biológica.

*Nueva Etapa del País* (“facing the new situation in the country”; AICA, 11/7/1983). In this text, the bishops exhorted the new administration to stay out of matters concerning abortion and divorce, and to respect the model of the heterosexual family as a cultural institution that predates the state. Consequently, the approval of the Divorce Law in 1987 precipitated a deterioration in relations between the UCR and the Church. As far as the clerics were concerned, the presidency of Raúl Alfonsín represented a clear aversion to Christian values, and the approval of this law portended the possible legalization of abortion. Fomented by the ecclesiastical authorities, public demonstrations were organized in opposition to the government’s stance. Senior Catholic figures such as Emilio Ogñenovich (the bishop of Mercedes) and Juan Carlos Aramburu (the archbishop of Buenos Aires) spearheaded the protests of devout Catholics. Another flash point between the Church and the government came with the Second National Pedagogical Congress (1984),<sup>6</sup> during which President Alfonsín discussed proposals to reorganize public education along secular lines and to introduce sex education at schools (Esquivel, 2004; Fabris, 2011).

In sum, the return to democracy in 1983 led to the presence of women’s movements in the public sphere and, in tandem, gave visibility to demands associated with the recognition of sexual and reproductive rights and the legalization of abortion. In 1988, in Buenos Aires, the Commission for the Right to Abortion (CODEAB)<sup>7</sup> was established, led by feminist activists who had been exiled from the country during the military dictatorship. For CODEAB members, illegal abortions posed a public health problem that directly affected women from the most disadvantaged socioeconomic groups.

The question of voluntary termination had already been raised during the First National Gathering of Women (Buenos Aires, 1986), alongside issues such as domestic abuse and women’s rights to political participation.<sup>8</sup> That is, the period of democratic transition in Argentina allowed feminist

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6 Segundo Congreso Pedagógico Nacional.

7 Comisión por el Derecho al Aborto.

8 Since 1986, the National Gathering of Women (Encuentro Nacional de Mujeres)—now known as the Plurinational Gathering of Women and Dissidents (Encuentro Plurinacional de Mujeres y Disidencias)—has met annually without interruption. At these events, feminists from throughout Argentina participate in thematic workshops centered on a range of social problems affecting women (work, health, immigration, *indigenismo*, and violence, among others), and in debates about various strategies for the struggle in which the movement engages (Tarducci, 2005; Masson, 2007; Alma & Lorenzo, 2009). Their historical forerunners are the Latin American and Caribbean Feminist Gatherings, first held in Bogotá, Colombia in 1981; and the 3rd World Conference on Women held in Nairobi, Kenya in 1985.

organizations to place their demands on the public agenda. But as favorable as this political juncture was to the furtherance of sexual citizenship rights—as evidenced by the Divorce Law and the removal of barriers to safe contraceptive methods—it was not until the 1990s that abortion gained greater visibility as a focus of socio-political debate and discussion.

## **2. The anti-abortion crusade: relations between the ecclesiastical hierarchy and the administration of Carlos Menem (1989-1999)**

From the beginnings of his candidacy for the Argentine presidency, Carlos Menem enjoyed the support and endorsement of the Catholic Church. On the campaign trail, the Judicialist Party (PJ)<sup>9</sup> candidate demonstrated ideological commitment and proximity to the tenets of Catholicism, while his opponent Eduardo César Angeloz, representing the UCR, was rejected by the clergy, the presidency of Alfonsín having tainted their perception of that party. During the campaign, Church leaders came out in favor of candidates who opposed abortion and pledged to champion the cause of the Catholic family. Menem's election as president gave the Church an opportunity to resume its hold over the state and, in turn, to recover its status as a source of legitimacy over political and institutional processes.

In contrast to what had unfolded under his predecessor, the early actions of Menem's administration were in harmony with the interests of the Church hierarchy. Examples included the appointment of Catholic intellectuals to senior posts within the Ministry of Education, as well as Menem's own anti-abortion rhetoric on the local and international political stages.

In fact, Carlos Menem acted as one of the principal allies of the Vatican at the aforementioned UN conferences in Cairo (1994) and Beijing (1995), taking a position against abortion and the recognition of sexual and reproductive rights. The president also stood out as an orchestrator of political alliances with Latin American heads of state, aimed at convincing them to take an anti-abortion stance within the UN. On the local level, Menem's public declarations against the legalization of abortion were rewarded by the Church authorities with political support. On several occasions, he made calculated anti-abortion pronouncements that secured the confidence of the clergy. In 1994, on the eve of the Cairo conference, Menem wrote to Pope John Paul II to reassure him that abortion would not be introduced in Argentina under any circumstances (*AICA*, 5/11/1994). That same year, in a speech given at the launch of the Maternal and Child Plan, the

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9 Partido Justicialista.

president insisted that life begins at conception and that abortion should be considered a criminal offense (*AICA*, 5/11/1994).

In 1994, Menem set in motion the process to amend the Argentine Constitution with the primary goal of enabling his reelection for a second term. This suited the Church hierarchy, who proceeded to press members of the Constituent Assembly—and Menem himself—to incorporate a reference to God as the source of all reason and justice into the preamble of the Constitution, as well as adding an anti-abortion clause. The amendment process spurred the bishops into reiterated lobbying of assembly members, especially those from the governing party. Rodolfo Barra, the Minister of Justice, was one of the main political operators involved in this lobbying campaign on behalf of the Church (*Página/12*, 8/13/1994). The addition of an anti-abortion clause to the text of the Constitution meant that any possible proposals to legalize voluntary terminations could be forestalled, at least in the immediate future. In the midst of the reform debate, the CEA released a paper entitled *En favor de la vida* (“in favor of life”) warning assembly members that “by authorizing abortion, the State would introduce the principle that legitimizes violence against the innocent and defenseless, and would cease to defend the rights of the weakest” (Comisión Permanente del Episcopado Argentino, *AICA*, 8/11/1994). Along similar lines, during a public interview Cardinal Antonio Quarracino, president of CEA, declared that those who advocated for abortion in Argentina would be judged by history as “criminals” who were “responsible for the slaughter of innocent children” (*Clarín*, 6/17/1994).<sup>10</sup>

Menem’s anti-abortion position allowed him to bolster his political standing with the Church leaders. As well as Cardinal Quarracino, Menem counted on the support of bishops from the more conservative wing of the Church, such as Raúl Francisco Primatesta, Juan Rodolfo Laise, Juan Carlos Maccarone, Héctor Aguer, and Alfonso Delgado, all of whom saw the president as a standard bearer in the pro-life movement and a stout defender of Catholic culture. However, the neoliberal economic policies applied during Menem’s presidency—privatization of state-owned firms, economic deregulation, flexibilization of labor (with the consequent layoffs)—elicited a critical reaction from a sizable sector of the Church hierarchy. Among them, bishops such as Estanislao Karlic, Jorge Casaretto, Miguel Hesayne, Jorge Novak, Italo Di Stefano, Justo Laguna and Jaime De Nevaes felt that Menem’s purported defense of the right to life was a

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10 “All translations of quotes in Spanish are by *Apuntes*.”

demagogic act contradicted by increasing rates of poverty and deteriorating wellbeing across society. In a letter to the president, the Bishop of Viedma, Miguel Hesayne, chided him for lacking the moral authority to speak for the right to life when inequality and poverty were on the rise in Argentina (*AICA*, 5/1/1994).

The Church's efforts to secure the addition of an anti-abortion clause to the Constitution ultimately foundered due to feminist resistance and antipathy among a group of Constituent Assembly members representing the UCR and the Broad Front,<sup>11</sup> a center-left Peronist party, as well as a sector of women from the PJ that included Virginia Franganillo, Marcela Durrieu, and Juliana Marino. During the constitutional reforms, the advance the Catholic Church and conservative politicians compelled feminist collectives to take to the streets. In 1994, an organization called Self-Organized Women for Freedom of Choice (MADEL)<sup>12</sup> emerged as a multisectoral front representing around 100 women's groups of various political persuasions, labor unions and civil society organizations among them. MADEL led a range of actions to counteract the Church's maneuvers during the abortion debate. Foremost among these were public demonstrations, lobbying of Constituent Assembly members, and the publication of press releases in Argentina's major daily newspapers, all with the aim of fending off the onslaughts of Catholic fundamentalism and raising public awareness about abortion as a public health and women's rights issue (Gutiérrez, 2002, 2009; Bellucci, 2014).

In a press release published in the *Página/12* newspaper, the women of MADEL challenged President Menem's ignorance about the plight of the women killed during illegal abortions, and those forced into a high-risk motherhood.

In addition to MADEL, the Commission for the Right to Abortion also emerged in the 1990s to play a leading role in the fight for the decriminalization/legalization of abortion. In 1991, the CODEAB members got into altercations with the CEA president, Cardinal Antonio Quarracino, who had defamed the group with accusations of corruption and profiting from abortion. The group responded to the cardinal's smears by recalling the Church's complicity in the many forced disappearances during the military dictatorship from 1976 to 1983. Both MADEL and CODEAB called upon the state to implement public policies aimed at preventing the death of women during induced abortions. In 1994, in the midst of the constitutional reforms, Dora Coledesky—a leading CODEAB activist—scolded President

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11 Frente Grande.

12 Mujeres Autoconvocadas para Decidir en Libertad.

Menem for double standards when it came to the defense of life, attributing to him the death of women due to unsafe abortions, increases in poverty, and the dismantling of the public healthcare system during his regime.

In 1998, Menem signed Decree 1406, recognizing the International Day of the Unborn Child on March 25. Argentina was one of the first countries in the world to observe this event. The first official celebration was staged on that date in 1999, at the Coliseo Theater in Buenos Aires, and was attended by representatives of the local Church hierarchy as well as special guests from abroad, such as Bernard Law (Archbishop of Boston, United States), Francisco Gil Hellín (Secretary of the Pontifical Council for the Family in the Vatican), and Renato Martino (Permanent Observer of the Holy See to the United Nations). Also involved were representatives of pro-life organizations from Latin America, as well as members of other Christian denominations and the Jewish and Muslim faiths. In addition, John Paul II sent a letter to President Menem in recognition of his commitment to the defense of the life of the unborn. That same year, amid the International Women's Day celebrations, CODEAB released a statement calling on the women's movement to redouble their struggle for the decriminalization of abortion in Argentina. In the document, the organization criticized the Church and the Pope for their political collusion with the recent military dictatorships in Latin America and for their hypocrisy in defending life (Codeab, 3/8/1999). In another *Página/12* press release that September, COBEAD dismissed Menem's anti-abortion crusade by citing the revelations—made in a recent interview—of his ex-wife, Zulema Yoma, that the then-couple had opted for an abortion in 1969 (*Página/12*, 9/28/1999).

### **3. In search of clerical blessing: the anti-abortion stances of Fernando De la Rúa (1999–2001) and Eduardo Duhalde (2002–2003)**

The issue of abortion was again at the heart of the presidential elections in 1999. The two frontrunners—Fernando De la Rúa, who represented the Alliance for Work, Justice and Education<sup>13</sup> (a political coalition between UCR and Front for a Country in Solidarity,<sup>14</sup> an anti-Menem splinter group of the PJ) and Eduardo Duhalde of the PJ—included opposition to voluntary termination in their policy platforms. Both candidates utilized this stance as a means of forging political links with the ecclesiastical authorities,

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13 Alianza para el Trabajo, la Justicia y la Educación.

14 Frente País Solidario.

while also strengthening their appeal to the devoutly Catholic section of the electorate. On the eve of the election, the CEA, in conjunction with the Holy See, held the 3rd Gathering of Legislators and Politicians of Latin America in the city of Buenos Aires. De la Rúa and Duhalde were among the invitees, and abortion was one of the main items on the agenda. Before the assembled clerics, De la Rúa explicitly repudiated the legalization of abortion and same-sex marriage, and announced economic support for pregnant women as one of the central planks of his program (*La Nación*, 5/8/1999). His PJ counterpart followed suit, pledging to keep Argentina on the path of championing life and family locally, nationally, and in accordance with the Vatican (*Página/12*, 8/7/1999).

However, Fernando De la Rúa's stance did not represent a consensus within the Alianza; other figures, such as Alfredo Bravo y Graciela Fernández Meijide, spoke out publically in favor of legalization. During the constituent assembly of 1994, Fernández was among the members who opposed the attempt by Menem and the Church to add an anti-abortion clause to the Constitution. Several political candidates from the PJ sought to exploit these differences within the Alianza in order to win the backing of the clerics. For example, Carlos Ruckauf, the main rival of Fernández for the governorship of Buenos Aires, did not delay in branding his opponent an enemy of Catholic dogma and an "enabler of the murder of babies in the womb" (*Página/12*, 7/8/1999).

Fernando De la Rúa won the 1999 presidential elections, and the abortion question became a bone of contention among members of his government. But the discussion was not limited to abortion—the proposed Sexual Health and Responsible Procreation Law was also controversial. It incensed the Church, including bishops such as Jorge Luis Lona, who warned of the risks that the bill posed in terms of the propagation of "the culture of death: abortion and contraception" (Jorge Luis Lona, bishop of San Luis, *AICA*, 5/10/2001). Despite stiff resistance from the Catholic hierarchy, the Chamber of Deputies approved the draft law in 2001, and it was ultimately passed by the Senate the following year.

Fernando De la Rúa became enveloped in social, political, and institutional crises, and resigned the presidency in December 2001.<sup>15</sup> Once installed as transitional president, Eduardo Duhalde set up the Argentine

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15 Argentina's political, economic, and institutional tumult triggered widespread civic unrest in December 2001 that culminated in De la Rúa's resignation as president. On December 19 and 20 there was looting, protests and *cacerolazos* in the streets to demand the president's resignation, resulting in political suppression that left a total of 36 dead.

Dialogue Roundtable, a space where representatives from various social sectors could reach strategic agreements with which to overcome the crisis. The Catholic Church was invited to participate in the roundtable, on the grounds that it was a key institution in Argentine society and a potential builder of national consensus vis-a-vis the country's tarnished political leadership (Martín, 2008; Amegeiras, 2008). But despite these efforts, the relationship between the Church and the government was never exempt from tensions. Duhalde's appointee as Minister of Health was Ginés González García, who, along with the senator Hilda Beatriz de Duhalde (the wife of the president), promoted the law that created the National Sexual Health and Responsible Procreation Program (Law 25673).

This action by the government was met with skepticism by the bishops and the Consortium of Catholic Doctors, who felt that the objectives of the law amounted to the veiled legalization of abortion (*AICA*, 3/12/2002). The Sexual Health and Responsible Procreation Law included measures oriented to reducing maternal and child morbidity and mortality, preventing unwanted pregnancies, promoting sexual health during adolescence, facilitating the prevention and early detection of sexually transmitted diseases (HIV/AIDS and genital and breast conditions), and reinforcing female involvement in sexual and reproductive health decision-making.

The Catholic Church tried to obstruct the law and its subsequent application. The authorities of the Argentine Episcopal Conference were opposed to the free distribution of contraceptives at public health centers, and also called for recognition of the right to conscientious objection for health professionals who were at odds with the legislation (*AICA*, 10/31/2002). The hierarchy believed that the law's anti-birth orientation was one of the government's strategies for extricating itself from the socioeconomic crisis, and for meeting the demands of international credit agencies with regard to population control. Bishop Guillermo Rodríguez Melgarejo the CEA's general secretary wrote to Minister González García to repudiate her proposal's inclusion of contraceptives such as the coil, the morning-after pill, tubal ligation, and vasectomy, the latter two being "mutilations of the human body contrary to the morality that demands the preservation of the person in its natural integrity" (*AICA*, 17/10/2002). In his letter, Bishop Rodríguez Melgarejo also insisted on the right to conscientious objection for health professionals, as well as echoing the argument of the Corporation of Catholic Lawyers<sup>16</sup> that the proposals implied state interference in

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16 Corporación de Abogados Católicos.

the private sphere of the family, undermining parents' rights and authority to inform and guide their children on matters of sexuality. Of particular concern was the fact that the Sexual Health and Responsible Procreation Law was targeted primarily at the adolescent population, in terms of the provision of knowledge and resources associated with sexual protection and the prevention of unwanted pregnancies.

Héctor Aguer, Archbishop of La Plata, was one of the Ministry of Health's main adversaries when it came to this law, taking exception to the dissemination of contraceptive methods for abortive ends (*La Nación*, 31/10/2002). The Church's relentless pressure was successful in staving off mandatory implementation of the program at Catholic health centers, while Catholic schools could opt out of imparting information on sexual health to their students (*Página/12*, 1/20/2003). Civil society organizations with links to the Church, such as the Crib of Bethlehem (Córdoba), the Family and Life Association (Tucumán), and the Consortium of Catholic Doctors (Capital Federal)<sup>17</sup> filed writs of amparo against the Ministry of Health, aimed at compelling the National Administration of Medication, Food, and Technology (ANMAT) to prohibit the sale and distribution of emergency hormonal contraceptives such as the morning after pill; and the Supreme Court of Justice to invalidate the National Sexual Health and Responsible Procreation Program throughout the country. However, the writs were set aside by the Supreme Court. For Ginés González García, this was an act of "religious fanatics" to "overturn health policies and laws" that helped to empower women to decide about their sexual and reproductive freedom (*La Nación*, 9/7/2003). Judicial proceedings were the modus operandi of the ecclesiastical hierarchy and pro-life organizations when it came to obstructing the functioning of public policies and programs intended to promote sexual and reproductive rights in Argentina.

#### **4. (Dis)agreements. The Catholic Church and debates about abortion during the presidencies of Néstor Kirchner (2003-2007) and Cristina Fernández (2007-2015)**

In 2003, Néstor Kirchner was sworn in as president of Argentina in representation of the Front for Victory (FPV), a political alliance dominated by PJ figures. A few months after taking office, Kirchner received the leadership of the CEA at the *Casa Rosada*. Those in attendance were Eduardo Mirás (Archbishop of Rosario), Jorge Bergoglio (Archbishop of Buenos Aires),

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17 Portal de Belén, Asociación Familia y Vida, and Consorcio de Médicos Católicos, respectively.

Domingo Castagna (Archbishop of Corrientes) and Sergio Fenoy (Auxiliary Bishop of Rosario). During the meeting, Nestor Kirchner warmly welcomed the social service that the Church provided to the most vulnerable, but also cautioned that the institution should be “the rector of its [own] thoughts and not the actions of the state.” (*La Nación*, 8/7/2003).

Kirchner’s utterances aggravated the clergymen, leading to a souring of relations between his administration and the Church. Instead, Kirchner opted for political dialogue and outreach with progressive sectors of Catholicism that had ties to popular sectors: the so-called “slum priests” (*curas villeros*).

Other cornerstones of Kirchner’s administration were the reassertion of human rights as state policy (Lvovich & Bisquert, 2008; Barros, 2009; Andriotti Romanin, 2014); the building of political leadership based on the memory of the tenacious resistance in 1970s Argentina (Montero, 2012); and political coordination with national and popular social organizations aligned against the neoliberal economic model (Pérez & Natalucci, 2010; Schuttenberg, 2011; Perelmiter, 2012).

Abortion and reproductive rights continued to cause tension between the Kirchner administration and the Church. In 2004, the president stated his opposition to abortion, but insisted that his presidency afforded freedom of conscience for those in favor of its legalization. His declarations came amid the clergy’s questioning of the Minister of Health—still González García—who had stressed the urgency of implementing a voluntary termination law. Few were more irked than Cardinal Renato Martino—president of the Pontifical Council for Justice and Peace in the Vatican—who happened to be visiting Argentina at the time. The controversy was preceded by an exchange of words between González García and the Archbishop of La Plata, Héctor Aguer, over the promotion of sex education at schools and the free distribution of prophylactics to adolescents under the National Sexual Health and Responsible Procreation Program (*Clarín*, 11/27/2004). Another confrontation between the Church and the government that same year concerned the candidacies of Carmen Argibay and Elena Highton de Nolasco to fill the Supreme Court bench. The two jurists, both put forward by the executive, were the targets of political smear campaigns by senior church figures and entities such as the Corporation of Catholic Lawyers for espousing the decriminalization/legalization of abortion and, in the case of Argibay, militant feminism and atheism.

In 2005, Ginés González García was at the center of another clash with the Church. The Minister of Health identified abortion as a public health problem that required the intervention of the state, “If abortion had

been decriminalized, many of those moms who do not go to the doctor, or who reach the verge of death, would be saved” (Ginés González García, *Página/12*, 2/14/2005). Consequently, Bishop Antonio Baseotto, the military vicar, warned González García by letter that his comments amounted to an apology for the crime of homicide against the unborn. Baseotto also rebuked the minister for promoting a “premature sex life” among youths by giving them access to prophylactics and contraceptives that would lead to “sexual licentiousness.” In that same letter, the bishop expressed his view that González’s crime made him deserving of the biblical punishment “to have a millstone hung around his neck and to be thrown into the sea” (*AICA*, 2/17/2005). Weeks before his spat with Baseotto, the Minister of Health had incurred the wrath of Bishop Héctor Aguer, who asserted that the project to teach sex education at schools promoted “sexual corruption and promiscuity” among adolescents, and that, in any case, the use of condoms was not an infallible means of preventing the spread of HIV/AIDS (*La Nación*, 11/4/2005). For their part, bishops Carmelo Giaquinta (Resistencia, Chaco) and Luis Stöckler (Quilmes, Buenos Aires) backed the remarks of their fellow clergymen and even condoned civil disobedience by the Catholic faithful in response to the imminent advance of the draft Comprehensive Sex Education Law (*AICA*, 11/6/2005).

Meanwhile, the government condemned Bishop Baseotto’s suggestion that the Health Minister be cast into the sea. For President Kirchner, this threat harked back to the human rights violations committed during the period of state terrorism in Argentina (1976-1983), when thousands of the now-disappeared were doped and thrown from military aircraft into the depths of the River Plate in what came to be known as “death flights” (*La Nación*, 3/19/2005). The Mothers of Plaza de Mayo,<sup>18</sup> a campaign group set up by the mothers of disappeared youth, joined with dissident Catholic groups such as Catholics for the Right to Decide<sup>19</sup>—which identified with feminism and objected to the patriarchy of the Church—to express solidarity with Ginés González García. Néstor Kirchner appealed to the Apostolic Nunciature in Argentina for the removal of Baseotto from his position as military vicar. But when the Vatican refused to acquiesce, Kirchner himself dismissed Baseotto by executive decree—a move that deepened the rift between the government and the Catholic hierarchy. The bishop’s statements gave rise to formal charges of “apology for criminal acts,” a crime under Argentine law. However, the federal judge, María Servini de Cubría, acquitted Baseotto,

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18 Madres de Plaza de Mayo.

19 Católicas por el Derecho a Decidir.

arguing that the bishop had committed no crime in simply quoting from the bible in his letter to the Minister of Health.

The following year, 2006, brought fresh confrontations between the Church and President Kirchner, this time stemming from the Argentine government's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. For the Church hierarchy, this ratification equated to an endorsement of the recommendations of international organizations that abortion be legalized in Argentina. Another front between the Church and the government opened up over the newly approved law for the Comprehensive Sex Education Program at schools (Law 26150). Figures from the Church objected to the program's implicit violation of the right of families to instruct their children on matters of sexuality. As far as CEA was concerned, the state ought to have no more than a subsidiary role in sex education, and was bound to respect the natural and inalienable right of parents to choose a form of sex education for their children that was in keeping with their principles and beliefs (*AICA*, 1/6/2006). During the congressional discussion and voting sessions on the law, the Catholic authorities sent personal messages to deputies and senators in an attempt to dissuade them from voting in favor. Historically in Argentina the Catholic Church was active in deciding on curricular content, and the Comprehensive Sex Education Program implied a break with this convention (Esquivel, 2013). For the Kirchner administration, comprehensive sex education was a necessary social tool geared toward optimizing the goals of the National Sexual Health and Responsible Procreation Program. In the parliament, figures from FPV, as well as from the UCR and the Socialist Party, were proponents of this law.

In 2007, the Ministry of Health implemented the *Guía Técnica de Atención Integral de los Abortos No Punibles* ("technical guide for the comprehensive care of non-punishable abortions"). This was a public instrument that regulated and established guidelines for the provision of healthcare in cases of legal termination of pregnancy. Through this guide, the government sought to reduce institutional barriers to accessing abortions at public hospitals on the grounds of health or sexual abuse, and to minimize the risk to women's health and life through the safe and high-quality provision of legal abortions, pursuant to Article 86 of the Argentine Criminal Code. González García became a conduit between the state and feminist organizations aligned with the National Campaign for the Right to Legal, Safe,

and Free Abortion, championing the need for legislation that assured access to abortion and treated it as a public health problem.<sup>20</sup>

The implementation of this protocol placed the relationship between Kircher and the Church under further strain, with clerics such as Héctor Aguer dubbing it a “license to kill” and authoritarian control over medical practice (*AICA*, 14/4/2007).<sup>21</sup> On December 10, 2007, Cristina Fernández de Kirchner succeeded her husband as president. Fernández’s first clash with the Church came in 2008, in the context of a disagreement between her government and agricultural organizations over levies on cereal exports (Giarraca & Teubal, 2011). Jorge Bergoglio, then Archbishop of Buenos Aires and maximum authority within the CEA, called on the president to make a “grand gesture” that would break the deadlock with these interests. Néstor Kirchner rushed to the defense of the president, refuting Bergoglio’s arguments by claiming “those who call for grand gestures advocate for inequalities.” (*La Nación*, 5/6/2008). In 2010, the discord with the Church worsened with the approval of the Equal Marriage Law (Law 26618), whereby legal recognition was conferred on same-sex couples, and religious influence on the regulation of marriage was eliminated (Vaggione & Jones, 2015; Biglieri, 2013; Hiller, 2017).

For the bishops, the approval of this law signified the alteration of the Argentine legal order and the “subversion of the biological nature of marriage” (Jorge Luis Lona, obispo de San Luis, *AICA*, 17/6/2010) Another

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20 The National Campaign for the Right to Legal, Safe, and Free Abortions originated in 2003 as part of the 18th National Gathering of Women (ENM) held in the city of Rosario, Santa Fe. Officially, it was launched on the International Day of Action for Women’s Health on May 28, 2005. Since then, it has become a space of convergence for different feminist organizations in Argentina, during which activities and strategies are coordinated for the decriminalization/legalization of abortion in Argentina (Anzorena & Zurbriggen, 2013; Bellucci, 2014). The campaign’s main aims are the establishment of a secular state, the roll-out of the Comprehensive Sex Education Program at all schools, access to safe contraceptive methods, and the enactment of a voluntary termination of pregnancy law.

21 The *Guía Técnica para la Atención Integral de Abortos No Punibles* was distributed to all public healthcare providers in the country. The document established and expressly stated that women would not require judicial authorization to request the voluntary termination of pregnancies resulting from rape. At the same time, it regulated conscientious objection in healthcare provision, setting down guarantees that public hospitals would have medical professionals who practiced abortions. The guide was prepared in the framework of the National Sexual Health and Responsible Procreation Program, and its implementation met with resistance from authorities in the provinces. On this basis, and given the various obstacles that surrounded the application of Article 86 of the Argentine Criminal Code, which provided for abortions in cases of rape, the Supreme Court pronounced the so-called “FAL judgement”—in reference to the initials of the woman affected—whereby the provinces were required to write up their own protocols for legal terminations so as to ensure their fulfillment under the public health system. However, not all provinces have complied with this judgement by introducing these protocols with the result that requests for legal abortion are constantly blocked.

contretemps between the administration of Cristina Fernández and the Catholic hierarchy broke out in 2012 following the approval of the Gender Identity Law (Law 26743), which recognizes the right of individuals to change their name in accordance with their self-perceived gender identity and to undergo sex reassignment surgery and hormone treatment.

Nevertheless, Cristina Fernández had expressed opposition to the legalization of abortion on several previous occasions. Fernández made her first public comments on the topic in 2003, while she was still a senator. During a trip to Paris, she responded emphatically to a French journalist's questions about women's human rights and the decriminalization of abortion in Argentina: "I'm not a progressive, I'm a Peronist. The problem is that they do not understand it. [...] Also, I am against abortion" (*La Nación*, 27/11/2003). She appeared to reassert this position in 2007 when, having now assumed the presidency, she decided not to support the first draft Voluntary Termination of Pregnancy Law presented to Congress by the National Campaign for the Right to Legal, Safe, and Free Abortion. Then again in 2011, on the occasion of a visit by the new CEA leadership to the *Casa Rosada*, she said, "You already know my thoughts on this matter" (*Clarín*, 15/11/2011).<sup>22</sup> Cristina Fernández's consistent anti-abortion stance won the confidence of the Church hierarchy, allowing for a closer relationship with the clergy than her predecessor had forged. Moreover, once Cardinal Jorge Bergoglio became Pope, Fernández entered into various political agreements with the Vatican.

As well as the coinciding on abortion, the reform of the Civic and Commercial Code was another source of commonality between the Fernández administration and the Church. Notable among the government's concessions to the Church was the text of Article 19, which recognized that human personhood begins at the moment of conception, and prohibited surrogacy.

Although policies and legislation related to the extension of gender-based citizenship rights were implemented during Fernández's term, the legalization of abortion was not part of the agenda. This elicited skepticism from many feminist organizations, who saw the president as serving the interests of the Catholic Church and an enabler of maternal deaths from illegal abortions.

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22 In 2011, CEA's new leadership consisted of José María Arancedo (president, and Archbishop of Santa Fe), Virginio Bressanelli (first vice-president, and Archbishop of Neuquén), Mario Cargnello (second vice-president, and Archbishop of Salta) and Enrique Eguía Seguí (general secretary, and Auxiliary Bishop of Buenos Aires).

## **5. The Catholic Church and the debate on the Voluntary Termination of Pregnancy Law during the presidency of Mauricio Macri (2018)**

Mauricio Macri became president of Argentina on December 10, 2015, beating Daniel Scioli of the governing party, FPV. Macri's triumph marked the first time in Argentine history that a center-right political alliance—Cambiamos—won the presidency. It was also the first ever electoral victory for a candidate from outside the two traditional parties, PJ and UCR; Macri founded his own political party, Republican Proposal (PRO), in 2005. Republican Proposal emerged in the context of Argentina's crisis of political representation of 2001. From the outset, it attracted figures from the business sector and some NGOs (Vommaro, 2014; Morresi & Vommaro, 2014; Bohoslavsky & Morresi, 2016). After twice being elected (2007 and 2011) as chief of government of the city of Buenos Aires, in the 2015 presidential elections, Mauricio Macri ran under the banner of the Cambiamos alliance, made up of Republican Proposal, the Civic Coalition for the Affirmation of an Egalitarian Republic,<sup>23</sup> and a center-right breakaway from the senior ranks of the UCR.<sup>24</sup>

Mauricio Macri's relationship with the Church was standoffish from his early days in politics. During his time as Chief of Government of Buenos Aires, Macri's personal relationship with Jorge Bergoglio was marked by frequent disagreements, borne of the prelate's criticisms of neoliberal capitalism and his ideological sympathies for Peronism. Before the runoff in 2015, Bergoglio—by now the Pope—received Cristina Fernández and Macri's FPV opponent, Daniel Scioli, at the Vatican. This visit riled the Cambiamos leadership, who interpreted it as papal support for the Kirchnerist candidate. In response, the political advisor to the Macri campaign, Jaime Durán Barba, declared that “what a pope says or does will not change the vote of even ten people, no matter whether he's Argentine or Swedish” adding that, during Macri's term, “abortion will be legalized in Argentina”

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23 Propuesta Republicana and Coalición Cívica para la Afiración de una República Igualitaria, more commonly known as Coalición Cívica ARI.

24 Macri and Cambiamos led a neoliberal administration, based on the ideas of managerial modernization of politics and the state, economic deregulation, and promotion of external borrowing and lower public investment. When it came to gender rights issues, the regime executed severe cutbacks to the public health budget, affecting the continuity and development of social policies such as the National Sexual Health and Responsible Procreation Program, and the Program to Combat AIDS and Sexually Transmitted Diseases. There were also budgetary reductions to the Comprehensive Sex Education Program, and the National Institute Against Discrimination, Xenophobia, and Racism.

(*Clarín*, 19/11/2015). These remarks were seen by the local Catholic hierarchy as a deliberate provocation, though months later Macri reassured the press that voluntary terminations would not in fact become legal under his presidency: “Life must be defended. Under me, decriminalization of abortion, no, unthinkable” (*Perfil*, 8/3/2016).

Given this apparent unambiguity, Mauricio Macri’s decision in 2018 to reopen the abortion debate took the Church by surprise. Interpreting this as a mere smokescreen to conceal Argentina’s ongoing socioeconomic crisis—with rising inflation, poverty, and unemployment—the clerics’ reaction was muted at first. Despite the Church’s assumptions, the bill for the Voluntary Termination of Pregnancy Law—presented for the seventh time by the National Campaign for the Right to Legal, Safe, and Free Abortion—prospered, securing a reading and preliminary approval in the Chamber of Deputies by 129 votes to 125, with one abstention. Catholic leaders pointed the finger at President Macri for reviving the abortion debate in the first place, while the Cambiemos leadership was divided on the issue. As for Macri himself, his strategy was to adopt a stance of neutrality, while also letting it be known on several occasions that the executive would veto the law, should it be passed. In turn, the vice president, Gabriela Michetti, assumed a categorical anti-abortion position regarding the practice as wrong even in cases of sexual abuse, “What a woman has inside her body is not her body because [the fetus] has different DNA than the father and the mother. No human being can decide on the life of another” (*La Nación*, 6/10/2018).

The Voluntary Termination of Pregnancy Law was backed by legislators across party lines, including Victoria Donda (Libres del Sur), Brenda Austin (UCR), Mónica Macha (FPV), Romina del Plá (Worker’s Party/Leftist worker’s Front),<sup>25</sup> and Daniel Lipovetzky (PRO). Before the vote in the lower chamber, the contents of the bill were debated comprehensively at committee meetings attended by science and technology professionals, legal experts, doctors, and researchers from Argentina’s public and private universities. Those in favor expounded arguments based on the urgent need to treat abortion as a public health issue, reduce rates of maternal mortality caused by unsafe abortions, and modernize the legal framework regulating abortion in Argentina. In turn, the bill’s opponents cited legal protection for the right to life from the moment of conception, the criminality of abortion, and the incompatibility of the rights of fetuses with those of women who decide to abort. The expert-led debates continued at the plenary meeting

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25 Partido Obrero/Frente de Izquierda de los Trabajadores.

of the Senate committees of health, justice, and criminal and constitutional affairs, in advance of the vote in the upper chamber.<sup>26</sup>

Finally, the Senate voted to reject the law, by 28 votes to 31. Weeks earlier, numerous bishops had appealed to lawmakers to vote down the bill, adopting a far more combative approach than they had during the debate in the Chamber of Deputies. This time, the strategy of the Church leaders was to lobby and pressure governors and representatives from the provinces into rejecting the bill.

Historically in Argentina, the Senate has demonstrated conservative leanings on matters of gender. Thus, on the cusp of the vote in the upper chamber, the bishops issued communiques and gave sermons in their respective provinces, exhorting the senators to commit to the right to life of the unborn: “Do not yield to the fallacy of choosing between one life and another, between one right and another, between one person and another” (Ángel Macín, Bishop of Reconquista, Santa Fe, *AICA*, 8/2/2018).

The year 2018 was an important one for feminism in Argentina, not only because an abortion bill had been discussed in parliament for the first time, but also because of the mass demonstrations in the streets in support of the initiatives of the National Campaign for the Right to Legal, Safe, and Free Abortion. Following on from the *Ni Una Menos* (“not one less”) protests against femicide in 2015, and the International Women’s Strike in 2016, it was another critical juncture for the feminist movement. From its beginnings in 2005, the National Campaign adopted the green handkerchief as its symbol in the fight for the legalization of abortion in Argentina, prompting the campaigners to style themselves the “green wave” taking part in the “*pañuelazo*”<sup>27</sup> demonstrations that accompanied the parliamentary discussions. The Church leaders responded by mobilizing the laity to

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26 As well as experts, the committees also invited members of civil society organizations to attend their meetings. Among the participants, the groups in favor of the law included the Network of Health Professionals for the Right to Decide (Red de Profesionales de la Salud por el Derecho a Decidir); the Latin American Justice and Gender Team (Equipo Latinoamericano de Justicia y Género); the Center of Legal and Social Studies (Centro de Estudios Legales y Sociales); the Latin American Consortium against Unsafe Abortion (Consortio Latinoamericano contra el Aborto Inseguro); the Center of Studies on State and Society (el Centro de Estudios de Estado y Sociedad); and the Network for Access to Safe Abortion in Argentina (Red de Acceso al Aborto Seguro en Argentina). Those against included the Center of Bioethics, Individual, and Family at the Universidad Católica Argentina; members of the National Academy of Medicine (Academia Nacional de Medicina); representatives of the Consortium of Catholic Lawyers and Doctors of Argentina (Consortio de Abogados y Médicos Católicos de Argentina); the Federal Network of Families (la Red Federal de Familias); and the Civil Association Doctors for Life (Asociación Civil Médicos por la Vida). The vote on the proposed Voluntary Termination of Pregnancy Law in the Chamber of Deputies took place on June 13, 2018, while the Senate vote was held on August 8.

27 Translator’s footnote: from *pañuelo*, the Spanish for handkerchief.

counter-protest against abortion and the law: “This does not imply waiting passively while others decide. It is important to answer all calls to participate in the various demonstrations that help to express rejection of abortion” (Jorge Eduardo Lozano, Archbishop of San Juan de Cuyo, *AICA*, 8/5/2018).

In Argentina, as elsewhere in Latin America and the world, pro-life groups are part of a network of inter-faith actors who have become increasingly active in recent decades as sex-based and reproductive rights have gained in prominence (Vaggione, 2017; Gudiño Bessone, 2017a; Morán Faúndes & Peñas Defago, 2015). During the legislative discussions of the abortion bill, these groups enlarged their presence on the public stage, holding numerous street protests in Buenos Aires and in provinces such as Tucumán, Mendoza, Chaco, Entre Ríos, Corrientes, and Córdoba. As part of the performance of the public demonstrations and protests—and as a counterpoint to their opponents’ motif—the anti-abortion groups adopted the sky-blue handkerchief bearing the words “let’s save both lives” as their symbol.

The anti-abortion protests united Catholic actors with members of the evangelical denominations. This alliance in opposition to the Voluntary Termination of Pregnancy Law, shaped in political spaces such as Pro-life Unity<sup>28</sup>—a network of more than 100 pro-life organizations—reveals the impact that the feminist and LGBT movements have had on the religious sphere in terms of its reconfiguration, its repositioning, its dynamics, and its displacement of meanings. Religious actors are political subjects who are actively involved in the democratic arena. Meanwhile, in recent times, the proliferation of pro-life collectives and organizations in Argentina is one illustration of how religions are reinventing themselves through the creation of cores of citizen participation aimed at the defense of a religious sexual morality at odds with so-called “gender ideology,” underpinning an agenda that is conservative, heteronormative, and inimical to the expansion of sexual citizenship.

The debate around the Voluntary Termination of Pregnancy Law expanded the gulf between Mauricio Macri and the Catholic Church, moving a sector of the local hierarchy closer to Pope Francis to step up their criticism of the president. Furthermore, some of the political and union opposition to Macri’s administration publicly rejected the legalization of abortion, participating in a so-called “mass for life” organized by the CEA president, Bishop Óscar Ojea, at the Basilica of Luján in

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28 Unidad Provida.

Buenos Aires. Representatives of the labor unions included figures such as Hugo Moyano (leader of the Union of Truck Drivers<sup>29</sup>) and Hugo Yasky (General Secretary of the Confederation of Workers of Argentina<sup>30</sup>), while the national deputies Daniel Scioli and Fernando Espinoza attended on behalf of Kirchnerism. Despite her repeated and well-known anti-abortion utterances, Cristina Fernández voted in favor of the bill in her role as a senator. However, months on from the vote, Cristina Fernández called for unity between both sides—in what amounted to an attempt to defeat the Cambiemos administration, a political gesture to restore her relationship with the Church hierarchy, and an effort to safeguard the Catholic and evangelical vote in the upcoming 2019 presidential elections, “The divide cannot be between those who pray and do not pray. It is a harmful divide that is neither national nor popular. In our political space there are green and sky-blue handkerchiefs. We have to learn to accept that” (Cristina Fernández, *La Nación*, 11/19/2018). In sum, what the rejection of the Voluntary Termination of Abortion Law in 2018 showed was that the Catholic Church still loomed large in Argentine politics, and its influence in government policy-making remained decisive.

## 6. Conclusions

In Argentine democracy, feminist organizations and the Catholic Church have been among the leading actors in conflicts over the recognition of sexual and reproductive rights and the decriminalization/legalization of abortion. The Church has been characterized for its constant pressure on the state to obstruct pro-choice legislation, as part of a clear attempt to conserve Catholic sexual morality as a normative and legislative ideology for the cultural order of the nation. In turn, feminist organizations initiated a collective, public struggle to demand a secular state that guaranteed the non-interference of religious dogmas in the sexual and reproductive rights of individuals, and which approached abortion as a citizenship right and a public health issue that affects women.

Abortion and sexual and reproductive rights have not received uniform treatment by Argentina’s democratic administrations, and most of the time they have been subject to intrusions by the Catholic Church and to its influence on the state. There have been some occasions on which the conflicts between the Church and the state permitted legislative advances in women’s rights to sexual and reproductive freedom, and others in which

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29 Sindicato de Choferes de Camiones.

30 Central de Trabajadores de Argentina.

the blurring of boundaries between the political and the religious precluded such an eventuality.

The purpose of this article has been to explore the different stages of conflict and/or rapprochement between the political and ecclesiastical establishments in Argentina, from the transition to democracy in 1983 to the debate around the Voluntary Termination of Pregnancy Law under the presidency of Mauricio Macri. In general terms, the objective was to demonstrate the threads connecting politics and religion, and its repercussions for the denial of sexual and reproductive rights. This article seeks to contribute to an understanding of the place that religious institutions occupy in Argentine politics, and the ways in which the politics of the state have remained, on occasion, permeable to the encroachments of the Catholic Church. Since the restoration of the rule of law in 1983, the conflicts over the expansion and recognition of sexual citizenship rights have been central features in the dynamics of democracy, in which the Church has been notable for its opposition (Pecheny, Jones, & Ariza, 2016).

The recent debate over the abortion bill presented opportunities for feminist organizations in Argentina, allowing them to demonstrate their capacity to mobilize and coordinate and to place abortion on the political and social agenda as an issue of public health and sexual and reproductive freedom affecting woman.

The rejection of this bill, however, highlights the denominational and conservative entrenchment of a majority within Argentina's political leadership, as well as the sway that the ecclesiastical hierarchy continues to hold over government decision-making. As proposed in the analyses of Fortunato Mallimaci (2015) and Juan Cruz Esquivel (2015), what prevails in Argentine political culture is an interconnection between the principles and dogmas of Catholicism, the formulation of laws and public policies, and the construction of meanings from juridical normativity. However, the parliamentary handling of the proposed legalization of abortion reawakened the debate around state secularity and stimulated a discussion about the relationship between politics, religion, and democracy (Felitti & Prieto, 2018). These debates took into account the current sociopolitical context of unprecedented demand for the legalization of abortion, which visibilizes and calls into question the historical ways in which sexual and reproductive rights have been regulated and intercepted by the intersections and permeabilities between religion and politics.

Abortion, as a public health problem that affects Argentina as much as other Latin American countries, brings to light the incongruities between the criminalization of the practice and democratic principles such as wom-

en's equality and citizenship rights. What predominates is a permanent correlation and permeability of meanings between forms of controlling sexuality and women's bodies, as well as hegemonic and dominant social discourses—religious, biomedical, and judicial—that question the right to abortion and dismiss it as an illegitimate moral practice. The obstacles around the exercise of sexual and reproductive rights underscore aspects that contribute to women's rights and freedoms in democracy, at the same time as they reflect the weaknesses and inadequacies of law and state politics on matters concerning the furtherance of secularism. In 2018, and as a result of the collective mobilization of feminist organizations, abortion was tabled as a topic for debate in Argentina, thus expanding the frontiers of the sayable and placing the issue both in the public space and on the political agenda. As Mario Pecheny (2014) argues, since 1983 in Argentina there have been major advances in terms of sexual citizenship, even if the illegality of abortion remains a debt of democracy. In this regard, the rejection of the Voluntary Termination of Pregnancy bill confirms the heteronormative character of a vast sector of Argentina's political leadership, and the ways in which the development of the democratic system involves the interplay of power groups and their interests.

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