

Backslide: The Latin American Counter-revolution in Reproductive Rights

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To date, research on Latin American abortion policy has focused primarily on the region's *failure to liberalize*. Scholars examine why Latin American nations have been reluctant to expand the conditions for legal abortion, which is puzzling given the region's relative progress in liberalizing other sexual and reproductive rights.

Yet recent events reveal an entirely new puzzle. Abortion rights in many Latin American nations are no longer simply stalled; they are now rapidly reversing. Leading this backslide are six Latin American governments that have passed new laws to tighten their already-strict abortion prohibitions. These new laws criminalize abortion under any circumstance, even when continuing a pregnancy may endanger a woman's life. Moreover, in two of these six nations, new abortion bans also have been accompanied by a dramatic increase in the prosecution and incarceration of women for the crime of abortion, or "fetal homicide." In the cases of many of these incarcerated women, who are now serving thirty- to forty-year prison sentences, the medical evidence suggests they had stillbirths, not abortions.

Why the rapid reversal of abortion rights in Latin America? What are the consequences of this dramatic backslide for women's lives? And how do we explain variations in the institutionalization of these consequences across nations with otherwise similar political, judicial, and religious institutions? These are the questions that guide my book, *Backslide: the Latin American Counter-revolution in Reproductive Rights*. Through an in-depth comparison of recent transformations in abortion policies and institutional practices in Nicaragua and El Salvador, *Backslide* sheds new light on one of the most puzzling questions of gender equity in our time. In the process, it also expands our understanding of how social movements wield political influence, and the consequences of that influence for the governance of gender.

THE ARGUMENT

Between 1989 and 2009, six Latin American nations took legislative action to tighten their already-strict abortion laws.¹ Previously, these nations allowed legal abortion only in

¹ These nations are Chile (1989), Honduras (1996), El Salvador (1997), Nicaragua (2006), the Dominican Republic (2009), and Mexico. The case of Mexico is complex: after the federal district in Mexico legalized all

limited circumstances—typically when the life of the mother was at risk, when the pregnancy was the result of rape, or when the fetus had deformities incompatible with life. With the passage of new legislation, however, these six countries removed all abortion allowances. No abortions, no exceptions; not even if the life of the mother is in danger.

This backslide in abortion policy has had powerful consequences for women's lives. To begin, in all six countries with total abortion bans, medical staff now accept significantly increased risks to women's lives in order to comply with new anti-abortion legislation and avoid prosecution. To illustrate, a pregnant 18-year-old in Nicaragua died from septic shock due to a detached placenta while her doctors debated whether they could legally take surgical action that might harm the fetus (IPAS nd). In the Dominican Republic, doctors withheld a 16-year-old cancer patient's chemotherapy treatment for fear it would kill the embryo in her womb (Lupkin 2012). And in El Salvador, a 22-year-old woman with Lupus was denied an abortion despite the fact that the anencephalic fetus she was carrying had no chance of survival outside the womb, and despite the fact that the pregnancy was causing her kidneys to fail (Freedman 2013).

In two cases—El Salvador and Mexico—the Latin American backslide in abortion rights has also had powerful consequences for women's freedom. In these two nations, the passage of a total abortion ban was accompanied by a swift uptake in the prosecution and incarceration of women for abortion and the so-called "homicide" of fetuses. In Mexico, more than 600 women were arrested for abortion between 2009 and 2011. At least some of these women appear to have suffered spontaneous miscarriages (Malkin 2010; Gaestel 2014). In El Salvador, fewer women have been incarcerated overall, but jail sentences are dramatically longer. In the last decade, more than 30 women have received 12-40 year sentences for the "attempted homicide" or "homicide" of their fetuses. (Viterna and Guardado Bautista 2014). Like in Mexico, the majority of these women appear to have suffered stillbirths, not induced abortions.

This intensified prosecution following the total abortion bans stands in sharp contrast to historical institutional norms in Latin America. Abortion on demand has long been illegal in most nations of the region, and yet these laws have overwhelmingly gone unenforced. In

first trimester abortions in 2007, 18 of the surrounding Mexican states passed constitutional amendments defining life as beginning at conception, essentially outlawing all legal abortion. Many states also began intensively prosecuting and incarcerating women for abortion. In December of 2014, the Dominican Republic voted to re-insert "causes" for which abortions could be legally obtained. However, legislation to regulate these new allowances has yet to be passed, and the nation's constitutional amendment defining life as beginning at conception has not been overturned, resulting in a contradiction between the penal code and the constitution. In addition, at least three countries (Costa Rica, Ecuador, and Bolivia) have recently increased their bureaucratic blockages to what should be legal pregnancy terminations, effectively removing women's access even in cases where their lives are in danger or pregnancies are the result of rape.

the cases of Nicaragua, Honduras, and the Dominican Republic, the institutional norm of non-prosecution continued even after governments went to great lengths to tighten already strict abortion restrictions and to increase the penalty for abortion. Even in Chile, where there was some prosecution of abortion in the 1980s, the level of prosecution declined significantly in the 1990s, *after* the total abortion ban was passed (Casas-Becerra 1997).

These novel developments in Latin America generate at least three critical questions:

- Why are abortion rights in Latin America “sliding backwards?”
- What are the consequences of this dramatic backslide for women’s lives?
- Why do the legal, judicial, and medical institutions in one nation aggressively enforce a new law and indeed seek out criminals to punish even when no laws have been broken, while the same institutions in another country choose to look the other way, even when new laws are clearly being violated?

To answer these questions, my book examines the passage and institutionalization of new abortion policy in two critical cases: El Salvador and Nicaragua. El Salvador and Nicaragua provide an ideal comparison because, in addition to being geographic neighbors in Central America, they also share a number of important characteristics. Both are classified by the World Bank as middle income countries. Both have populations at just over 6 million people. Both have a colonial history characterized by cash crops and electoral dictatorships. Both saw socialist-inspired guerrilla movements emerge in the 1960s, and become official political parties in later decades: the FSLN in Nicaragua and the FMLN in El Salvador. Both countries suffered a civil war in the 1980s in which the United States sponsored the politically conservative side of the conflict. Both countries have strong Catholic populations and powerful Catholic leadership, but growing evangelical populations. Both countries have judicial systems modeled after Spain. Public opinion in both countries is strongly in favor of strict anti-abortion legislation. Both countries have long histories of allowing abortions in only very limited circumstances, but in neither country have illegal abortions ever historically been prosecuted. Both countries recently passed absolute abortion bans; El Salvador in 1997 and Nicaragua in 2006. The wording of the new legislation is, for all practical purposes, identical in both nations. In both countries, the Leftist parties—the FMLN and the FSLN—initially rejected, but then supported, the passage of the absolute abortion bans.

However, El Salvador and Nicaragua also vary on key variables of interest. Most centrally, within one year of passing the absolute abortion ban, El Salvador began aggressively

prosecuting and incarcerating women for abortion and abortion-related “homicides.” In Nicaragua, by contrast, the abortion ban of 2006 has yet to be legally enforced, even nine years later. Why?

Social Movements as Critical Agents of Change:

I conclude that social movements, more so than static factors like institutional arrangements or religious beliefs, best explain why and how abortion backslides developed in each nation. In El Salvador, a rapid and unprecedented challenge by the pro-life movement in 1994 caught local feminists by surprise. The leftist FMLN political party initially resisted the pro-life movement’s call for a total abortion ban, but this challenge cost them heavily in electoral votes. As a result, the FMLN fully reversed its stance in 1997, transforming into a largely pro-life party. In addition, the FMLN asked their feminist allies to maintain silence on issues of abortion in order to limit political damage to their party. Once in power, the FMLN argued, they could do more to help the feminist movement mount a pro-choice response. The desire to help their political allies, coupled with a fear of prosecution for “inciting abortion,” which had become a prosecutable crime under the new 1997 laws, kept Salvadoran feminists largely silent in public on the issue of choice for nearly 10 years after the total abortion ban was passed (although significant behind-the-scenes organizing continued).

In Nicaragua, by contrast, local feminists were quick to form a powerful, public pro-choice response to the pro-life movement’s push for a total abortion ban. This public response formed largely due to three factors. First, Nicaraguans had the benefit of watching the pro-life movement’s mission unfold in El Salvador, and had time to prepare for the coming threat. Second, a long-standing international pro-choice presence in Nicaragua provided a focal point and resources for a coordinated feminist response. Third, and perhaps most importantly, Nicaraguan feminists, due to a long-standing battle with the leftist FSLN, were completely autonomous from any political party influence. Whereas the FSLN, like its FMLN neighbors, quickly converted to a pro-life position to consolidate its electoral power, they had no illusions of asking the feminists to keep quiet on the abortion issue as had the Salvadorans, given the feminists’ open hostility toward their party.

Despite its powerful, coordinated, public, and internationally-supported response, the pro-choice movement in Nicaragua was no more successful than the feeble pro-choice movement in El Salvador. It failed to change public opinion. It failed to gain powerful political allies. And ultimately, it failed to stop the passage of the absolute abortion ban. In both cases, well-funded, internationally-connected pro-life movements were able to target left-leaning revolutionary parties precisely when these parties were seeking to distance themselves from revolutionary pasts. In both cases, leftist parties were more than willing

to sell out abortion rights to signal to their electorates a turn to more conservative—and infinitely more electable—politics.

At first glance it is easy to suggest that the above cases support those scholars who argue that social movements are relatively powerless players when it comes to the mix of actors pursuing political influence. Indeed, the legislative outcome in the two nations was almost identical despite the striking difference in pro-choice response. However, this conclusion would overlook two important points. First, it was the power of the pro-life movement that, in both cases, brought the issue to the political table in the first place, aligned public opinion behind the issue, and even brought powerful players, like the Catholic Church and the party of the Right, into the alliance. The inability of the pro-choice movement to protect existing abortion rights by blocking the legislation in either El Salvador or Nicaragua should not mask the fact that it was another movement—the pro-life movement—that was responsible for initiating the total abortion ban in both cases.

Second, I find that the pro-choice movement in Nicaragua, despite its clear failures in preventing the absolute abortion ban, nevertheless wielded a subtle but powerful political influence over *institutional practices and abortion*. Specifically, I argue that the public presence of the pro-choice movement in Nicaragua prevented state institutions from developing norms and procedures to prosecute abortion or abortion-related “homicides,” thus protecting Nicaraguan women from the human rights violations suffered by their Salvadoran neighbors.

How Social Movement Discourses Affect Institutional Norms and Procedures:

The Nicaraguan pro-choice movement affected institutional practices indirectly through its effect on abortion discourses. It responded to the pro-life push for a total abortion ban by trying to re-frame the pro-life statements, arguing that it was illegal to ask women to martyr themselves for doomed fetuses, or that it was immoral to force young rape victims, sometimes as young as 9 or 10 years old, to give birth when their bodies were quite simply too tiny to allow a pregnancy to grow to term. Rather than responding to these arguments, the pro-life movement responded by trying to demonize the feminists themselves. They narrated Nicaraguan “feminists” as the number one enemy of the “unborn child.” Feminists, they argued, were poisoning the minds of “natural” mothers who would of course want to give birth despite the cost to their health or lives. Feminists were forcing Imperialist Western values on Nicaraguans who only wanted to support homegrown Nicaraguan values. And feminists were getting rich from killing unborn children, both through their receipt of international funding and by charging women for performing abortion procedures. These pro-life demonization tactics were overwhelmingly successful;

Nicaraguan feminists were unable to generate much public support, and wholly unable to stop the abortion ban from passing.

In El Salvador, by contrast, the largely absent pro-choice movement generated very little attention from the pro-life movement. After the FMLN declared its support for “life,” and after laws and constitutions were amended to support a total abortion ban, the pro-life movement could have quite easily declared victory and stopped their mobilization. Yet, since fighting for “life” was central to these activists’ identity, they instead looked for another enemy to target. Whereas the Nicaraguan pro-life movement worked to defend unborn children from “feminists,” the Salvadoran pro-life movement had no such political enemy, and they instead began to attack a folk devil—the “perverse Salvadoran mother.” The Salvadoran pro-life movement began a campaign to draw attention to “perverse women” who would throw their newborn children in septic tanks or abandon them on the street to avoid the inconvenience of what should have been their “natural” calling to motherhood. They called for an end to the impunity typically afforded to “perverse mothers.” The perverse mother discourse began to appear in earnest in the media by the year 2000, and one short year later, the discourse also began to appear in police reports, legal documents, medical records, and judges statements. Police who before never prosecuted such crimes now used the “perverse mother” language to justify women’s arrests and incarceration. Medical staff used the “perverse mother” language to justify denouncing women instead of reporting the medical facts of what likely was an unprovoked obstetrical emergency. Even judges regularly referred to women who acted in ways “contrary to natural motherhood” to justify sentencing them to up to 40 years in prison.

In short, I find that the Nicaraguan feminists became the much-maligned target of the pro-life movement, and indeed, suffered a sound political defeat in trying to prevent the absolute abortion ban. However, their very presence as a target maintained the political discourse at the level of a debate between two collective actors in the political sphere. Nicaraguans understood abortion through the lens of a pro-life/pro-choice debate. In contrast, the lack of an early pro-choice movement in El Salvador also meant the lack of a political target for the pro-life movement. Instead, the political discourse in El Salvador quickly devolved to promoting a moral panic about “perverse mothers” –a panic that was soon institutionalized and enforced by police, medical, and legal institutions, and that came to define how the Salvadoran public understood abortion as synonymous with infant death, regardless of the cause.

Distinguishing Policy Outcomes from Institutional Outcomes:

Ironically, the Salvadoran feminists' strategy of early quiescence will likely pay off in the long run, but only in terms of policy change. The current FMLN government has recently struck a deal with feminists to push for the re-introduction of "causales" (causes when abortion is legally allowed) to the law during the next 18-month period. The FMLN feel the timing is now ideal because they have consolidated both executive and legislative power, they will not be facing elections again for another two years, and a strong feminist politician has recently become president of the Legislative Assembly. Because Salvadoran feminists allowed their partnership with FMLN allies to silence their public protest for nearly two decades, they now find themselves with an opportunity to capitalize on that partnership. In Nicaragua, by contrast, the re-introduction of "causales" to abortion policy is unlikely to occur anytime soon. Nicaraguan feminists still have no allies in the government, and thus no opening whatsoever for seeking legislative change, especially for controversial issues like abortion.

Yet for Salvadoran feminists, the policy change they are likely to win in the upcoming year now feels like a relatively small victory. Feminists believe the re-introduction of "causales," although necessary, will do little to change the newly institutionalized norms and procedures supporting the criminalization of "perverse mothers." Since 2006, a nascent Salvadoran pro-choice movement has been almost exclusively occupied with providing legal support to women incarcerated for fetal "homicides," many of whom are serving 30-40 year sentences. Salvadoran pro-choice activists have also elaborated multi-pronged efforts to reduce the culture of incrimination now embedded within Salvadoran institutions. For example, they provide legal counsel about medical workers' obligations to maintain "professional secret" and not denounce their patients, and they train police, lawyers, judges, and human rights ombudsmen to recognize and reject gender discrimination in legal procedures. Although the battle for policy looks winnable for the first time in nearly two decades, the battle for changing the new institutional culture of criminalization seems far from won.

Lessons for the Sociology of Social Movements:

My comparison of abortion backslides in Nicaragua and El Salvador has powerful lessons for social movement scholars. First, social movement scholarship regularly identifies the primary political consequences of social movements as the extension of new democratic rights, and the transformation of state policies (Amenta et al. 2010). My research suggests that scholars of movement outcomes must also examine how social movements can generate significant *reductions* in individual rights, both through the *passage of policy*, and through their effects on how *policy is implemented*.

Second, my findings demonstrate that social movements can wield political influence even when they have no allies in states and no feasible opportunity to change legislation. This political influence arises from movements' abilities to shape public discourse on a subject. Importantly, I find that movements can powerfully shape public discourse by their very presence in the political arena, perhaps even more so than by the framing work in which they engage. Social movements identify targets, but they also provide targets for challengers, thus structuring critical elements in how the political discourse evolves.

Third, I find that the characteristics of political environments that lead to policy change may be quite different than the characteristics of political environments that lead to institutional change. Movements seeking policy changes often become strategically constrained—as well as strengthened—by their state allies. Because alliances set the terms and timing of the group's engagement in political discourse, their support in gaining legislative changes may nevertheless limit a movement's ability to shape the norms and procedures of legal enforcement embedded in political institutions.

Finally, I find that institutionalized changes in the governance of gender, like the ones described in El Salvador and to a lesser extent in Nicaragua, have far-reaching consequences for women. In this case, the new primacy on “natural motherhood” in institutional norms and practices not only affected abortion rights specifically, it also increased state bureaucrats' expectations of how much gender discrimination is tolerable by state law more broadly. Once the norms and practices of institutions give women less right to health care, less right to the legal presumption of innocence, more responsibilities for maintaining family well-being, and so on, in one arena—in this case, the arena of abortion—then these norms and practices are likely to spill over to other aspects of institutional governance as well (i.e., intimate partner violence, wage discrimination).

THE DATA

I build these findings through the collection of rich and varied data, including 25 years of newspaper articles from four newspaper sources (two in each nation), records of parliamentary debates, and independently collected, nationally representative public opinion surveys. I also closely analyze thousands of pages of court documents from the cases of women incarcerated for abortion and abortion-related crimes to investigate the evidence against them, and the arguments used by police, medical experts, forensic experts, lawyers, and judges in justifying their incrimination. However, the most critical source of data are the voices of Nicaraguans and Salvadorans, including the politicians in power when laws were passed; the activists fighting to support or repeal the laws; the clandestine organizations that help women who have nowhere else to turn; the doctors left to decide

how to interpret the law, whether that means quietly terminating a pregnancy, letting a woman lose her uterus due to infection caused by an unwillingness to abort, or reporting suspicious situations to the police; lawyers and judges chosen to both prosecute and defend women for reproductive crimes; the religious leaders who support both sides of the debate; the general public, whose opinions are used by politicians to justify political and judicial prosecution of reproduction-related “crimes;” and most importantly, the voices of women whose health, freedoms, and families have been seriously and negatively affected through these new legislative and institutional developments.

CHAPTER OUTLINE:

I build the above arguments across the following 8 chapters.

CHAPTER 1: INTRODUCTION

Chapter One begins with two vignettes. In the first vignette, a Salvadoran woman named Maria Teresa failed to realize she was pregnant because she had suffered from heavy vaginal bleeding for months. Twice she visited a doctor about her symptoms, but in both instances the doctors failed to diagnose her pregnancy. A poor factory worker and the single mom of a six-year-old son, Maria Teresa had little time to investigate her symptoms further. Then one tragic night, she awoke with a strong urge to defecate. She left her sleeping child in the small, one-room, corrugated-metal hut that they shared with his elderly grandparents to use the outside latrine. There, Maria Teresa felt a “little ball” drop out of her body. She passed out in a pool of blood. Her mother-in-law heard her fall and called an ambulance. When Maria Teresa arrived at the hospital, she had already lost so much blood that she was in a state of hypovolemic shock, and was fading in and out of consciousness. The doctors, realizing that Maria Teresa had given birth, repeatedly asked her, “Where’s the baby? Where’s the baby?” to which Maria Teresa replied only, “What baby?” Suspecting an abortion, someone at the hospital called the police to investigate. The police inspected two crime scenes—the latrine, and Maria Teresa’s uterus—before charging her with the crime of abortion. In the course of Maria Teresa’s trial, medical officials concurred that there was no evidence of an abortion, so the *Fiscalia* (similar to the Attorney General in the US) upgraded her crime to aggravated homicide. The office of legal medicine determined that the dead fetus retrieved from the latrine was “full term,” but how he arrived at that conclusion is unclear: on the autopsy form he indicated that he was unable to weigh the fetus because “there is no scale.” The autopsy found no signs of trauma to the fetal body, and no signs of fecal matter in the fetus’ nose, mouth, or lungs. This, plus Maria Teresa’s medical symptoms, plus the autopsy’s conclusion that the fetus had died from perinatal asphyxiation, indicate that the fetus died in utero and was then expelled. Despite the lack of evidence of any crime, the judge nevertheless found Maria Teresa guilty

and sentenced her to forty years in prison. His reasoning? If Maria Teresa was a “natural mother,” she would have known that she was pregnant. She therefore must have been lying when she said she didn’t realize she was pregnant, which means she must not have wanted the baby, and must have purposely thrown it away. Maria Teresa has now served four years of her forty-year sentence.

In the second, much shorter vignette, a Nicaraguan woman named Ana Linda arrived at the hospital with heavy bleeding. The doctors who treated her suspected that Ana Linda had had an illegal abortion. However, Ana Linda was afraid to admit to an abortion for fear of prosecution. Ana Linda’s doctors carefully reassured her that she could tell them the truth about what happened without any repercussions. Finally, Ana Linda admitted to the illegal abortion, received treatment and antibiotics, and was sent home. Her boyfriend’s father, however, became angry when he realized that Ana Linda was no longer pregnant. He reported her to the police for a suspected abortion. The police took his statement, but proceeded no further with an investigation. Ana Linda was never arrested for what was admittedly a provoked abortion.

These two vignettes set the stage for the remainder of Chapter One, where I introduce the three questions of the book, explain my case selection, and dismiss the variables one might initially expect to explain differences in abortion practices between the two nations (i.e., differences in judicial institutions, religious differences, political party differences). I conclude that the difference between the two nations is best explained by the differences in how pro-life and pro-choice movements developed in each country, and I briefly preview my main argument. I then situate this argument in the existing literature on gender, political discourse and social movement outcomes, and outline the chapters to come.

CHAPTER 2: SI A LA VIDA!

Chapter two evaluates the membership, tactics, targets, and political relationships of the pro-life movements in El Salvador and Nicaragua. The goal of this analysis is twofold. First, it helps explain the historical process by which the absolute abortion ban was passed in each country. Second, it demonstrates how the pro-life discourse in the two nations developed differently, despite clear cross-border cooperation. Despite remarkably similar strategies, alliances, and legislative proposals, the Nicaraguan pro-life movement identified “feminists” as the key enemy of the unborn, while Salvadoran pro-lifers targeted “perverse mothers.” I develop these arguments primarily through analyses of 25 years of articles about abortion collected from four separate newspapers (2 in each country). I provide both quantitative analyses (graphs of how different pro-life frames and narratives ebbed and flowed over time), and qualitative analyses (what was the content of the different frames and narratives). I supplement this content analysis with an examination of a rich collection

of television interviews, press-releases from pro-life websites, and interviews with key informants about the pro-life strategy and ideology, including leaders of religious institutions.

CHAPTER 3: PRO-CHOICE “LIGHT”

Chapter two evaluates the membership, tactics, targets, and political relationships of the pro-choice movements in El Salvador and Nicaragua. Importantly, both movements refer to themselves as “pro-choice light,” given that neither publicly argue for what they truly desire: the full decriminalization of first trimester abortions. Rather, both movements work for more muted goals: the re-establishment of “causales,” or allowances for legal abortion in certain extreme cases, and the minimization of the negative effects of abortion on women’s lives. The goals of this chapter are threefold. First, it explains why the movement for an absolute abortion ban in each country was largely immune to pro-choice challenges. Second, it explains why the two pro-choice movements developed so differently from each other, despite facing similar challenges, and coordinating closely across national borders. And finally, it demonstrates how these differences in early movement actions resulted in strikingly distinct abortion contexts in the present day. Specifically, although the Nicaraguan movement for choice was initially much stronger than that in El Salvador, the Salvadoran movement has now come to dwarf the Nicaraguan movement in terms of international attention, resources, and local government influence. Ironically, this results in a situation where the Salvadoran pro-choice movement now has significantly more possibility of getting the absolute abortion ban repealed than does the Nicaraguan pro-choice movement, but Salvadorans also face a situation where the cost of the ban to women’s lives, in terms of the institutionalization of new norms and practices of gender discrimination in state agencies, seems much greater than in Nicaragua. The data on which this chapter is based include the aforementioned newspaper articles plus dozens of interviews with feminist activists and their political allies. I also include observations of nearly two dozen different strategy meetings and trainings organized by the pro-choice movement in each nation.

CHAPTER 4: MEDICAL INSTITUTIONS AS LAW ENFORCEMENT

Epstein has demonstrated that biopolitical questions often get relegated to medical institutions, but we know far less about how those medical institutions figure out and implement biopolitical answers (Epstein 2007). This chapter demonstrates that, in the face of new laws that generate ambiguous expectations of enforcement, medical institutions borrow from social movement discourses to determine how to interpret and act upon new mandates. This works especially well when, at the moment of deciding how to act on new laws, there is only one predominant narrative in the public discourse, and when that

narrative aligns itself closely with important identities of most institutional bureaucrats. Specifically, medical institutions in El Salvador were more likely to adopt and act upon the narrative of the ‘perverse mother’ than were medical institutions in Nicaragua. The data on which this chapter is based are medical records documenting patterns of national variation in how doctors treated and understood patients arriving with obstetrical emergencies, in addition to interviews with doctors in public hospitals, private hospitals, professional associations, and state health institutions. I also observed two different workshops with doctors who are seeking legal alternatives to denouncing suspected abortions under the new laws.

CHAPTER 5: POLICE, PROSECUTION, AND JUDICIAL ‘MORALITY’

The purpose of this chapter is to demonstrate whether and how the political discourse surrounding abortion came to permeate the institutional norms and practices of the state. At the time the new abortion legislation was passed, abortions and “fetal homicides” were not regularly prosecuted in either El Salvador or Nicaragua. To illustrate: prior to the ban, newspapers would report on suspected abortions or homicides, but the police would often indicate formally that these were largely un-prosecutable crimes, and would not be pursued. Likewise, a review of five years of court documents prior to the ban finds zero prosecutions for abortion or fetal “homicide.” Yet within a year of implementation of the total abortion ban in El Salvador, police finding a dead fetus began making fiery statements to the press about their commitment to finding the “perverse mother” who committed the crime. This same phrasing about perverse mothers (as opposed to “natural” mothers or more generic “guilty parties”) is discovered in court documents ranging from medical and forensic reports to the judges own statements at sentencing hearings. By contrast, Nicaraguan institutions show no similar transformation. I conclude that the differences in the political discourse as developed within pro-life/pro-choice debates in each country accounts for this dramatic difference. When political movements target other movements, the impacts of the debate are largely relegated to policy. However, when political movements target “folk devils” and initiate moral panics, it is much more likely that responses to those moral panics will be institutionalized into the norms and practices of state agencies—a process likely duplicated in other cases, such as the hyper and violent prosecution of African-American males in the US police and judicial systems. The data for this chapter primarily come from a careful analysis of thousands of pages of court documents for 60 different prosecutions of abortion and abortion-related “homicide” in El Salvador. These data are supplemented by interviews with institutional personnel, including police officers investigating these cases, doctors in the medical forensics office, lawyers who try abortion-related cases, and judges who determine the innocence or guilt of the “perverse mothers.”

CHAPTER 6: PUBLIC OPINION AND SOCIAL MOVEMENT DISCOURSE

This chapter presents the results of 200 public opinion interviews, (100 conducted in El Salvador and 100 conducted in Nicaragua), plus a corresponding nationally-representative survey that demonstrates the generalizability of the qualitative results. It also pulls from an eclectic collection of earlier surveys and studies collected from a variety of resources in both nations. Although the interviews in Nicaragua are not yet complete, the interviews in El Salvador demonstrate that national abortion beliefs are strikingly conservative. Most individuals see abortion as the greater of two evils even in extreme cases, such as when little girls are raped and their tiny bodies struggle to support a pregnancy. My analysis of public opinion data advances three key arguments. First, it sheds light on where individuals get their information about the abortion debate, and how they evaluate it according to their personal identities. Second, given the unique design of combining individual interviews with focus groups, my data indicate how individuals who may have more progressive abortion beliefs nevertheless moderate those beliefs in conversation with others. Third, I find limited evidence that recent debates have resulted in a more polarized country over time, with young people and wealthy people becoming especially likely to support fundamentalist positions, while older people and poor people are especially likely to see abortion as necessary in critical cases. Especially important for the overarching narrative of the book, I seem to be finding that references to ‘perverse mothers’ play out in Salvadoran interviews, but are not prominent in interviews with Nicaraguans.

CHAPTER 7: CONSEQUENCES OF TOTAL ABORTION BANS

The purpose of this chapter is to vividly illustrate the lived realities of Central American women living under the constant threat of a total abortion ban. I examine how the passage of new laws have affected Salvadoran and Nicaraguan women’s lives in terms of their health, their freedom, and their general well-being. I begin by sharing stories from doctors about the pressures they are under to care for women when abortion is not an option for medical treatment. Some choose to enact medical care at risk of personal imprisonment; others choose to let their patients suffer health costs; still others find themselves approaching women’s reproductive health in a relatively ad-hoc way, with strategies often determined in the moment and under consideration of who else is in the room. Meanwhile, patients recount stories of fear as doctors struggle to determine how to mediate between what is medically needed and what is legally required. Finally, I examine the life histories of 20 Salvadoran women who, like Maria Teresa, have been incarcerated for abortion or fetal “homicide.” These stories are based on in-depth interviews with the women and their families, a review of their court documents, and interviews with legal and medical experts reviewing the cases.

CHAPTER 8: CONCLUSIONS

Chapter 8 will begin by returning to Maria Teresa’s case, and the new trial she has been awarded for June 30th, 2015. At the writing of this prospectus, it is as yet unclear what the verdict of this hard-won second chance will be, but the outcome may be indicative of whether and how the culture of incrimination is changing in El Salvador. However, given that at least six women in this tiny country have been imprisoned for fetal “homicide” in just the last year, the scenario does not seem likely to change in the near future, regardless of Maria Teresa’s re-trial outcome. The Salvadoran pro-choice movement seems trapped in the parameters of the debate set by the pro-life movement fifteen years earlier, trying to defend women who have already been ravaged by the institutionalization of the “perverse mother” narrative, and seldom having a moment to offensively develop an alternative political discourse.

Following the vignette, this chapter reviews the key historical developments in Nicaragua and El Salvador, and the key theoretical findings of the book: that social movements, more so than static measures of religion, culture, or institutions, best account for the backslide of abortion rights in Central America; that movements mattered not just for policy change, but also for policy implementation; and that the abortion policy itself may be easier to change in El Salvador than in Nicaragua, but the newly-institutionalized norms and practices of penalizing abortion are going to be much more difficult to transform. The concluding chapter further talks about how these institutional transformations in abortion prosecution have had spillover effects to other issue areas like rape, domestic violence, and even questions of equal pay and labor conditions. Finally, this chapter suggests that the events unfolding in Central America have ramifications far beyond the region. As both the pro-life and pro-choice movements become increasingly transnationally connected, the tactics and strategies found in Central America are also increasingly present in other nations. In the US, for example, increasing numbers of morally-suspect mothers—typically welfare moms and drug users—are being sent to jail under “fetal harm” laws (Paltrow and Flavin 2013). In short, even in nations where the legality of abortion is unlikely to be challenged, the political discourse of the morally-suspect mother is succeeding in changing institutional norms and practices in such a manner as to decrease abortion access and increase the number of women jailed for not meeting the socially-defined standards of motherhood for their as-of-yet unborn children.

OUTSTANDING FEATURES

The following six features should make *Backslide* attractive to a wide readership.

First, most analyses on the causes and consequences of abortion legislation focus on Western nations, and in particular, the United States. However, leading activists from both pro-life and pro-choice movements now regularly point to Central American nations as the vanguard of the transnational pro-life movement. Indeed, what is innovated in Latin American nations (e.g., a “national day of unborn life”) has to date rapidly spread to other world regions, including the United States. My examination of two critical Central American cases therefore provides valuable insights into a foundational center of pro-life activities, and discusses how those actions may be studied in other nations to which they are traveling.

Second, my mixed methods approach allows me to not only show which political discourses developed in Central American abortion debates and how, but also to determine how these discourses are picked up and utilized in influential ways by both institutional actors and the general public. I first identify key themes in the pro-life and pro-choice discourses, and then quantitatively trace those themes over time and across countries, paying particular attention to how political arenas generate strategically specific discourses. Finally, using process tracing, I follow political discourses from their development in the media to their emergence in state institutions, thus clearly illustrating how such discourses can become powerfully consequential for women’s lives.

Third, my book offers new theoretical advances to the literature on social movement outcomes. I redefine the concept of political influence for social movements, and I demonstrate how social movements matter not just for policies, but also for institutional practices. Given that institutions are typically even slower to change than policies, and given that institutional practices are more consequential to people’s lives than the policies that guide them, I argue that understanding how movements affect institutional norms and practices should be critical to any study of social movement outcomes. This is especially true when social movements promote moral panics, as the identities and emotions surrounding moral panics are especially likely to become embedded in institutional norms and practices.

Fourth, my book has important strategy implications for movements, and policy implications for funders. Specifically, I find that even when movements “lose”—that is, they fail to win widespread support, fail to gain powerful state allies, fail to achieve their stated goals, and fail to achieve legislative changes—they still may wield powerful political influence by simply showing up to the debate. The very presence of a movement shapes the arena in which political actors act, and constrains the targets with which other movements can engage. As a result, social movement strategists should pay attention to not only identifying targets, but also to becoming targets, when working to achieve their goals. Meanwhile, funders of social movement organizations may be remiss in relying on

traditional measures of movement “success” to determine their sponsorship. As the Nicaragua case makes clear, sometimes the absence of institutional change can be credited to the very presence of an otherwise “losing” movement. Funders would do well to support movements who provide an oppositional voice, even if that voice on the surface seems to have little effect.

Fifth, the voices of Salvadorans and Nicaraguans bring the pages of this book to life. Throughout the book, the reader accompanies women like Maria Teresa through their interactions with medical personnel, judicial actors, and prison mates. They learn what it means to sleep in “the cave” in Salvadoran prisons, to pay for “protection” from violent neighborhood gangs, and to seek illegal abortions in a culture of heightened incrimination. The reader also is invited to share in conversations with regular Central Americans on the street, in parks, and at their workplaces, to understand how the general public narrates its support for total abortion bans, including a clear comfort with incarcerating mother “assassins” who, although may not be guilty of murder, are nevertheless guilty of failing to give birth to a healthy baby. These voices make clear how emotions and identities are implicated both in the development of social movement discourses and the adoption of those discourses by institutions and individuals alike.

Finally, this book sheds light on an increasingly global puzzle—why, after years of trending toward liberalization, are abortion rights sliding backwards in an increasing number of nations? Even in nations where abortion rights are relatively secure in terms of legislation, abortion access is becoming increasingly narrowed as pro-life movements promote moral panics—about drug-using moms who will birth crack babies, or welfare moms who want taxpayers to pay for their abortions—to justify decreased abortion access and increased incarceration of women for reproduction-related crimes. El Salvador and Nicaragua are regularly held up as examples to emulate by the transnational pro-life movement, while the pro-choice movement points to these two nations as dire warnings of what transformations may be underway in other nations around the world. Understanding the Latin American backslide therefore is critical to understanding an increasing global trend toward abortion restrictions. My findings also offer new tools for studying backslides in other cases, such as the increased criminalization and incarceration of individuals for homosexual acts in some African nations (Ross 2014).

COMPETITION

Although my manuscript draws heavily on a long tradition of research in social movement strategies and outcomes, I suggest that my primary competition is with books that also seek to understand the politics of abortion and the resulting governance of gender. I highlight three key examples below:

1. Htun, Mala. 2003. *Sex and the State: Abortion, Divorce, and the Family under Latin American Dictatorships and Democracies*. New York: Cambridge University Press.

To my knowledge, there is only one other relatively-recent, English-language book on abortion politics in Latin America: Mala Htun's (2003) brilliant study of abortion (in addition to divorce and family rights) in Argentina, Brazil, and Chile. My book confirms many of the central findings in Htun, namely that abortion rights develop differently than other gender rights, and that democracy is sometimes harmful, not beneficial, to securing abortion liberalization. My book also goes beyond Htun in several important ways. First, whereas Htun looks at the question of stalled liberalization in abortion rights, my book moves to the new question of an abortion rights backslide. Second, even as I concur that abortion rights develop differently than other gender rights, my findings further suggest that when abortion movements institutionalize new discourses about motherhood in state agencies, then those new discourses can spill over to negatively affect other areas of gender equality.

2. Ferree, Myra Marx, William Gamson, Jürgen Gerhards, and Dieter Rucht. 2011. *Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States*. New York: Cambridge University Press.

This award-winning book compares the development of abortion discourse, and its concomitant effects on abortion policy, in two Western democracies: the US and Germany. My book builds heavily on the conclusions of *Abortion Discourse*, concurring that political discourse is deeply consequential for how states legislate and implement abortion rights. My book further complements *Abortion Discourse* by the introduction of non-Western cases, and by demonstrating, through process tracing, how discourses that are developed in political arenas become institutionalized, both in the norms and practices of state agencies, and in the identities of state personnel.

3. Halfmann, Drew. 2011. *Doctors and Demonstrators: How Political Institutions Shape Abortion Law in the United States, Britain and Canada*. Chicago: University of Chicago Press.

Another award-winning book about abortion in Western nations is Halfmann's excellent examination of how political and medical institutions shape the development of abortion policy and practice in the US, Canada, and Britain. Like Halfmann, I concur that institutions, including health care and party politics, are critical to shaping the development of abortion legislation, and more importantly, can also affect women's access to affordable abortion through institutional norms and practices. My book further suggests, however, that under

the right political conditions, slow-moving institutions can sometimes be relatively quick to change, and with powerful consequences for women's lives.

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