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Anderson, Cora Fernández

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Legalising Abortion in Argentina: Social Movements and Multi-Party Coalitions

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Cora Fernández Anderson

Abstract

On 30 December 2020, the Argentine Senate legalised abortion on demand until 14 weeks of pregnancy. How was this legal change possible in a region characterised by strong restrictions on reproductive rights? Based on in-depth interviews and participant observation, this article shows how the emergence of a strong social movement around abortion reform was able to shift the negative perceptions associated with this medical practice and build a multi-party coalition to advance the legalisation of abortion in Congress. The secularism espoused by all political parties across the ideological spectrum allowed for the presence of feminist politicians within them, most of whom would become key interlocutors of the movement jointly working towards legalisation. A supportive executive, while helpful, could not ensure the passage of legal abortion alone, making the creation of a multi-party coalition a requirement for success.

Resumen

El 30 de diciembre de 2020, el Senado argentino legalizó el aborto por voluntad de la mujer hasta las 14 semanas de embarazo. ¿Cómo ha sido posible llevar a cabo esta reforma legal en una región caracterizada por las fuertes restricciones a los derechos reproductivos? En base a entrevistas en profundidad y observación participante, este artículo demuestra como el surgimiento de un movimiento social fuerte que demanda

Department of Politics, Mount Holyoke College, South Hadley, MA, USA

Corresponding Author:

Cora Fernández Anderson, Department of Politics, Mount Holyoke College, South Hadley, MA, USA.
Email: canderso@mtholyoke.edu



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aborto legal logró cambiar la percepción negativa asociada a esta práctica médica y así construir una coalición multi-partidaria para avanzar la legalización del aborto en el Congreso. El secularismo prevaeciente en todos los partidos políticos permitió la presencia de políticos y políticas feministas, interlocutores clave del movimiento con quienes trabajarán conjuntamente hacia la legalización. El apoyo del ejecutivo fue útil pero no podía en sí mismo asegurar la aprobación de la ley, haciendo de la coalición multi-partidaria un requisito para el éxito de la reforma.

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Keywords

Abortion, social movements, Argentina, feminism, gender politics

Palabras clave

Aborto, movimientos sociales, Argentina, feminismo, género

Introduction

On 30 December 2020, and after a failed attempt in 2018, the Argentine Senate legalised abortion on demand until 14 weeks of pregnancy. Argentina became the third country in Latin America to guarantee this right, following Cuba and Uruguay (with Mexico granting legal abortion only in Mexico City, and seven other states). How was this legal change possible in a region characterised by strong restrictions on reproductive rights? In this article, I argue that the emergence of a strong social movement around abortion reform shifted the negative perceptions associated with this practice and built a multi-party coalition to advance legalisation in Congress. The secularism espoused by all political parties across the ideological spectrum allowed for the presence of feminist politicians within them, most of whom would become key interlocutors of the movement and jointly work towards legalisation. Although executive support from President Fernández facilitated the process, it was not sufficient on its own to achieve abortion reform. His political will to support legalisation was actually a reflection of the specific societal context: one of large social approval for this demand due to the exponential growth of the movement for abortion reform.

The literature on gender politics in Latin America has mostly focused on the relationship between movement activists and allies in left-wing governments (Blofield et al., 2017, Friedman, 2009, 2019). In addition, scholars have studied abortion reforms in other Latin American countries such as Uruguay and Mexico, placing significant attention on the role of executive preferences (Blofield, 2006; Amuchástegui et al., 2010). The case of Argentina shows how we need to analyse the creation of social movements' alliances beyond both the lens of left-wing governments and the support of the executive branch and pay particular attention to the party system movements face to understand the different strategies that might be available to them in the road to successful policy change. Given that in this case, the issue of abortion cut across all political parties, the role of a

supportive executive, while important, could not ensure the passage of legalisation in Congress alone, making the creation of a multi-party coalition a requirement for reform.

The article argues that a key process has been the creation of a multi-party coalition between activists and allies in power and demonstrates the conditions that made this strategy possible. It draws on periodic fieldwork conducted in Argentina since 2007 including participant observation at meetings and demonstrations, in-depth interviews with rank-and-file members and leaders of the Campaign for Safe, Legal and Free Abortion (from now on the Campaign), and elite interviews with allies within government.

After analysing the literature on social movements and gender politics in Latin America, the article illustrates how the case of Argentina challenges some of the literature's assumptions and offers the opportunity to expand scholarly work on movement–government alliances. The article proposes an alternative explanation focused on the movement's strategy around the creation of a multi-party coalition, underscoring the relevance of institutionalised party systems and executive preferences. A counterfactual of what would have happened had the president's position on abortion been different is offered to strengthen the centrality of the movement's strategy. The article concludes with a reflection on the lessons the case of Argentina might offer to the rest of Latin America.

Explaining Abortion Reform in Latin America

Explanations for abortion reform in Latin America are drawn from both the literature on social movements and gender politics. In the last three decades, the social movements literature has focused on their impact on public policy. Among other factors highlighted as influential in linking movement activism with policy change, “elite allies,” meaning actors within the state structure, have received increasing attention. The existence of elite allies has been found to make it more likely for social movements to translate their demands directly into policy (Giugni, 2004; Kane, 2003; Kriesi et al., 1995; Olzak et al., 2016; Soule and Olzak, 2004; Tarrow, 1998).

Within the gender politics literature, a number of studies have noted the link between women's movements and their allies within the state in advancing women's rights (Banaszak, 2010; Haas, 2010; Htun and Weldon, 2012, 2018; Lycklama a Nijehold et al., 1998; Waylen et al., 2013). Scholars have specifically explored the interaction between women “in” and “outside” the state, referring to these as “issue networks,” “jaw strategy” or a “triangle of empowerment,” pointing to the combined efforts of feminists within legislatures, government ministries and civil society (Diez, 2015; Ewig and Ferree, 2013; Haas, 2010; Htun, 2003; Lycklama a Nijehold et al., 1998).

Another key question explored has been understanding which conditions favour the establishment of these civil societies–state collaborations towards policy change. Importantly, both kinds of literature highlight the role of left-wing governments as the main factor for movement–state collaboration and policy change (Giugni, 2004; Htun and Weldon, 2012, 2018; Kane, 2003; Soule and Olzak, 2004; Stetson and Mazur, 1995). Scholarship shows that left-wing governments are more likely to embrace

women's demands in Northern industrialised countries (Stetson and Mazur, 1995), but a larger global database suggests that this happens only when gender issues overlap with class such as child care facilities or funding for reproductive rights services (Htun and Weldon, 2018).

In the study of left-wing governments in Latin America, scholars agree that while Pink Tide governments advanced gender equality policies, they have not always supported the expansion of reproductive rights (Blofield et al., 2017; Friedman, 2009, 2019). Specifically, in the case of abortion reform, studies show that the presence of left-wing governments in Uruguay and Mexico City increased the likelihood of legalisation (Amuchástegui et al., 2010; Fernandez Anderson, 2017, 2020; Blofield and Ewig, 2017; Lopreite, 2014). However, in cases such as El Salvador and Nicaragua, left-wing governments have supported the total criminalisation of the practice (Kampwirth, 2008; Reutersward et al., 2011; Viterna, 2012). To explain these differences across cases scholars have focused on analysing which kind of left-wing party is present in each (Fernandez Anderson, 2017, 2020; Blofield and Ewig, 2017; Friedman, 2009; Lopreite, 2014; Waylen, 2000).

Collaboration between movements and left-wing governments is more likely when party systems are highly institutionalised and when left-wing parties are non-populist, secular, and have roots in society. A highly institutionalised party system ensures political parties are programmatic, meaning that they are aligned in the ideological–political spectrum from right to left. According to Waylen (2000), this makes it clear for a social movement where the pressure points are and easier for them to establish a continuous and long-term collaboration with parties on the left. A second element refers to the specific characteristics of the left-wing party.

According to Blofield and Ewig (2017), only left-wing parties that are institutionalised – meaning characterised by the presence of well-established levels of party organisations, strong networks and identity (Levitsky and Roberts, 2011) – are more likely to support abortion legalisation as they respond to the mobilisation of their bases more effectively. Other scholars refer to this development as a party that has roots in society, meaning that there are institutional channels already in place that link civil society and parties, allowing a more fluid interaction between them (Fernandez Anderson, 2017, 2020). Finally, the absence of religious identification among left-wing parties increases the likelihood of support for abortion reform, given the opposition to this practice espoused by the Catholic Church (Fernandez Anderson, 2017, 2020; Blofield and Ewig, 2017; Haas, 2010).

The president's position on abortion has repeatedly been explored as a significant variable to explain policy change in this field (Fernandez Anderson, 2017, 2020; Blofield, 2006; Htun, 2003). Latin American countries have strong presidential systems in which the executive has significant power to set the government agenda and formulate policy (Mainwaring and Scully, 1995). Presidents' decree, veto powers and exclusive right to introduce legislation in certain arenas give the executive large control over policy reform. Presidential bills also tend to have larger rates of approval than otherwise (Haas, 2010; Siavelis, 2000).

Executive opposition to abortion has been extensive throughout Latin America, even among left-wing governments, representing a strong obstacle to advancing the legalisation of the practice. In order to prevent legalisation, presidents have used their veto powers such as Vazquez in Uruguay,¹ and have even threatened to resign as Correa in Ecuador.²

The literature suggests thus two hypotheses that can be tested in the Argentine case:

Hypothesis 1: Abortion reform is more likely when party systems are highly institutionalised and left-wing parties in power are non-populist, secular and have roots in society.

Hypothesis 2: Abortion reform is more likely when supported by executive preferences.

Argentina lacks all the conditions described in Hypothesis 1 except one, secularism which might explain the lack of reform until very recently. Argentina has a party system with a low level of institutionalisation and lacks a strong left-wing party with which a movement can establish a long-term relationship to jointly work towards abortion reform. This can be contrasted with Uruguay in the case of the women's movement alliance with the Frente Amplio. Scholars have described Argentina's party system as one with a low programmatic character where the traditional categories of Left and Right do not easily apply (Coppedge, 1997; Gervasoni, 2018; Kitschelt et al., 2010; Moreira, 2006; Moseley, 2018; Murillo and Levitsky, 2008; Ostiguy, 2009).³ In addition, the party system has become increasingly de-institutionalised in the last twenty years showing a large level of personalisation and fluidity (Gervasoni, 2018; Mainwaring, 2018). The two biggest parties (PJ and UCR) embrace positions that go from right to left within their membership (Ostiguy, 2009).

While the PJ cannot be characterised as a left-wing party, the administrations of Nestor Kirchner and Cristina Fernández, have been widely described as left-leaning and as Argentina's expression of the Pink Tide (Castañeda and Morales, 2008; Levitsky and Roberts, 2011). However, their party has not been an ideal ally for the movement for abortion reform. Blofield and Ewig classify the PJ as populist with a personalistic structure, and as such, less likely to respond to the demands of feminist movements (2017). The party leader's dominance atop a vertical and hierarchical structure of authority has been an enduring feature of the PJ over time (Levitsky and Roberts, 2011). Although the party has built and maintained strong linkages with social movements – in the case of the Kirchners with the unemployed and human rights organisations – these relationships have not been built through the party structure and institutions, but have been dependent instead on the president and party leader themselves. These linkages with social movements have historically been informal and poorly routinised (Levitsky, 2003).

In the absence of strong institutions within Peronism that allow members to debate the inclusion of particular issues in their platforms, the position of the president and party leader, highlighted in Hypothesis 2, gained particular relevance. The opposition to legal abortion from both Nestor Kirchner and Cristina Fernández made this direct

connection between the party leadership and the movement impossible. Alberto Fernández's support for legalisation and the passing of this reform shows how supportive executive preferences are able to overcome the obstacles placed by the party system and the populist character of the Peronist party. In a hierarchical institution, the president's position is expected to discipline the bases.

This initial analysis seems to confirm Hypothesis 2: a supportive executive appears as a necessary and sufficient condition for abortion reform, particularly when combined with the lack of a highly institutionalised party system and a populist left-wing party. However, an analysis of the vote in Congress shows a different story. First, the Frente de Todos⁴ did not align completely with Fernández's position in favour of legalisation. Thirty-one out of 114 of his deputies and twelve out of thirty-eight of his senators voted against the government's bill. Executive preferences did not determine legislators' votes. Second, the Frente de Todos' votes alone were not enough to ensure the passage of the abortion bill sponsored by the government. This party contributed eighty-three of the 125 votes needed to pass the bill in the Lower Chamber and twenty-five of the thirty-four needed in the Senate. Finally, the alliance between the Campaign for abortion reform and some of the Peronist legislators predates Alberto Fernández's commitment to legalisation made public in 2019. Already in the 2018 congressional debate, twenty deputies and twelve senators from the Frente para la Victoria (Kirchnerist branch of the PJ) supported legalisation.

While presidential support might have had an impact in easing the legislative process of the abortion bill by guaranteeing a few positive votes, it was clearly not sufficient to discipline the party and ensure its approval. Rather as I will demonstrate, a multi-party coalition was the necessary condition for abortion reform to pass in Congress. And this was the strategy advanced by the Campaign for Legal, Safe and Free Abortion.

The Argument

How has it been possible for the movement for abortion reform to establish a successful alliance to advance policy change in this particularly difficult institutional context? The answer lies in the movement's choice of strategy: the creation of a multi-party coalition which was made possible due to (a) the movement's strength and (b) the secular character of all political parties. While in other more institutionalised political systems such as Chile and Uruguay, it was possible for social movements to rely on an alliance with an institutionalised left-wing party in power to pass abortion reform (Fernandez Anderson, 2017, 2020; Blofield and Ewig, 2017), the Campaign understood that the nature of Argentina's political system and the characteristics of the political parties would not allow for this option. The lack of programmatic parties and the fluidity of the party system in Argentina presented social movements with a context difficult to map, disguising any clear and stable interlocutor to work with to advance their demands. The movement for abortion rights was able to navigate these complexities and design a strategy to create a multi-party coalition for legal abortion, which although took longer to come to fruition, ended up being the route to successful policy reform.

Activists used the lack of programmatic political parties as an advantage to build a cross-party coalition around legal abortion. Acknowledging that most parties were split around abortion and inspired by previous efforts to legalise divorce and same-sex marriage, activists sought to build a similar coalition to advance abortion reform. This option entailed a longer more arduous process. Instead of gaining access to one single party on the left, the movement had to create bonds and establish long-term relationships with multiple parties, many of which shifted names, leaders, alliances and even positions on reproductive rights along the way.

This strategy, however, ensured the movement retained a larger autonomy from any party and avoided co-optation, important in an Argentine context of social movement distrust for parties and politicians.⁵ Most crucially, after 15 years, it has enabled the movement to obtain successful outcomes under administrations of opposing ideological positions: Macri (2015–2019) and Fernández (2019–today).

The creation of a multi-party coalition was possible because of two necessary conditions: (a) a strong movement for abortion reform and (b) the secular character of all political parties. First, the growth in strength of the movement for abortion reform ensured an increasing support across diverse sectors of the society. The presence of a massive movement capable of mobilising millions increased its appeal in the eyes of many political parties attentive to electoral gains.

Movement strength has been measured in terms of the level of mobilisation, operationalised as the number of protest events in a given period (Giugni, 2004) or its level of organisation, operationalised as the number of members, chapters or financial resources (Kane, 2003; Soule and Olzak, 2004; Weldon, 2004). But these measures have shown some limitations. Research has found that protest size matters as much as protest frequency (McAdam and Su, 2002), and that counting organisations and budgets highlight formal organisations ignoring informal formations within movements.

Htun and Weldon (2012, 2018) have addressed some of these challenges by combining qualitative and quantitative data measuring strength based on narratives, number of organisations, membership, massive protests and media presence. Based on these scholars' multi-dimensional measurements, I measure the change in movement's strength over time, focusing on five dimensions: (1) number of organisations, (2) support from significant social actors, (3) number and size of protests, (4) media presence, and (5) public opinion support (Fernandez Anderson, 2020).

Second, Argentina's political parties lack religious affiliations, key to the feasibility of the movement's strategy given the Catholic Church's condemnation of abortion under all circumstances. The secular character of all political parties allowed for the presence of feminist politicians within their structures, who would become interlocutors of the movement working jointly towards policy reform. As I shall demonstrate later, these feminist politicians, spread across all political parties, educated colleagues on the relevance of feminist issues and frames, preparing the terrain for legal abortion.

The fact that the abortion divide cut across all political parties also implied that no single party could ensure enough votes to approve legalisation, diminishing the significance of the role of the president in policy change. While the executive, if supportive

of abortion, would be influential in securing some extra votes from his party, he was not able to neither discipline his legislators nor get opposition votes for the movement's cause, particularly within the current polarised political context. Opposition party votes from the coalition *Cambiamos* were needed in both chambers and were only gained due to the movement's actions, which calls attention to the need for the multi-party coalition the movement had been building for years before their victory in 2020.

Finally, executive preferences are not necessarily exogenous. It is no coincidence that Alberto Fernández became the first Latin American presidential candidate to publicly express support for the legalisation of abortion on demand in his electoral campaign. His decision to include this issue stems from reading the specific political context he was in: one in which the feminist movement had become the strongest social movement in the country. The case of Argentina then presents an opportunity to explore the variable of executive preferences as a result of social movement mobilisation and strength, and not independent from it. I contend that it was the exponential growth of the movement for abortion reform that was behind Fernández's decision to publicly express support for this demand and include it in his platform. Had the movement not shifted the negative societal association with abortion as a crime and a sin, past experience has shown it unlikely that any presidential candidate would have voted for or publicly supported it.

The following section introduces the case of Argentina describing the legal status of abortion throughout the decades and the origins of the Campaign. The article follows with the analysis of the main variables: movement strength and secular political parties, to explain the conditions that allowed the building of the multi-party coalition, key to successful abortion reform.

The Case: Abortion Reform in Argentina

Until the recent 2020 reform, abortion was regulated by the 1921 Criminal Code. The practice was deemed legal only when the risk of the life and health of the woman was at risk and in cases of rape. In 2020, Congress passed a new law that legalised abortion on demand until fourteen weeks and allowed the practice to be legal beyond this time-frame in the cases that had been stipulated in the old criminal code: risk to life, health and rape. The law states that abortions must be provided for free in the public sector and that all private health insurance companies should include the practice in their plans. Medical personnel have the right to be conscientious objectors but must refer patients to a professional who will provide the proper care.

The 2020 abortion reform was possible due to the presence of the Campaign for Safe Legal and Free Abortion. The Campaign has been part of a wider national women's movement which first emerged in the 1970s and involved feminist circles, human rights groups and popular organisations (Feijoo and Nari, 1996; Waylen, 1994). Demands for legal abortion were present in the early feminist circles, but the military dictatorship (1976–1983) prevented activism and progress in this area. The return of democracy in 1983 saw a re-emergence of feminist mobilisation advanced in part by the

return from exile of many women influenced by the second wave of feminism in Northern countries. In 1986, activists created the Encuentro Nacional de Mujeres (National Meeting of Women), an annual meeting to build awareness and connections among women's organisations. This event, still held annually until today, would become a key space for the birth and development of the Campaign.

In the context of the 2001 uprising, abortion activists found support for their cause in popular women's organisations (Di Marco, 2011; Sutton, 2020). This created a strong foothold as the abortion rights movement was a cross-class coalition of women from its inception. In 2003, activists organised the first workshop on strategies to legalise abortion within the Encuentro in the city of Rosario. Two years later, activists in every single Argentine province simultaneously launched the Campaign demanding abortion on request during the first trimester. Along with its cross-class membership, this meant the Campaign could not be easily dismissed as an issue of concern solely for urban middle-class women. Resistance was stronger in certain provinces, particularly in the Northwest, so having a visible presence throughout the country was important to give the movement greater legitimacy.

A Growing Movement

For the Campaign to convince legislators to join a multi-party coalition for abortion reform, it needed to demonstrate its strength and visibility. From 2005 onwards, the Campaign grew significantly in all movement strength dimensions: number of organisations, support from significant social actors, number and size of protests, media presence and public opinion support. Along with the internal characteristics described above – its cross-class character and federal presence – the increasing number of femicides in the country coupled with growing acceptance of feminist perspectives were key drivers of the movement's growth and strength.⁶

The Campaign was launched as an alliance of approximately 300 organisations, by 2018 that number had grown to more than 500, including women's groups, unions, cultural movements, peasants, educators, and human rights organisations (Alcaraz, 2019: 46; Gutiérrez, 2021). In 2015, a group of health professionals joined the Campaign, breaking with a long tradition of medical schools and associations opposing legal abortion. The endorsement of this respected group strengthened the legitimacy of the Campaign and validated its framing of illegal abortion as a public health crisis.

Second, its presence in the streets also increased significantly. After the emergence in 2015 of the movement "Ni una menos" (Not One Woman Less) to fight against femicide, the Campaign linked this issue with that of abortion and its demonstrations grew exponentially (Daby and Moseley, 2021). Until that time, the largest demonstrations the movement had organised were those in the annual Encuentros. Over the years, Encuentros brought from 30,000 to 70,000 protestors depending on the location. In the last three years, the Campaign has gathered from 500,000 to one million demonstrators in the capital during Women's International Day on 8 March, without counting local events throughout the country.⁷

As the movement brought multitudes to the streets and the green bandana – the symbol of the abortion struggle – became ubiquitous, it was covered more extensively by print and visual media.⁸ Media visibility is likely to be correlated with protest size, although this is more the case with mainstream media. In the early years, left-wing newspaper *Página 12* reported continuously on the Campaign due to having in its staff feminist journalists. In 2018, mainstream newspapers such as *Clarín* began covering the movements' activities for the first time going from an average of thirty-five articles a year between 1997 and 2017 to a high of 678 articles in 2018 alone.⁹

Concurrently, public opinion polls reveal the increasing reach the Campaign was having in society. Until recently abortion had been seen as taboo and the practice was heavily stigmatised. According to the World Value Survey, in waves 4 (1999–2004) and 5 (2005–2009) abortion was classified as never justifiable by 63 and 54 per cent of respondents, respectively. The identification of womanhood with motherhood in Argentina, and Latin America as a whole, made abortion an aberration, something that went against essentialist views of “woman’s nature” (Kumar et al., 2009). Behind the stigmatisation of abortion was the Catholic church and the influence of its doctrine on social norms and legal rules (Htun, 2003). But these negative views about abortion went beyond practising Catholics and had become quite pervasive in most social sectors. According to the World Value Survey, only 25 per cent of the population attended mass at least once a week, yet the data reported above shows a condemnation of abortion by a much larger percentage of the population.

Unfortunately, we lack a poll that has consistently tracked opinions on legal abortion on demand, making it necessary to rely on different sources. In 2001, before the launching of the Campaign, polling company Mori found only 24 per cent of the population supported legal abortion. In 2012, seven years after the launching of the Campaign, this percentage rose to 58 per cent according to *Ibobarómetro*.¹⁰ In their study of the 2018 abortion debate, Daby and Moseley confirm this trend and show how feminist mobilisation was behind the increasing support of public opinion for the legalisation of abortion (2021).

The Campaign’s growth in all these dimensions showed activists that they were successfully fulfilling their initial goal of raising awareness in society about the deadly consequences of criminalising abortion. But, if any policy change was to be accomplished, a closer bond with sympathetic allies in power was necessary.

Secular Parties and Feminist Allies

The building of a multi-party coalition for abortion reform that covered the whole ideological spectrum would not have been possible with religious Argentine political parties. The Catholic Church, the larger religious institution in the region, actively condemns abortion. Parties in other Latin American countries that embraced Catholicism have consequently defended life from the moment of conception ruling out any support for legal abortion. In Argentina, the secular character of political parties ensured all legislators were available as possible interlocutors for the movement.

Historically the PJ has had an unstable relationship with the Catholic Church (Caimari, 1995; Zanatta, 1999). From the Church's initial support to Peron's first presidency to the open conflict in the 1950s that led to his ex-communication, these tensions continued through the years among the party's militants. Although some ideas from the Catholic social doctrine have influenced the party's platform (Partido Justicialista, 1983), the PJ has never incorporated the "defense of life from the moment of conception" as a key principle,¹¹ allowing members to make their own decisions on the issue of abortion. The other main political party, the UCR, has a strong secular tradition and identifies as the party of civil rights (Gallo and Sigal, 1963), placing it closer to the feminist movement than the Catholic Church.

The lack of religious affiliations in Argentina's political parties is true even among parties on the right. The PRO (Republican Proposal), the most successful right-wing party since the democratic transition, won the 2015 presidential elections in alliance with the UCR under the name *Cambiemos* (Let's change) bringing Mauricio Macri to the presidency. From its beginnings, PRO did not claim a clear doctrine or ideology but presented itself as a party of management and pragmatism (Morresi and Vommaro, 2014). Although this party harbours traditional conservative voices aligned with the Church – such as Vice-President Gabriela Michetti – it has no explicit religious affiliation or commitment to these values in its programme (PRO 2015 and 2019). Only 50 per cent of their cadres identify themselves as practising a religion (Vommaro 2019). There is also some variation of voices with regard to moral issues (Morresi and Vommaro, 2014). For example, the PRO also includes politicians who are liberal on both economic and social issues and support the non-intervention of the state in private matters such as abortion. In the Senate, this party provided more votes in favour of legalisation than against it (five vs. three). In particular, the younger generations within it tend to share liberal positions in arenas such as those of sexual and reproductive rights.¹² However, more research is needed to look into the role of generational differences around support for sexual and reproductive rights. While all young senators from *Cambiemos* (defined as less than fifty years old) voted for legalisation, one-third of the older generations supported the reform as well.¹³ In this context, abortion divided all political parties alike, leaving significant numbers of their supporters available to collaborate with a movement interested in building a multi-party coalition.

The secular character of all political parties allowed for the presence of feminist politicians within their structures. In this way, feminists working outside and within parties built the multi-party coalition for abortion reform that led to the success of 2020. This development is rooted in critical political decisions. In 1991, Argentina was the first country in the world to pass a gender quota of 30 per cent. The impact of this change has been significant in increasing the number of women legislators throughout the years. Since 2005 there have been between 36 per cent and 40 per cent of women legislators in the Lower Chamber, while in the Senate, the percentage has varied between a low of 36 per cent and a high of 42 per cent (Kenny, 2019).¹⁴ However, while affirmative action legislation has helped increase women's representation, this has not always

translated into having a larger percentage of feminists advocating for issues such as legal abortion (Htun and Jones, 2002). In a 2019 study of Argentine legislators between 2001 and 2011 Caminotti and Piscopo identify only fifteen feminist champions among more than 900 legislators (twelve women and three men) (2019). Nevertheless, these few but highly committed number of feminist legislators have been responsible for most of the bills and advocacy on feminist issues in Congress, including the legalisation of abortion.

Building a Multi-Party Coalition: Allies in the Lower Chamber

In 2012, an Argentine legislator stated the difficulties of abortion reform clearly: “What reform do you want to pass? Because here in Congress everything passes except abortion. As long as it is not abortion, we approve anything.”¹⁵ This statement reflected the frustration of feminist politicians with how reforms on sexual and reproductive rights avoided tackling abortion. Until very recently politicians considered abortion as costly to their political careers. A 2019 study found that Argentine politicians feared punishment from party leaders if they demanded abortion liberalisation (Caminotti and Piscopo, 2019). Politicians usually seek governorships and executive positions after leaving Congress and these are often rewards for toeing the party bosses’ line (Jones et al., 2002).

In order to undermine the perception of abortion as an electorally costly issue, activists developed a strategy to gain support from legislators. In 2007, they drafted a bill to legalise abortion and sought support in the Lower Chamber to introduce it in Congress. The process of drafting this bill was horizontal and democratic through various fora at the provincial level.¹⁶ The first time the bill was introduced in Congress was in 2008, and just twenty-two deputies across different parties out of 257 signed in support.¹⁷ The bill was reintroduced every two years in every congressional session but never received enough support to be discussed in plenary sessions, increasing activists’ frustration.¹⁸

Faced with stasis in Congress, the Campaign created a lobbying commission headed by a leading feminist and founder of the organisation Catholics for the Right to Choose in Argentina Marta Alanis. The strategy was to gradually secure votes in the Lower Chamber, particularly in the key congressional committees needed to approve the bill before the plenary session, such as those on Health, Criminal Law, Family and Women’s issues.

Simultaneously, a core of feminist legislators from different parties were tasked with convincing potentially receptive members within their own parties. Legislator Mónica Macha reflects on this process: “we prepared ourselves to have this discussion within our political spaces, each with its own characteristics, but in general all hierarchical and patriarchal.”¹⁹ But this “educational” work was not limited to legislators’ own parties; it also crossed party lines. In 2016, Libres del Sur legislator Victoria Donda introduced and explained the Campaign’s bill to many new legislators elected from the centre-right-wing coalition Cambiemos who were new to Congress.²⁰ That year when the bill was introduced even legislators from the right-wing PRO participated in the

press conference to introduce the bill. The multi-party coalition to back the bill now spawned the entire ideological spectrum.

In February 2018, an opportunity to put the alliance between activists and the multi-party coalition in Congress to work presented itself. In the midst of the largest demonstrations yet by the abortion rights movements, President Macri (2015–2019) announced he would give green light to Congress to debate abortion. This decision surprised supporters and opponents alike.

Macri and his party had a negative record on reproductive rights while governing the city of Buenos Aires for eight years. His Vice-President, Gabriela Michetti, was staunchly opposed to abortion. The media and different political actors speculated on his reasons for this bold move: trying to detract attention from the growing economic crisis and corruption scandals, attempting a direct attack on the Catholic Church since Pope Francis heavily criticised his neoliberal policies, or wanting to portray himself as being open to dialogue and supporting pluralism in opposition to his predecessor Cristina Fernández who had prevented this debate from happening in Congress. Regardless of the underlying motive, the movement and the multi-party coalition were ready for this moment.

Securing enough votes to pass the bill in the Lower Chamber, however, was an uphill battle. The core group of legislators working to advance legalisation, “L@s Sororas,” consolidated the cross-party network they had created through a Whatsapp group to plan strategies and provide information on advances and setbacks.²¹

The debate in the Lower Chamber included close to 700 presentations from civil society, in favour and against, taking place from April through June. Legislator Daniel Lipovetsky, the only man within the Sororas and the president of the Congressional Commission in charge of the debate, acknowledged the hard work and planning needed: “When we introduced the bill in the congressional committee, we didn’t have the votes, we had a strategy to win the votes throughout the discussion and this is why we designed a very long discussion so as to have time to achieve this.”²²

The Sororas quickly realised that all the previous work done during the last years had paid off. Legislator Carla Carrizo highlights this effort: “When the social climate was ready there were in Congress legislators that knew what we were talking about and this allowed the (positive) outcome (in the Lower Chamber).”²³ In addition, all legislators in favour of legalisation stated how the combined efforts between street demonstrators outside the building and their work inside motivated them and played a key role in this process: “We did it with the confidence we gained from what was happening in the streets with those thousands of women, and young people who in a certain way were giving us the strength that we needed to break the rigidity of Congress.”²⁴ On 13 June 2018, the Lower Chamber approved legal abortion by a vote of 129 to 125.

The process was very different in the Senate. Unlike the Lower Chamber, there was no collaboration between the movement and legislators. The movement’s multi-party strategy had not amassed enough support in the Senate yet. Las “Sororas” recalls that the

Senate, led by pro-life Vice-President Michetti, felt “locked.”²⁵ Neither Lower Chamber legislators nor activists were allowed to be present during the debate. In addition, the Catholic Church’s influence is much stronger in the Senate, particularly in the North of the country given its more conservative leanings. This ensured the Senators from those provinces would carefully consider the costs and benefits of voting for abortion reform in light of the potential loss of the Church’s endorsement.

Given the lack of Senate support coupled with an executive branch that was openly anti-choice, the outcome was expected. On 8 August 2018, the bill failed to pass, with thirty-eight votes against thirty-two votes in favour.

Despite the failure in the Senate, activists and legislators for abortion reform felt that the 2018 congressional debate was a resounding success in other significant ways. This process resulted in what they referred to as the “social decriminalization of abortion.” It meant that society had already said yes to legal abortion and that now it was time for Congress to catch up and support this shift.

Allies in the Senate and Executive Support

Despite the 2018 defeat in the Senate, Campaign activists believed victory was within reach, particularly with a potentially favourable government in the upcoming elections. As one stated, “we lost in congress but we won in the streets.”²⁶ During the 2019 presidential campaign, Alberto Fernández, a candidate from the Frente de Todos, became the first presidential candidate of a main political party to declare support for legal abortion and make this issue part of his platform.²⁷ Fernández went on to win the election and in February 2020 confirmed his commitment to deliver on his promise. These events demonstrated that it was possible to win a presidential election while advocating abortion reform. It was clear now that abortion had stopped being associated with loss of constituencies.

Alberto Fernández read the post-2018 political context accurately. He acknowledged the strength of the feminist movement, attracted activists with his promise to legalise abortion and once elected, demonstrated a clear commitment to feminism. Right after taking power, he created the Ministry of Women, Gender and Diversity and appointed feminist lawyer, Elizabeth Gómez Alcorta, to lead this agency. In addition, he appointed Vilma Ibarra, a feminist lawyer outspoken about legalising abortion, to the presidency’s Legal and Technical Secretariat. These appointments put abortion activists at ease and gave them the confidence that the time had come for abortion to be legalised. These women would become highly influential in advancing the process to finally reach legalisation at the end of 2020.

In early March 2020, Fernández announced that he would introduce a bill to legalise abortion in line with the movement’s demands. Two weeks later the COVID pandemic rapidly changed government priorities. The pandemic put abortion on the back burner, and a strict lockdown meant all demonstrations were banned. The movement’s initial reaction was to wait; public health was made a priority despite this obviously halting the possibility of street mobilisation.²⁸

With the gradual lifting of restrictions, activists increased their pressure on the government to deliver on its promise. In August 2020, Campaign representatives met with members of the executive cabinet to ask about the government's bill. They agreed to work together towards legalisation.²⁹ The movement was in charge of keeping the issue on the societal agenda, which they did creatively using virtual and in-person performances and campaigns.³⁰ They also needed to ensure the opposition would provide the necessary quorum and votes despite the strong rift and polarised political climate. The government would work to gain support in Congress among its legislators. Following this meeting, they remained in close contact with each other awaiting an opportune moment to introduce the bill in Congress.³¹

Finally, on 17 November, the president sent an abortion bill to Congress that was only slightly different from that of the Campaign. In order to broaden support, the government had added the right of conscientious objectors, and the penalties a woman would incur if the abortion was provided outside of the stipulated period. By this time, the Fernández administration knew it had the votes both in the Lower Chamber and the Senate, and in the context of a decreasing curve of infections, and searching for a political victory before the end of a tumultuous 2020, it deemed the moment was right.

The government's and movement's strategy was to have a quick debate. The arguments had already been given enough discussion in 2018, and the urgency to approve the bill before the end of the year was clear. The bill was approved in the Lower Chamber by a vote of 131 to 117. During the weeks that separated the discussion in the House and the Senate, the president met personally with some undecided senators. On 29 December, the Senate approved the bill by a vote of thirty-eight to twenty-nine.

Would Abortion Have Been Legalised Without Executive Support?

In this article, I contend that executive support for abortion reform facilitated the process of building a multi-party coalition to legalise abortion, but it was not sufficient on its own to achieve legalisation. In addition, executive preferences are conditioned by the particular context in which they emerge: one of the overwhelmingly strong movements demanding abortion reform that had already succeeded in shifting public preferences and fallen short of legalising abortion in 2018 only by seven votes. Without such a strong and highly mobilised context, it is unlikely that the president would have publicly come out in favour of legalisation. No other Latin American president has done so previously. However, given the strength of the movement, was Fernández's support even necessary for reform to happen?

In this section, I explore this counterfactual question to adjudicate between the relevance of two competing hypotheses – the one relying on executive support and that upheld by this article on the relevance of the multi-party coalition. What would have happened if President Fernández would not have endorsed the legalisation of abortion? Counterfactuals have been used extensively in the field of history and social sciences

(Fearon, 1991; Levy, 2015). According to Levy the best counterfactuals “begin with clearly specified plausible worlds involving small and easily imaginable changes from the real world (and) make short term predictions based on empirically validated theoretical generalizations” (2015: 378). The singular changing of executive preferences fulfils the criteria of being a small change and is easily imaginable.

If Fernández would have not committed to legalising abortion in his electoral campaign he could have (a) remained silent about his position on abortion or (b) opposed legalisation defending life from the moment of conception. Option (a) seems much more plausible given how the Frente de Todos presented itself as a progressive alternative to right-wing Macri’s Cambiemos. In the context of exponential growth of the feminist movement, it would have been highly unlikely for a progressive candidate to express their opposition to abortion as was the case of former President Cristina Fernández in previous years when feminism had yet to become a strong movement. In this sense, the alternative scenario is that of a progressive presidential candidate (Fernández or another) who preferred to not involve him/herself in the abortion debate and allow Congress to decide on this issue. If this had been the case the following would not have happened:

1. President would not have introduced a bill to legalise abortion.
 2. President would not have negotiated with some of his senators to vote for abortion reform leaving them with greater freedom to decide their vote.
-
1. If the president would not have introduced a bill to legalise abortion, the bill to be discussed would have been the one introduced by the Campaign already six times by 2020. It is true that this bill would not have had as much weight as the one introduced by the president. As mentioned earlier, Presidential bills tend to have a larger rate of approvals than those that lack this support (Haas, 2010; Siavelis, 2000). However, the Campaign’s bill was already discussed in 2018 in Congress under an anti-choice president, showing the topic was already on the political agenda independently of presidential preferences.
 2. The president coming out in favour of legal abortion had an impact on some of his legislators, but how much of an impact? Would his lack of support have shifted some of the legislators’ positions in the Senate where the voting was quite close? It is not possible to assert with total certainty the factors that defined a legislator’s vote. However, an analysis of the individual votes in the Senate can give us an approximation of how much influence the president had on the final number of votes. Of the twenty-five positive votes provided by the Frente de Todos, thirteen of those had been of senators who had already voted in favour of legalisation in 2018, eliminating any influence from President Fernández.³² In addition, five other current senators had already publicly expressed their support for legalisation back in 2018.³³ Three other senators announced their support for legalisation in 2019 before Fernández had expressed his intention to introduce a bill on this issue.³⁴ Of the four senators left, there is evidence of clear influence from the

President in only two cases: Sergio Leavy from Salta and Edgardo Kueider from Entre Ríos.³⁵ Both of them had been outspoken opponents of abortion but voted in favour after meeting with Fernández days before the Senate's vote. Of the two left, one of them had expressed support for legalisation in February 2020, already when it was clear this issue was on the government's agenda, making it likely he might have been influenced by the executive.³⁶ The final senator, García Larraburu from Rio Negro, had changed her views numerous times throughout the years, stating support in early 2018, voting against the bill that year, and voting in favour in 2020, making it harder to identify the reason behind her final decision to support the reform.³⁷

The analysis of the Senate votes demonstrates that the president guaranteed two to four votes in favour of reform (some cases have stronger evidence than others). Abortion needed thirty-four positive votes to be approved in this chamber. Since the bill passed with thirty-eight, there were four votes that were not necessary, placing some doubt over the relevance of executive support. While it is not possible to state that presidential support was not necessary at all – given that there are methodological limitations to knowing the reasons behind each of these votes – the analysis of when senators decided their votes shows that it was less relevant than what the literature has implied so far.

The counterfactual seems to support what had already been seen in the legalisation of abortion in Uruguay. In 2008, President Vázquez vetoed article 4 of the Reproductive Health Law because of his personal opposition to abortion. Legalisation came only in 2012 when President Mujica was in power, who maintained a neutral position around this issue allowing Congress to decide on its own. While presidential opposition is a clear obstacle to abortion reform, a neutral president might be enough to ensure legalisation if there is a strong movement that had built alliances with legislators in Congress.

Lessons from Argentina

On 14 January 2021, President Fernández signed the bill into law and activists from the Campaign were invited to a public ceremony to celebrate this accomplishment. Despite abortion reform being a political victory for the government, it is clear that without the strong movement, policy reform could not have taken place. Minister of Women Gómez Alcorta acknowledged this fact: “The unprecedented growth of the feminist movement made the 2018 discussion of the abortion bill possible, and one year later in 2019, made it possible for the issue of abortion to enter the presidential campaign, something that had never happened before (...) the growth of the movement has been a historical process that without doubts is what allows us to get to where we are today.”³⁸

The Campaign has been central in introducing the issue to the societal and political agenda, changing perceptions around the practice of abortion, and building a multi-party coalition that ensured the approval of legal abortion in Congress in 2020. The Argentine party system, with a low level of institutionalisation and lacking the presence of a strong left-wing party, prevented the Campaign from finding a clear interlocutor to work jointly

towards reform. This fact pushed the movement into defining a different strategy and building a multi-party coalition to advance their demands, one that included members from all parties across the ideological spectrum. While this strategy meant the road ahead would be harder and longer, it also ensured the movement larger autonomy from parties and opened up more opportunities to advance their cause under governments of different ideological positions, which they did quite successfully.

The low institutionalisation and non-programmatic character of Argentina's party system are more the norms than the exception in Latin America. While previous experiences of abortion reform, such as the 2012 legalisation in Uruguay or the 2017 moderate liberalisation in Chile, relied on a collaboration between a movement and a strong left-wing party in power, Argentina offers Latin American countries a different way that might be more applicable given the shared characteristics of their political systems. This case calls for scholars to pay attention to alliances between social movements and multi-party coalitions, instead of focusing on the collaboration with governments on the left exclusively.

Ecuador, with a weakly institutionalised party system (Mainwaring, 2018) is one example in which the movement for abortion reform might find allies across parties. In 2021, eight out of the sixteen presidential candidates supported the legalisation of abortion in case of rape.³⁹ In particular, it is possible to find supporters of legalisation within two of the main parties: Unión por la Esperanza (Correísmo) and Pachakutik. While former President Correa and his successor Arauz have stated their personal opposition to abortion, their party is divided on this issue. In 2011, a group of Correa's legislators expressed support for this demand and sponsored a bill towards legalisation (Ewig and Blofield, 2017). On the other hand, under the leadership of Yaku Pérez, Pachakutik has received the support of urban feminist organisations, which adds to the already strong indigenous women's movements within this party.⁴⁰

Finally, this article interrogates the role of executive positions on abortion and links this variable to the actual strength of the feminist movement in a particular time frame. No other Latin American country has had a president committed to legalize abortion on demand. Previous presidents that embraced feminism such as Bachelet in Chile or Rousseff in Brazil had to at times silence their preferences to ensure electoral success. No other country in the region has seen the emergence of a stronger movement for abortion reform than Argentina to date. The rise of the Campaign for Legal, Safe and Free abortion has been usually referred to across the region as the "green tide" given its mobilising power and the colour chosen by demonstrators as a symbol of their movement. Until the "Green Tide" reaches the rest of Latin America in a strong enough way to shift the negative association of abortion, it is unlikely that a president will risk their electoral chances to support the legalisation of abortion. The executive position on abortion is not isolated from the particular political context in which it is formulated. After opposing legal abortion during her two mandates as president, in 2018 when the first abortion bill was discussed in Congress, Cristina Fernández voted in favour: "if you want to know who made me change my mind, it was the thousands of young women who took to the streets..."⁴¹ The switch of Cristina Fernández's position on abortion is the paramount example of the strategic root of abortion positionality and of the power of feminist mobilisation.

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Notes

1. El País, “Tabaré Vázquez veta la despenalización del aborto en Uruguay,” 13 November 2008.
2. El País, “Correa presiona al legislativo para que no legalice el aborto,” 11 October 2013.
3. While some scholars have pointed to a possible shift towards the consolidation of two coalitions that have a more programmatic character (Frente de Todos on the left vs. Cambiemos on the right), this has not been enough yet so as to change the characterisation of the party system as non-programmatic by lead scholars on the field (Gervasoni, 2018).
4. New party that grouped Peronists for the 2019 presidential elections.
5. Based on participant observation and conversation with activists in Encuentros de Mujeres (2008 and 2018).
6. An extensive analysis of the exponential growth of the movement is beyond the scope of this paper. See Daby and Moseley (2021) on this issue.
7. Página 12, “La marea feminista sigue creciendo. Masiva marcha por el 8M,” 8 March 2018.
8. In 2018, the tabloid program *Intrusos* hosted five shows dedicated to feminism and abortion. See https://www.youtube.com/watch?v=l_TNbkR-QD0.
9. Coding by author.
10. Clarín, “Seis encuestas ya indagaron sobre el aborto: la mayoría opinó a favor de la despenalización, 18 March 2018.
11. Based on analysis of party platforms since 1983.
12. La Nación, “El debate sobre el aborto divide a la juventud del PRO,” 7 July 2018.
13. Author analysis of Senate vote.
14. In 2019, a parity law, requiring 50 per cent of candidates to be women was implemented for the first time, although its impact has not been extensive yet since only a percentage of each chamber was up for election.
15. Interview with Argentine legislator, Buenos Aires, 10 October 2012.
16. Interview with Marta Alanis, Director of *Católicas por el Derecho a Decidir*, Buenos Aires, July 2016.
17. These legislators belonged to: Partido Socialista, Solidaridad e Igualdad, ARI, GEN, Coalición Cívica, UCR, Encuentro Popular y Social, Frente de Todos, and Frente para la Victoria.
18. Interview with Martha Rosenberg, member of the Campaign, Buenos Aires, 2007; Interview with Ruth Zurbriggen, member of the Campaign, Amherst, MA, April 2015.
19. Attended Zoom meeting between “Las Sororas” and activists from the Campaign, 13 June 2020.
20. Interview with Marta Alanis, director of *Católicas por el Derecho a Decidir*, Buenos Aires, July 2016.

21. Página 12, “El grupo de l@s sororas,” 17 June, 2018.
22. Attended Zoom meeting between “Las Sororas” and activists from the Campaign, 13 June 2020.
23. Attended Zoom meeting between “Las Sororas” and activists from the Campaign, 13 June 2020.
24. Brenda Austin, UCR legislator, in Zoom meeting between “Las Sororas” and activists from the Campaign, 13 June 2020.
25. Attended Zoom meeting between “Las Sororas” and activists from the Campaign, 13 June 2020.
26. Página 12, “Nos deben el derecho que ganamos en la calle,” 8 August 2018.
27. Zoom interview with Elizabeth Gómez Alcorta, Minister of Women, Gender and Diversity, January 2021.
28. Zoom interview with Marta Alanis, Director of Católicas por el Derecho a Decidir, 2 February 2021; zoom interview with Ruth Zurbriggen, member of the Campaign, 1 February 2021.
29. Zoom interview with Marta Alanis, director of Católicas por el Derecho a Decidir, 2 February 2021.
30. The Campaign organised virtual mobilisations, published books, wrote open letters in newspapers, made avid use of social media platforms and even organised in-person performances respecting the new COVID social distancing rules. Página 12, “Aborto: a dos años del rechazo del senado en las redes se reclama la legalización,” 8 August 2020; and Página 12, “Solicitada por la sanción urgente de la ley de IVE. Un reclamo de personalidades del ámbito académico, del deporte y la cultura,” 27 September 2020.
31. Zoom interview with Elizabeth Gómez Alcorta, Minister of Women, Gender and Diversity, January 2021.
32. These are: Sacnun, Rodríguez M., Pilati, Mirkin, País, González, Ianni, Fernández Sagasti, Lovera, Luenzo, Almirón, Caserío, and Durango.
33. These are: Taiana, Recalde, Catalfamo, Donate, and Dure.
34. These are: Mirabella, Parrilli, and Del Valle Giménez.
35. Clarín, “Aborto legal: un senador celeste que se reunió con Alberto Fernández se replantea su voto,” 25 December 2020; and El Día, “La postura de los entrerrianos será clave para definir la votación en el Senado,” 26 December 2020.
36. This is Silva Sapag from Neuquén. LM Neuquén, “El aborto legal se quedo con un voto neuquino menos,” 3 March 2020.
37. La Nación, “Aborto: una senadora kirchnerista cambio de opinión y votara en contra de la legalización,” 5 August 2018.
38. Zoom interview with Elizabeth Gómez Alcorta, Minister of Women, Gender and Diversity, January 2021.
39. Primicias, “Aborto: la mitad de candidatas apoya despenalización en casos de violación,” 23 January 2021.
40. NYU Center for Latin American and Caribbean Studies, “Indigenous and feminist struggles and Ecuador’s 2021 elections,” 22 April 2021.
41. Clarín, “Cristina Kirchner dijo que las miles de chicas que se volcaron a la calle la hicieron cambiar su posición sobre el aborto,” 9 August 2018.

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Author Biography

Cora Fernandez Anderson is an Associate Professor of Comparative Politics at Mount Holyoke College. She holds a PhD in Political Science from the University of Notre Dame. She works on social movements and reproductive rights in Latin America. She is the author of *Fighting for Abortion Rights in Latin America: Social Movements, State Allies and Institutions* (Routledge 2020).