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SPECIAL ISSUE INTRODUCTION

Steps Forward and Backward on Abortion Rights in Advanced Democracies

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“Reproductive rights” refers to the ability of individuals to make informed decisions about their reproductive health, including if or when to have children. The aim of this special issue was to discuss and evaluate reproductive rights in developed democracies, highlighting the advances and setbacks in law, access, and public opinion in different contexts. The topic was designed with a broad framing to invite potential contributions that address reproductive rights from different research perspectives. However, we soon realized that the vast majority of the proposals were interested in exploring one area of reproductive rights: the right to abortion.

Abortion laws and policies have long been a contentious social political issue. In recent years, there have been significant steps forward and backward globally. In the past 30 years, more than 60 countries have liberalized their abortion laws (Center for Reproductive Rights, 2025). This includes significant movements in Latin America, often referred to as the “green wave”, including legalization of abortion in Argentina, Colombia, and Uruguay (Fernández Anderson, 2020; Roth, 2023; Pullan & Gannon, 2024). Many other countries have also taken steps to liberalize or protect abortion access; abortion has been decriminalized in Mexico, England, and Wales (Ortega, 2024; Castle, 2025). In 2024, France became the first country to explicitly include the right to abortion in its Constitution (Bojovic & Stanisljevic, 2024; Atay & Levrier, 2025). In the same year, the European Parliament voted to introduce the right to abortion in the Charter of Fundamental Rights of the European Union to promote the guarantee of the right in the EU, where there still are differences in service provision between the member states (Cioffi et al., 2022; Fiala et al., 2022).

Contrastingly, in at least four countries, there have been significant steps backward, limiting abortion access. In Poland, in 2020, the Constitutional Tribunal further limited abortion access by closing one of the exceptions by which women could access abortion. Poland already had one of the most restrictive abortion laws in Europe (Małyszko, 2025). Most famously, in 2022, the United States took significant steps to roll back abortion rights when its Supreme Court overturned 50 years of precedent and ruled that their Constitution did not protect a right to abortion. Overnight, millions of women lost access to abortion (Coen-Sanchez et al., 2022). El Salvador and Nicaragua have also bucked the global trend towards liberalization and further restricted abortion access (Center for Reproductive Rights, 2025; Reuterswärd et al., 2011).

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All of these actions on abortion law, policy, and access have had far-reaching effects. There have been increasing interconnections between individual events on a global scale (Calasanti et al., 2024); for instance, a restriction on abortion rights in one country may be perceived as a catalyst for a debate on its constitutional guarantee in another (Nemtoi, 2024). Additionally, different levels of government and subregional governments continue to be influenced by and interact with each other (Gannon & Pullan, 2025b). In some countries, this renewed global focus has reignited debates about restricting access to abortion, generally promoted by anti-gender agendas (Kuhar & Paternotte, 2017). These anti-gender movements' ideological positions have influenced the agendas of numerous new and old right-wing parties on a global scale, also strengthening their position (Graff et al., 2019; Dietze & Roth, 2020; Fangen & Skjelsbæk, 2020; Lavizzari, 2024). For example, the US Supreme Court's decision became a new element of legitimacy for anti-gender movements in the rest of the world.

Conversely, other countries saw this renewed debate as a moment to take some “steps forward” for others, reinforcing the right to abortion within their borders. The repercussions of these events within the courts and parliaments have also influenced the role and activity of social movements, as well as the behavior of civil society. New initiatives have been launched by pro-choice and transnational feminist movements to halt the rollback of abortion rights (Bakhru, 2019; Giovannelli et al., 2023; Daby & Moseley, 2024; Berro Pizzarossa et al., 2025). For example, the introduction of the right to abortion in the French Constitution emboldened civil society and social movements in other countries seeking to do the same (Bojovic & Stanisljevic, 2024). In the contemporary era, characterized by the interconnection of diverse systems, it is imperative to acknowledge the potential influence of each political event on a multitude of contexts and levels. These contexts include political and policy arenas, as well as social movements and civil society.

Laws and Policies

Similarly, this special issue addresses this complexity and contributes to the ongoing debate on abortion politics by highlighting different aspects relating to three main areas. The selected contributions focus on different countries, adopt different methodologies, and address different “levels” of study, from transnational to individual, precisely to foreground the multi-faceted reality in which abortion rights exist. The first three contributions focus on legal aspects of abortion rights, examining laws and policies and their recent transformations – or attempts at transformation. Consequently, this section concentrates more specifically on politics and the production of regulations that either advance or regress abortion rights at different levels of government.

Ertan and Yaman (2025) analyze abortion legislation in democratic countries in order to identify its political determinants. Through a quantitative analysis comparing 63 countries, the authors find that laws are primarily influenced by religious organizations over policymakers, the role of the EU as a supranational legislative power, and the quality of democracy.

Atay and Levrier (2025) examine the elements and political strategies that led to the constitutionalization of the right to abortion in France. In examining French parties' position, they found that there were different degrees of salience of the issue, but a “consensual breakthrough” towards the constitutionalization of the right to abortion was possible thanks to a broad support among the political spectrum and the framing of abortion as a “guaranteed freedom”. In particular, their work finds that the introduction of the right to abortion in the French Constitution was guided by a “civilizational” imperative aimed at safeguarding its access and countering a possible backlash to abortion rights.

In the third contribution, Cozzi, De Giorgi, and Ripamonti (2025) focus on the salience of abortion and the positions of political parties at the regional level in Italy. As is the case in many other countries, abortion services are provided under the umbrella of health services, which are decentralized. In exploring the regional political dimension, the authors highlight the strategies employed by political parties to either promote or hinder access to abortion services, strategies which are less visible to the general public.

Implementation and Interpretation

The second section of this issue includes contributions that address the application of laws and policies in specific contexts. Building upon existing studies of de facto implementation (De Zordo, 2017; Gannon, 2023; Pullan, 2024;), this section of the special issue shifts the reader from legal analyses and questions of principles to the way that laws are actually interpreted on the street level. The implementation phase of abortion policy is important to effectively evaluate access to abortion services.

While Cozzi, De Giorgi, and Ripamonti (2025) consider regional abortion politics in Italy, Gannon and Pullan (2025a) investigate the regionalized implementation of the same abortion policy. They pair two data sets of interviews conducted with abortion providers and stakeholders to better understand how regional choices affect the experience of providers and patients' access to abortion. With different administrative decisions occurring in different regions, Gannon and Pullan illustrate the power of regional and local bureaucrats to make abortion more or less accessible, despite being governed by the same law.

Małyszko (2025) is situated in the context of the criminalization of abortion in Poland, which opened the door to frontline law enforcement officials using their discretionary power in policing illegal abortions. Comparing two real-life cases, the findings confirm some key assumptions of the literature on street-level bureaucracy as well as reproductive justice. In particular, the author finds that the law enforcement officials' discretion can be used in a detrimental way for policy recipients.

Responses from society

The third section of the special issue studies the responses to changing abortion laws and policies or to the ways services are provided. Specifically, these contributions investigate the perspectives of social movements and civil society in an effort to understand how and in what direction attitudes and positions on abortion are changing.

Barone, Bonu Rosenkranz, Markelj and Smrdelj (2025) investigate the activity of feminist movements in response to the current challenges to abortion rights in Italy and Slovenia. Their interviews with feminist activists made it possible to identify innovative grassroots practices counteracting the anti-abortion challenges. They find that activists are also filling the gaps left by institutions and promoting self-determination, solidarity, and care-based peer support.

Dubel (2025) illustrates the distinctive features of the initiative Women on Waves in the Netherlands. In particular, the author finds that the Dutch initiative's strategies for transnational abortion access have ignited domestic activism. Through the lens of this case, Dubel expands our understanding of transnational feminist social movements' political strategies, offering new concepts for scholars to use in such analysis.

Pullan and Trail (2025) explore the interconnection of abortion attitudes, as influenced by conservative civil society actors, with attitudes on foster care and adoption, using interviews conducted with evangelical Christians in Tennessee, USA. They find that a distrust of the state permeates discussions about family policy, with members of this community

preferring privatized religious family interventions over policies and state-funded programs.

Nossek, Jung, Sthamer and Dubiski (2025) explore individuals' attitudes on abortion, focusing on the subpopulation who are the most critical of abortion in the German population. Utilizing a quantitative analysis underpinned by a survey and a vignette experiment, the authors find that when respondents are presented with additional information regarding the personal circumstances of an individual who is experiencing an unplanned pregnancy, there is a decline in the respondent's judgment of the pregnant person's decision.

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RESEARCH ARTICLE

Abortion Laws in Democracies:

Revisiting the Political Development Aspect of Modernization

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Abstract

It is assumed that civil liberties are well-established in democratic societies. Women's bodily rights are among these liberties, as feminist scholars argue that a woman's right to decide about her own body is a fundamental human right. However, we still observe a wide range of variations in abortion laws in democratic countries that warrant serious inquiry. Since 1994, with the exceptions of the US and Poland's regression in abortion laws, democratic countries have generally opted to liberalize their abortion laws (Center for Reproductive Rights, 2024). Despite a consensus on ensuring access to safe and legal abortions, the extent of liberalization and the grounds on which abortion is permitted vary widely. The main aim of this study is to identify the political determinants of abortion legislation in democratic countries by employing the analytical framework of modernization as a shared point of experience. This study includes a statistical analysis of 63 countries listed as "free" in the Freedom in the World Report 2024, aiming to contribute to the literature by providing a large-N comparative analysis of democratic societies. The findings suggest that abortion laws in democratic societies are shaped by religious organizations' power over policy-makers, as well as the EU as a supranational legislative power, and the quality of democracy.

Keywords: Abortion; Democracies; Politics of reproduction; Modernization; Quantitative analysis

Introduction

Liberalization of abortion is one of the most controversial topics of the modern world, which has also resulted in polarization in almost all societies. On the one hand, the data demonstrates that an overwhelming degree of liberalization of abortion laws has taken place in the world since the 1990s (Center for Reproductive Rights, 2024). On the other hand, a few countries, such as the US, Nicaragua, El Salvador, and Poland, have some regressions in their abortion laws (Center for Reproductive Rights, 2024). Thus, for some countries, including democratic ones, the development path in the liberalization of abortion rights can be explained as "two steps forward, one step back". Although Boland and Katzive (2008) claim that the trend toward liberalization of abortion laws should be hard to reverse, Boyle et al. (2015) demonstrate a shift towards less liberal abortion policies.

When studying the determinants affecting abortion rights, it must first be recognized that it is an extremely complex topic. It is associated with a multitude of macro-level political, economic, social, cultural, religious, and international determinants of abortion policies. Considering all these differences across cultures and countries, in this study, we seek to

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identify some of the common political factors that influence abortion rights in democratic societies.

In democratic countries, abortion is recognized as an extension of women's universal and fundamental right to their bodies as a requirement of the principles of self-ownership, including human dignity, bodily autonomy, and self-determination. However, it must be acknowledged that in practice, there are major differences in the interpretation of this principle, which is also reflected in the variance in abortion laws in democratic countries. Freedom House (2024a) lists 83 countries as democratic countries, in six¹ of which abortion is illegal, whereas 40 countries allow abortion on request (Center for Reproductive Rights, 2024). In other democratic countries, there is a variation of abortion restrictions on the grounds of rape, incest, certain fetal diagnoses, to preserve mental health, or to save the mother's life. These law differences stemmed from the fact that abortion is not seen as an individual right related to women's private choice; instead, it is understood in terms of societal values, medical issues, or political discussions. Societal values and political debates particularly have the power to shape public opinion and justify abortion laws. For example, while in the US or Europe, women's bodily autonomy is a very important justification for abortion rights, in Japan, it is not an accepted argument, but family planning and economic arguments are well accepted by the society (Ginsburg & Rapp, 1991). In France, during the insertion of abortion into the constitution, the political actors were mobilized around the idea that abortion is a civilizational imperative and personal freedom rather than a woman's right (Atay & Levrier, 2025). Thus, when explaining the variation of abortion laws in democratic countries, one should move one step further than the feminist arguments on women's bodily rights and question the role of other factors interplaying within the sphere of abortion politics.

One can argue that while the differences between democratic and non-democratic countries are predictable, the differences among democratic countries are also striking. When analyzing abortion policies among democracies, it is inevitable to situate the discussion within the broader historical context of modernization. Although some scholars contend that modernization has come to an end or evolved into a new phase, the aim of this study is not to trace its historical trajectory. Rather, the focus is on examining the political outcomes of modernization processes. Another reason for adopting the modernization framework is that this research focuses exclusively on democratic countries, which, despite their differences, have all undergone broadly similar modernization processes. However, as a limitation of this study, we neither examine historical changes of abortion laws in democratic societies nor the socio-economic structures. In this study, we narrow the scope to focus solely on the current state of abortion policies and the political factors influencing them, as recent literature emphasizes that abortion is a highly political issue (Miguel, 2012; Brysk, 2025; Sutton & Vacarezza, 2021). Accordingly, the main research question is how political factors interact to shape the trajectory of abortion policies in contemporary democracies. In examining this, we accommodate the political development pillar of modernization theory as an analytical framework focusing on secularity, democratic quality, and internationalization.

When discussing modernization, it is inevitable to situate it within a specific historical context. In this understanding, while some argue that modernization has come to an end or has transformed into a new form, the aim of this study is not to trace its historical trajectory. Rather, the focus is on examining the political factors currently influencing abortion rights, particularly the outcomes of modernization processes such as secularization, quality of

¹ These are; Andorra, Jamaica, Palau, Suriname, Tonga and the United States. The United States is included in this groups because after the U.S. Supreme Court overturned *Roe v. Wade* in 2022, abortion became illegal in 13 states.

democracy, and internationalization. Another reason for adopting the modernization framework is that this research focuses exclusively on democratic countries, which, despite their differences, have all undergone broadly similar modernization processes. Accordingly, our research aims to identify which of the factors highlighted in the literature are the most influential political determinants of abortion laws in democracies. This framework also allows us to adopt Brysk's (2025) suggestion: "if the personal is political and global, to see the full picture of abortion rights anywhere, we must compare the political dynamics across states as well as global and local levels- combining comparative politics and international studies" (p. 3).

The Impact of Modernization

In the West, modernization brought radical changes in political, social, and economic structure, including secularization, democratization, liberalization, mobilization, urbanization, economic development, etc. Considering all these developments together, one can argue that the development of women's rights is the result of a chain reaction of all these factors. In the context of gender politics, modernization theory provides fruitful discussion on how modernization led to the transformation of societies on gender equality, sexual liberalization, and patriarchal attitudes. Inglehart and Norris' (2003) well-known argument is that the modernization process experienced by advanced industrial societies transformed people's values from the patriarchal understanding of gender roles towards a rising tide of support for sexual liberalization and equality between men and women because modernization provides a suitable environment for mass mobilization in supporting public policies on women's rights. Although we are aware of these broader discussions, this study focuses solely on the political development dimension of modernization, as addressing all the social, cultural, and economic changes brought about by modernization would be too ambitious.

The political development pillar of modernization was unpacked in the following sub-sections by focusing on three aspects—secularization, quality of democracy, and internationalization—because these have been shown in the literature to be strongly related to abortion laws. In the context of modernization, while secularization can create a more favorable environment for policies like the legalization of abortion, as moral debates are reframed in terms of individual rights rather than religious doctrines, high quality of democracy shows more participatory policymaking process in the light of human rights principles, often resulting in greater protection of individual freedoms, including reproductive rights. Moreover, parallel to economic, social, and technological developments, modernization often brings internationalization by encouraging states to integrate into global politics by adopting global norms and participating in treaties and agreements, such as CEDAW, the UN, and the European Court of Human Rights. These external pressures and commitments can act as catalysts for legal reforms by pushing governments to liberalize abortion laws.

The formation of modern states and the process of nation-state building necessitated the development of institutional arrangements, which led to the expansion of state policies into increasingly diverse areas of social life, including family structures, gender relations, parental rights, and the protection of property rights within marriage. These areas, previously organized by religious institutions, now came under the control of the modern state. This shift also changed family and fertility patterns and reshaped women's cultural and religious ties, which resulted in, for example, marrying later, having their first child later, or having fewer children overall. Beyond the regulatory role of the state in both public and private spheres, the concept of inclusive citizenship has also influenced and shaped women's position in society. The citizen became "the one who is entitled to participate in

the life of the political community” (Pierson, 2004, p. 21). Citizenship brought equality before the law and changed the dynamics of societies that were previously dependent on privileges. In this sense, at least formally, citizenship is not based on gender rather on formal equality of men and women in enjoying politics and joining the labor force. This had an impact on women’s participation in larger organizational networks like business associations and trade unions, where they are most likely to be exposed to politics (Stockemer & Byrne, 2012) increasing their bargaining power which grants them property rights (Cherif, 2015) and increasing their inclination to express political demands (Matland, 1998). Thus, although there are some feminist critiques of the male-dominated or patriarchal nature of the modern state (Mackinnon, 1991), modernization and the formation of the modern state offer a useful framework for analyzing the evolution of women’s rights.

Influence of Secularization

One of the most important pillars of modernization theory is secularization. To provide conceptual clarity, the difference between secularization as a theory and secularization as a historical process needs to be explained. *Secularization Theory* focuses on people’s demand for religion and predicts that religion will decline as societies develop (Dhima & Golder, 2021). This theory simply affirms that with the development of science and technology, religion would play a marginal role in determining politics, society, and individual lives. This theory is commonly used to explain the “connection between modernity and the decline of the religion” (Ozzano & Giorgi, 2023, p. 310). However, from the end of the 20th century onwards, this theory began to be questioned and even falsified or refuted by some scholars. For example, Casanova (1994) argues that in the 1980s, religion entered the “public sphere” again and began to gain attention because the religious movements and the religious institutions refused to restrict themselves to the care of the individual soul. He understood this process as a reverse movement. This argument challenged the modernization claim of public-private sphere separation, in which religion should be seen as a private issue. Riesebrodt and Konieczny (2005) take this argument one step further and claim that religion re-emerged as a public force, as a marker of ethnic identities, as a shaper of modern subjects and their ways of life in different societies. Moreover, Piacentini, Molteni, and Maraffi (2024) claim that based on the relationship between the rise of right-wing parties across Europe and the role of religiosity, religion has reemerged in the political sphere, but in a transformed and more complex form, moving beyond the traditional, one-dimensional focus on religious attendance. Instead, they adopt a multidimensional approach to capture the varying expressions of religiosity. This includes distinctions such as “nominal Catholics” who identify with Catholicism primarily due to cultural or contextual factors rather than personal belief, and “cultural Catholics” who view religion as a source of tradition and values (Piacentini et al., 2024).

Against the dominant view on the critics of secularization, some scholars argued that secularization did not directly decrease the power of religion; instead, it resulted in the diversity of religious beliefs (Brown, 2022; Casanova, 1994; Humphrey, 2024). While the rise of secular populations has supported broader acceptance of diverse beliefs and expanded women’s rights in some areas, it is difficult to conclude that greater secularism automatically leads to more rights and political freedoms for women (Humphrey, 2024). Abortion is one of those controversial women’s rights issues that is an old practice but a modern right, has become the sharpest issue in almost all societies.

The influence of religion on abortion policies was mostly studied, focusing on the individual level of religiosity and church membership. Adamczyk, Kim, and Dillon (2020) show that religion is by far the most popular statistically significant predictor when examining abortion attitudes in the US. The religious affiliation is the strongest factor when

compared to other religious variables such as religious attendance, religiosity, frequency of prayer, service attendance, Jesus's teaching, and closeness to God (Adamczyk et al., 2020). One of the most commonly cited determinants of abortion policies is the affiliation with the Catholic or Protestant Church. Many studies (E.g. Cherif, 2015; Fernández, 2020; Field, 1979; Htun & Weldon, 2018; Jelen et al., 1993; Levels, Sluiter & Need, 2014; Medoff, 2002; Trent & Hoskin, 1999) find that there is a correlation between the proportion of a country's Catholic population and the strictness of its abortion law in the context of Western Europe. According to these studies, the countries with the most restrictive laws have large Catholic majorities. For example, Latin American countries, despite the increasing strength of feminist movements advocating for reproductive rights, have largely maintained restrictive abortion laws because of the resistance stems from the Roman Catholic Church and anti-abortion groups (Htun, 2003).

Abortion politics is also shaped by institutional-level secularity molded in local power relations between religious authorities and the state. In democratic countries, the existence of secular politics, democratic public space, and the principle of plurality lead religious organizations to "play the rules of democracy" (Amuchástegui et al., 2010, p. 989). Thus, the power of religious authorities over the policy-makers usually identifies the direction, conditions, and debate of the abortion policy and implementation of those policies after the adoption of the laws. This brings the idea of alliances between the state and the religious actors. When the state uses its authority to privilege particular religious actors at the expense of others, the result is a deterioration of pluralism and the ascendancy of certain religious ideologies, often characterized by patriarchal norms (Htun & Weldon, 2018). Their analysis demonstrates that the state's support for specific religious doctrines strengthens religious authority and shapes debates on women's rights and reproduction that leading to more discriminatory family laws, particularly in societies where religiosity is widespread (Htun & Weldon, 2018). For example, the Polish Catholic Church is historically prestigious and powerful in domestic politics. Thus, although politicians were aware of the women's demands for abortion rights, they avoided contradicting the pro-life stand of the Catholic Church (Heinen & Portet, 2010). The church even overpowered the power of the EU, leading to the acceptance of the cultural preservation demand of the Polish government (Heinen & Portet, 2010). In Türkiye, although abortion on request is legal, secular-religious tension led to the de facto abortion ban in public hospitals (Yurdakul et al., 2019). O'Connor and Berkman (1995) also analyze the direct and indirect impact of the church on abortion politics. Catholics have unified leadership, a hierarchical and cohesive structure, which has brought them a lobbying effect and political force that represents direct impact. However, Protestants had an indirect impact through public opinion. Similarly, in Italy, the Catholic Church led an active campaign after the liberalization of abortion in 1978 (Mazur, 2002). This led to doctors' objections to performing abortions, and mid-level administrators and locally elected councils remained powerless to intervene with the implementation of the policy (Mazur, 2002). On the contrary, at around the same time in Norway, the state-run Protestant church played a positive role when the church leaders convinced the priests who had a pro-life stance to support the liberalization of abortion (Mazur, 2002). Thus, when the religion is under the control of the state, the power relations might work in favor of pro-choice arguments.

Another important argument emphasizes the importance of the alliances between conservative right-wing parties and religious authorities. For example, in France, the Catholic Church established a strong opposition alliance with extreme right-wing parties and brought about the debate on putting some abortion restrictions in the 1970s (Robinson, 2001). A more recent example is the US's overturning of Roe in 2022, where the strategic alliance between the anti-abortion movement, Evangelicalism, and Republicanism was

extremely instrumental (Bridges & Wulff, 2024). One should also consider that the secular-religious divide does not have a definitive impact on abortion politics, as other political factors might be more influential in abortion politics. For example, the Irish conservative government, with a long tradition of religious influence and representation, formulated inclusive and liberal legislation on abortion and followed a democratic and secular path of referendum in 2018 (Bridges & Wulff, 2024).

To test the impact of religion on abortion politics, we tested the following literature-driven hypothesis:²

H1: The higher the impact of religion on policymakers, the more likely a country is to impose restrictions on abortion.

The Quality of Democracy

Although there are some sine qua non requirements for a democratic ruling, such as free, fair, and inclusive elections and protection of civil and political rights (Dahl, 1971), one should not ignore the variation among democracies regarding the quality of democracy. As many international democracy measurements —e.g., V-Dem Institute, Polity IV, Freedom House, EIU's Democracy Index— demonstrate, respect for fundamental political and civil rights also varies within democratic countries. The quality of a democracy can be comprehensively measured by examining various indicators, including “freedom, the rule of law, vertical accountability, responsiveness, equality, participation, competition, and horizontal accountability” (Diamond & Morlino, 2004, p. 20). In reflecting on the qualities of democracy, scholars such as Schedler (1998) have spent immense efforts to specify different forms of democracy, such as electoral democracy, liberal democracy, and advanced democracy. Schedler (1998) argues that electoral democracies are semi-democracies in which free and fair elections are held, but fail to provide some political and civil liberties. Liberal democracies also provide sufficient political and civil freedoms, whereas advanced democracies are consolidated, exhibiting additional positive characteristics beyond these rights, such as institutional depth and democratic political culture (Schedler, 1998). V-Dem Institute (2025) also differentiates between liberal democracies and electoral democracies. While electoral democracies requires the characteristics such as free, fair and reoccurring elections, de facto political power for elected officials, universal suffrage, free and competitive political party formation and a reasonably level of speech, media and civil society freedoms, liberal democracies includes all these traits but further posit checks and balances between the executive, the legislature and the judiciary, and strong rule of law guaranteeing respect for civil liberties” (V-Dem Institute, 2025). Thus, when examining abortion rights in democracies, one should not treat all countries as homogenous entities having similar levels of democratic quality. Here, the main argument is that the variation in the protection of political rights and civil liberties, including women's civil society participation and women's political representation, translates into a variation in how restrictive abortion laws and policies are. Accordingly, we include three indicators of the quality of democracy in this study: political rights, women's civil society participation, and women's political participation.

As discussed, civil society is a crucial element of liberal democracies. It functions as a mechanism for a check and balance system, active citizenship and political participation, and pressure for political reforms. Democratic systems are advantageous for women mainly because they provide opportunities for mobilization, enabling them to bring women's issues

² We also tested the right-wing party government argument; however, it was not statistically significant. Thus, we did not include it in the statistical Model.

to the political agenda (Lovenduski, 2019). Consolidation of democratic politics prepares a political environment in which civil society actors can put pressure on political actors that translates into changes in abortion laws (Htun & Weldon, 2018). However, although democracy enables improvements in the legal status of abortion, the scope of laws and the extent of restrictive measures still vary, creating different conditions for accessing abortion rights (Sutton & Vacarezza, 2021).

In democratic societies, civil society organizations in the field of women's rights have diverse characteristics, both in terms of their membership size and strength of their organizational capacity. Accordingly, studies on the impact of women's civil society organizations on abortion policy-making draw contradictory conclusions. Medaff (2002) demonstrates that in the US, a state's abortion law is influenced by the size of its advocacy group membership, such as the National Abortion Rights Action League, and the proportion of women state legislators. Stetson (2001) suggests that the women's movement played a crucial role in abortion politics in Western democracies and reached their demands on abortion policy by "opening up the process to women's participation" (p. 281). Particularly in Austria and Great Britain, the women's movements were extremely successful in shaping all debates on the abortion issue from the 70s to the 90s, and also in Canada, France, and the United States, they were very effective on if not all the most all the debates (Stetson, 2001). Levels et al. (2014) examined 20 Western European countries and showed that feminist groups were instrumental in mobilizing public awareness of abortion issues and influencing the political dynamics surrounding legal reforms. In the Netherlands, not only the NGOs within the women's movement but also a supporting women's NGO, Women on Waves (WoW), which is located outside the movement fostered the impact of the movement by having activities such as capacity building, introducing innovative methods to access abortion or providing strategic advice and advocacy (Dubel, 2025). In Latin American countries such as Uruguay or Chile, abortion rights movements became stronger with democratization, and their demands for liberalization of abortion resulted in some victories (Sutton & Vacarezza, 2021). Yishai (1993) in her comparative analysis of Sweden, Ireland, the U.S., and Israel, concluded that women's associations have failed to shape abortion policy and they have had only a marginal impact not due to a lack of organizational resources, but because their path to influence was obstructed by public ideas to which they held ambivalent commitments. Not the interest groups, but the predominant political ideology and public ideas shaped the abortion policies because public idea is the main determinant in understanding the attitudes toward women's social roles in society. However, in the formation of public ideas, the role of women's associations should be taken into consideration. According to Htun and Weldon (2018), feminist movements have frequently succeeded in bringing overlooked dimensions of gender equality into mainstream political discourse, reframing longstanding issues that had not previously been recognized as marginalizing women. Similarly, in Brazil, neither the Catholic legacy nor undemocratic practices such as blockage of public debate in the media was the reasons of the reluctance of bringing abortion rights into public discourse in Brazil, but it was more about women's movement's inability to fight for the issue of abortion rights (Miguel, 2012).

Abortion is far from being a phenomenon that "all women are for" and "all men are against". The anti-abortion movement is also popular among women (Crane, 1994; Oakley, 2003; Zacharenko, 2020). The anti-abortion movement emerged in Western countries with international influence following the liberalization of abortion policies in the United Kingdom (1967), the United States (1970–1973), and across Europe in the mid-1970s (Crane, 1994). More recently in the 21st century, the anti-abortion trends have become very influential among democratic countries, leading to backlash in abortion policies in many countries such as the US, Poland, or Brazil (Brysk, 2025). The contradicting ideas around

abortion rights lead to divisions within both women's civil society organizations and women politicians. The moral discussions on whether to protect women's self-determination rights, so-called "pro-choice" arguments, versus to protect the right of the unborn, so-called "pro-life" arguments, shape the political debates in almost all societies. This argumentative variation also makes it difficult to conclude a definitive positive or negative stand for women's civil society organizations or women in politics on the issue of abortion rights. For example, Maria Colette Caulfield, a high-level female politician and the Minister of State for Health in the U.K. until 2024, was a member of the "pro-life" group. Similarly, Roberta Metsola, who has served as the president of the European Parliament, voted against parliamentary resolutions that defend the right to abortion. This issue was also brought to the political agenda by Heidi Hautala, former Vice President of the European Parliament, warning the public about the "growing number of attempts and campaigns to reverse the progress made on enhancing women's reproductive choices" (Zacharenko, 2020, p. 4). Similarly, in the US, mass abortion attitudes were very effective in the adoption of more restrictive abortion policies as elected officials eventually had to respond to the pro-life demands of the public after 80s (Camobreco & Barnello, 2008).

A considerable number of studies show that countries with more women parliamentarians have more liberal abortion policies. Before discussing the related literature, it should be noted that, as a principle of democratic representation, issues related to women should be addressed in the platforms where women are represented adequately, whether they are pro-life or pro-choice supporters. All contemporary democracies claim to be in favor of equal political representation for men and women, but there is a certain degree of institutional resistance to the adaptation of effective measures for the inclusion of women (Lovenduski, 2019). Women's political representation is crucial for both developing arguments on women's interests and women's critical evaluation of the quality of decisions made within the elected political institutions (Celis & Childs, 2020). Otherwise, full political equality, which is a requirement for a representative democracy, cannot be reached. In democracies, there is a significant amount of variance in the level of women's political representation that will be taken as an indicator of democratic quality in this study.

Literature such as Boyle et al. (2015) suggests that "the presence of female policymakers increases the likelihood that decision-making bodies will address women's issues" (p. 906). Asal, Brown, and Figureoa (2008) or Hildebrant (2015) demonstrated that women's political representation is an important predictor of abortion laws. However, Weldon (2011) emphasized that although individual women can promote women-friendly policies, the percentage of women in the legislature does not significantly influence policy results about violence against women and women's reproductive rights. Complementing this study, Htun and Weldon (2018) demonstrate that the strength of the feminist movement has an impact on abortion laws only when acting together with women in parliament. This is a very important finding regarding the complementary role of the women's rights movement and women in politics.

Last but not least, the "idea of progress", one of the most important predictions of the Enlightenment and later modernization, faced a new challenge in the 21st century. The rise of populist nationalism has been seen as an impediment to both the quality of democracy and abortion rights. The growing emphasis on individual rights and equality clashed with traditional family and gender norms rooted in conservative and nationalist movements (Htun & Weldon, 2003). The idea of globalization also intensified national identity formation instead of promoting a sense of global citizenship due to recurring crises, inequality, democratic deficits, and precarious work (Moghadam & Kaftan, 2019). Especially right-wing populist movements tap into dissatisfaction with economic and political institutions, as well as cultural shifts, often triggering xenophobic and gendered backlash. Nationalists are

particularly eager to preserve their dominance by restricting individual freedoms and promoting traditional gender roles (Brysk, 2025). Among the key threats to these traditional gender roles — particularly those that define women primarily as mothers — is abortion, making the control of reproduction a central element of nationalist and populist agendas. The populist nationalist countries take a pro-natalist stand, aiming to strengthen the family, valorizing women's roles as mothers and thus "calling on women to have more children "for the sake of the nation" (Moghadam & Kaftan, 2019, p. 7). These ideas also shape citizens' attitudes and demands for more restrictive abortion laws, as Brysk & Yang (2023) demonstrate a strong relationship between ethnonational identities and distrust of foreigners and people's disapproval of abortion. Thus, in countries such as Poland and Brazil, where authoritarian populist nationalism is on the rise, we observe some regression of abortion laws (Brysk, 2025).

We derived the following hypothesis in light of the above literature discussion:

H2: The higher the quality of democracy in a country, the less likely it is to impose restrictions on abortion.

The Influence of Internationalization

In analyzing the determinants of the restrictions on abortion in democratic countries, in some cases, it is observed that international institutions, international law, and international public pressure are more effective than national laws and national courts. World culture theory is a cultural interpretation of globalization, arguing that cultures spread, mix, and take a new form called global culture. Therefore, they become more alike and go beyond the economic explanations of globalization. Using this theoretical framework, Ramirez and McEneaney (1997) demonstrate that abortion laws are deeply influenced by world models of progress and justice, which are shaped by and transmitted through international organizations, social movements, and certified expertise. In this context, Cole (1993) explained that national isolationism is impossible "even on an issue as strongly felt as abortion" (p. 115). Levels et al (2014) address the policy diffusion of abortion laws by explaining how other countries' legal developments influence the lawmakers' decisions on abortion policies.

International treaties can influence domestic public policies by reshaping national policy agendas, providing grounds for litigation, and mobilizing citizens to demand their rights (Simmons, 2009). Thus, international legal frameworks can be used by feminist movements to put pressure on national governments (Weldon & Htun, 2013). National policies are strongly affected by transnational networks of supporters and opponents who engage in cross-border contests to influence national policies, even though global institutions promote rights through pushing for national laws and practices (Brysk, 2025). However, there is a risk of ineffective implementation and symbolic treaty ratification, particularly when the country lacks strong local feminist mobilization (Weldon & Htun, 2013). In addition, Simmons (2009) argues that the presence of a strongly religious government impedes the liberalizing impact of the main international legal framework, CEDAW, on reproductive policies. Including some risks, women's rights treaties have facilitated abortion reform through the establishment of cross-national policy learning platforms that enhance the political leverage of pro-choice advocates at the national level (Fernández, 2020). However, Brysk (2025) argues that although the development of global rights norms leads to improvement of abortion rights for 20th century, the 21st century faced challenges to global rights norms because, in less democratic contexts or during times of national insecurity, decentralization may be more appealing to the elites to shape collective identity and strengthen their grip on power. This argument stands in contrast to claims that national policy changes accelerate

once international norms become sufficiently widespread (Weldon & Htun, 2013). Even though the CEDAW reached its tipping point, there are some backward trends in abortion policies.

The literature usually tested the influence of international politics by analyzing the impact of CEDAW ratification (E.g., Asal et al., 2008; Boyle et al., 2015; Htun & Weldon, 2018). However, none of the studies could find any statistically significant impact of the ratification of CEDAW on the adoption of abortion policies. Htun and Weldon (2018) interpret this finding as a consequence of the lack of attention to the abortion issue in the text of CEDAW. Simmons (2009) contributes to the literature by arguing that the ratification of CEDAW leads to a substantial difference in access to reproductive policy only in secular states. Hunt and Gruszczynski (2019) also challenge the previous findings and question whether a more comprehensive multidimensional measurement of CEDAW, including indicators of reservation status and the Optional Protocol, would demonstrate an impact on abortion laws. They concluded that countries fully committed to the CEDAW tend to adopt more liberal abortion laws (Hunt & Gruszczynski, 2019).

This controversy in literature led us to apply the internationalization argument to European countries, as they are highly affected by the policies of the European Union (EU). Although the level of restrictions varies from country to country, almost all European countries allow abortion within a certain number of weeks, ranging from 18-24 weeks of pregnancy (Center for Reproductive Rights, 2024). According to Fiala et al. (2022), the national differences in legislation continue to decrease in the EU and neighboring countries. This is due to two important powers that the EU imposes on the member governments: First, its power to regulate the member states' domestic economies, and second, the power to homogenize, converge, and integrate national political structures and laws (Walby, 2004). For example, Pullan and Gannon (2024) demonstrated that in a Catholic country like Italy, the influence of European policy norms on abortion legislation was significantly stronger than that of Catholic norms. From this point of view, the European Parliament has a unique legislative power over the national governments in comparison to other interregional parliaments (Cofelice & Stravridis, 2014). Regarding the EU's influence on abortion policies, it is also important to refer to the increasing role of the European Court of Human Rights (Bloomer et al., 2018; Fabbrini, 2011). As a very recent development on April 11, 2024, the right to abortion was included in the EU Charter of Fundamental Rights.

Based on the preceding discussion of the literature on internationalization of women's rights norms, we formulate the following hypothesis:

H3: The more a country is committed to international women's rights norms, the less likely it is to impose restrictions on abortion.

Methods and Data

Initially, the sample of this study was 84 countries that are listed as free countries in the Freedom in the World Database (Freedom House, 2024a). However, because of missing data in our independent variables, we needed to drop 21 countries³ from the sample. These countries are mostly the least populated in the world. Thus, in the end, 63 democratic countries are included in the analyses of this study.

³ These countries are: Andorra, Antigua and Barbuda, Belize, Dominica, Grenada, Kiribati, Liechtenstein, Marshall Islands, Micronesia, Monaco, Nauru, Northern Cyprus, Palau, Samoa, San Marino, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, The Bahamas, Tonga, Tuvalu.

We used the most recent data to measure the dependent variable of this study from the Center for Reproductive Rights' data on Abortion Laws (Center for Reproductive Rights, 2024). The measurement is an ordinal scale that ranges as follows;

- 0: Prohibited altogether/ varies state level
- 1: To save a person's life
- 2: To preserve health
- 3: Broad social or economic grounds
- 4: On request (Center for Reproductive Rights, 2024)

We run ordered logistic analysis to identify the statistically significant political factors in determining abortion laws in democratic countries because it is one of the most suitable types of statistical analysis used for predicting an ordinal dependent variable. The "rule of thumb" for including the maximum number of independent variables is around 10 to 20 cases per covariate to avoid an overfit model (Stoltzfus, 2011). Thus, we run three sets of models, one testing religion variables, one testing quality of democracy arguments, and one testing internationalization of women's rights, each accommodating two to four independent variables due to the availability of 63 cases. After running these models, we run a final model that includes all statistically significant variables from the previous models to see the robustness of the results and to identify the magnitude of the effect between significant variables.

Table 1. Data Sources and Range of the Variables.

Variable	Data Source /Year	Min-Max
DV: Abortion laws	Center for Reproductive Rights/ 2024	0 - 4
Religious consultation	V-Dem / 2023	-456 - 2846
Catholic population	CIA Factbook/2024	.15 - 97.6
Political Rights Index	Freedom House/2024	28 - 40
CSO women's participation	V-Dem / 2023	188 - 2592
Women's representation	IPU/ 2024	2 - 50
Nationalism	The Economist's Nationalism and Corruption Data/2022	0 - 1
EU membership	Authors' own/2024	0 - 1
CEDAW	WomanStats/2022	0 - 3

We gathered the most recent data from seven different international databases (See Table 1). There are eight variables included in our statistical models. First of all, to test the impact of religion on abortion laws, we used two indicators. First, the variable of religious consultation was gathered from the V-Dem Database for the latest available year, which is 2023 (Coppedge et al., 2024a). This variable was measured as an answer to the question that "Are major religious organizations routinely consulted by policymakers on policies relevant to their members? (Coppedge et. al., 2024b). It is an interval variable converted by the measurement model by the V-Dem, in which the higher numbers mean higher levels of consultation of policymakers with religious organizations. Second, the data on the percentage of the catholic population in a country was mostly gathered from the CIA World Factbook (CIA, 2024). Some of the data did not present the precise percentages for the catholic denomination; in these cases, we gathered the information from the Hierarchy of the Catholic Church (2024).⁴

⁴ These countries are: Botswana, Bulgaria, Canada, Denmark, Estonia, Finland, Greece, Japan, Namibia, South Africa, Sweden, United Kingdom. The CIA Factbook did not have precise information on the percentage of the Catholic population

The second set of variables is used as indicators of democratic quality. We used the Political Rights Index of Freedom House to measure the level of political rights in democratic countries, including indicators on the electoral process, political pluralism, and participation and functioning of government (Freedom House, 2024b). This variable's scores range from 28 to 40 for 2024, as all of these countries are democratic countries (Freedom House, 2024a). The second variable measures women's civil society participation, and the data is gathered from the V-Dem Database. It is operationalized as a response to the question "Are women prevented from participating in civil society organizations (CSOs)?" (Coppedge et al., 2024b). It is an interval variable in which smaller numbers mean "almost always prevented" and higher numbers mean "almost never prevented" (Coppedge et al., 2024b). Third, women's political representation is measured as the percentage of women in parliaments for September 2024, gathered from the Inter-Parliamentary Union Database (IPU, 2024). Fourth, we used the Economist's Nationalism and Corruption Data (The Economist, 2023) to measure the government's reliance on nationalist ideology for legitimacy.⁵ This data relies on information provided by experts and presents the percentage of experts who agreed that the ideology of the country is nationalist. The variable is a normalized interval variable ranging from "0": no experts coded this country as nationalist, to "1": all experts coded as nationalist.

The third set of variables is designed to measure the impact of the internationalization of women's rights. The variable of EU membership is coded as a dummy variable in which EU members are coded as "1" and all other countries are coded as "0". In the sample, 26 countries⁶ are members of the EU. As the second indicator of internationalization, we used the scale of Formal Commitment to CEDAW, which was originally developed by Ertan (2016) but updated and extended for the Womanstats Database in 2022. The scale is based on three dimensions, including ratification of CEDAW, ratification of the Optional Protocol, and existence of reservations. It is a four-point ordinal measurement ranging from "0" Ratified CEDAW, no reservation, ratified the Optional Protocol to "3" Did not ratify CEDAW (Womanstats, 2022).

Analysis and Discussion

Table 2 presents ordinal logistic regression analyses of the factors affecting abortion law restrictions in democratic countries. We also tested whether each of our models violated the multicollinearity assumption of the regression analysis. The mean VIF values for each model are smaller than 1.20, which is lower than the conservative VIF threshold score of 2.5. This result ensures that none of our models violates the multicollinearity assumption.

In Model 1, we tested the impact of two religion variables: religious consultation by policy makers and the percentage of the Catholic population. Religious consultation has a statistically significant negative coefficient, demonstrating that religious consultation is likely to increase restrictions on abortion in democracies. We could not confirm the previous empirical evidence about the impact of the catholic population on abortion laws (E.g., Cherif, 2015; Jelen et al., 1993; Medoff, 2002; Trent & Hoskin, 1999). Although the effect of the Catholic Church might be visible in previous single case studies or in some countries such as the US, the Catholic religion does not play an important role in determining abortion law restrictions when having a cross-national study of only democratic societies. This may lend

for the cases of Israel (1.90%), Italy (80.80%), Luxembourg (70.60%), and Mongolia (1.30%). For these four countries, we used the percentage of the Christian population in the country.

⁵ V-Dem's binary nationalism measurement was also tested as an alternative to this measurement but it also became statistically insignificant. Thus, we opted for this measurement due to its more complex design.

⁶ Hungary is not included in the sample as it is not listed as a free country in Freedom in the World Database.

support to the literature suggesting that it is not religious denomination per se that determines abortion policy, but rather the integration of religious norms into politics - through mechanisms such as religious parties (Yurdakul et al., 2019), strategic alliances between religious organizations and conservative or right-wing parties (Bridges & Wulff, 2024; Robinson, 2001), the political lobbying power of the Catholic Church (O'Connor & Berkman, 1995), or governmental support for religious doctrine (Htun & Weldon, 2018). In this study, supporting this line of literature, we argue that secularity rather than Catholic denomination matters in shaping abortion politics. Although we know that there is a strict rejection of the decriminalization of abortion by the Catholic church, the impact of religious organizations on the state and how policymakers interact with religious leaders seems to be more compelling in our analyses. The effect of secularity is also robust in Model 4, supporting previous studies such as Minkenberg (2002), who also demonstrated a strong impact of the separation of church and state on abortion policy.

Table 2. Ordinal Logistic Regression Models to Determine Abortion Laws in Democratic Countries.

	Model 1 Secularization	Model 2 Quality of Democracy	Model 3 Internationalization	Model 4 All Significant Factors
Religious consultation	-0.298** (-2.15)			-0.182* (-1.71)
Catholic %	0.088 (0.63)			
Political rights		0.447*** (3.21)		0.310*** (2.64)
CSO women's participation		-0.115 (-0.79)		
Women's representation		0.134 (1.04)		
Nationalism		-0.152 (-1.00)		
EU membership			0.569*** (3.20)	0.482*** (2.95)
CEDAW			-0.128 (-1.05)	
N	63	62	61	63
Pseudo R-sq	0.0336	0.1399	0.1422	0.2147

Note: Fully standardized coefficients, z statistics in parentheses, * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Model 2 tests the impact of different indicators of the quality of democracy on abortion laws in democracies. There is only one variable that has a statistically significant positive coefficient: Political rights. Higher levels of political rights are strongly associated with fewer restrictions on abortion, controlling for all other variables. This confirms our expectations that the variance in the quality of democracy would also translate into a variance in abortion laws, as only providing minimal requirements of democratic ruling is not a sufficient condition for liberalization of abortion laws. Instead, the consolidation of democratic ruling not only by expanding political freedoms but also by providing further democratic deepening seems to be very important for abortion laws in democracies.

In this study, we have some limitations in the measurement of women's movement as operationalized by the women's civil society participation, which was the only available data on women's movement cross-nationally. Although in Model 2, we did not find a statistically significant association between the variable of women's civil society participation and abortion laws, we are still cautious about completely rejecting the hypothesis on this issue. We argue that the pure existence or strength of women's civil society participation does not bring success in the liberalization of abortion law. The characteristics of the women's movement (Stetson, 2001), the level of unification around the issue, as well as the level of priority to the debate, are also important determinants of the success of the women's movement (Mazur, 2005). Moreover, the critical alliances that the women's movement builds with left parties and women's policy agencies are important factors (Mazur, 2005). Moreover, one should also keep in mind that there are very strong women's civil society organizations that are a part of the pro-life movement. Thus, future research aiming to focus on this issue might develop a more comprehensive cross-national measurement of the concept of women's movement, considering also the strengths of pro-life or pro-choice stands.

In Model 2, we did not find any statistically significant impact on women's representation in parliaments, contradicting the findings of previous studies such as Asal et al. (2008) or Hildebrandt (2015). Although women's political participation might be important for women's human rights achievements, the issue of abortion is a more complex phenomenon where some women politicians also support the pro-life stand. Thus, we argue that women's descriptive representation alone does not lead to more liberal abortion laws in democratic countries. In the Model, we also tested the impact of nationalist ideology argued by some scholars (E.g., Brysk, 2025) as an important negative factor in determining recent anti-abortion trends in the world. We did not find any significant impact of nationalist ideology on abortion laws in democracies. Again, we are cautious about interpreting this finding as an absolute rejection of the nationalist/populist thesis because if a better and more comprehensive measurement of nationalist and populist tendencies is developed, different results can be obtained.

We tested the impact of internationalization on abortion laws in Model 3. We used two literature-driven variables: EU membership and formal commitment to CEDAW. Our findings lend some support to the studies of Asal et al. (2008), Boyle et al. (2015), and Htun and Weldon (2018), none of which found any significant impact of ratification of CEDAW on abortion laws. Although we used a comprehensive measurement of formal commitment to CEDAW as suggested by Hunt and Gruszczynski (2019), for democratic countries, we did not find any significant impact of CEDAW. Instead, membership in a unique supranational organization—the EU—which possesses significant legislative power over its members and is committed to gender equality and women's rights, appears to create favorable conditions for the liberalization of abortion rights in member states. Thus, we confirmed our hypothesis on internationalization only for the EU membership indicator.

Model 4 includes all the statistically significant independent variables from the previous models. This Model is important both to see the robustness of previous Models and to

identify the most important determinant of abortion laws. The model presents a statistically robust impact of all three factors: EU membership, religious consultation, and political rights. In comparison to other variables, secularity measured by religious consultation has the smallest coefficient, demonstrating that it has the lowest impact on abortion laws in democracies. The membership in the EU has the largest impact, as seen from the highly statistically significant coefficient value of 0.482. This result is well grounded as the European Parliament has a clear stand in favor of the bodily autonomy of women and full and universal access to reproduction rights. It is a very powerful supranational body that has a certain degree of legislative power over the member states. Lastly, we argue that democracies vary in their quality, identified by the implementation of political rights and civil liberties. Thus, the level of political rights as the main indicator of democratic quality, measured by their levels of electoral process, political pluralism, and participation and functioning of government, seems to be a second important predictor for a democratic country's adoption of less restrictive abortion laws.

Conclusion

The main aim of this study is to analyze the political factors that explain variation in abortion laws across democratic countries, using the political development pillar of modernization theory as the basis for the analytical framework. The substantial body of literature focusing on the liberalization of abortion laws in democratic countries is designed as single case studies or small-N comparisons. Large-N cross-national empirical studies, including both democratic and undemocratic societies together, on determining abortion laws suggested the importance of different factors such as economic development, women's political representation, or the Catholic population. This study contributes to the literature by specifically examining the role of political development arguments within modernization theory in shaping abortion politics in democracies.

The empirical analyses of this study suggest that the political development of democratic societies—measured by indicators such as EU membership, stronger political rights, and lower levels of religious consultation—is a key determinant of abortion laws in democratic countries. Our first hypothesis focused on the impact of religion on policymakers. The substantial body of literature suggests that religion, particularly the Catholic denomination, has an important impact on abortion laws. However, our study concluded that instead of the Catholic denomination, the level of secularity identifies the adoption of more restrictive abortion laws. Since not only the Catholic Church but also other Christian denominations such as Orthodox, Evangelical, and Mormon groups, as well as other major religions like Judaism and Islam, oppose abortion on demand to varying degrees, the level of influence that religious organizations have on policymaking appears to be a more compelling explanation than religious denomination alone.

Second, we examined variations in the quality of democracy, acknowledging that not all democracies are equal in this regard. Among several indicators of democratic quality—such as women's participation in civil society, women's political representation, and nationalist-populist tendencies—only the level of political rights emerged as a significant factor. This finding highlights that not only guaranteeing the minimal requirements of democratic rule but also consolidating democratic norms is crucial for the liberalization of abortion laws. This finding supports arguments that view reproductive freedoms, including abortion, as both a predictor and a catalyst for democracy, as they are closely linked to individual liberties, personal safety, bodily autonomy, and equal treatment for all citizens (Brysk, 2025). Abortion legalization and access have been perceived as a democratic claim that can be linked to demands such as social justice and human rights (Sutton & Vacarezza, 2021). Thus,

one can argue that the quality of democratic rule and abortion rights have a mutually reinforcing relationship.

Questioning the countries' commitment to international women's rights norms, this study tested the impact of EU membership and formal commitment to CEDAW. While formal commitment to CEDAW did not appear to be a statistically important factor, the EU membership was the most important determinant of abortion laws in democracies. At the regional level, the EU applies its power to member governments using the means of both economic regulations and the processes of policy convergence and homogenization (Walby, 2004). As a result, we see a policy convergence on the policy issue of abortion among the EU countries, leading us to find a very significant impact of EU membership.

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RESEARCH ARTICLE

Constitutionalizing Abortion in France

A “Civilizational Imperative” to Safeguard Access and Counter International Backlash?

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Abstract

In March 2024, the French parliament enshrined the “guaranteed freedom” for a woman to terminate her pregnancy in the French Constitution. This article examines both the political trajectory that led to this constitutional change and the discourses employed by political actors to legitimize, contest, or influence the revision process. While the constitutionalizing of abortion was widely supported, the process through which the Constitution was amended hosted a series of critical debates on the relevance, necessity, and implications of such a move. We examine these debates to understand how these discussions reflect broader political and ideological frontlines. We identify and analyze the main discursive frameworks employed by political actors to justify the effort to constitutionalize abortion and influence the constitutional revision. We argue that underlying the move to constitutionalize abortion lies a “civilizational” imperative to safeguard access and counter backlash – a dynamic that reveals how abortion politics increasingly function as a core biopolitical issue leveraged by different political actors to articulate their identity and order their values.

Keywords: Abortion; Constitution; Rights; Freedoms

Introduction

In March 2024, France became the first country to enshrine abortion in its Constitution¹. The constitutional recognition of “women's guaranteed freedom to have recourse to voluntary termination of pregnancy” has come both in continuum of the ongoing efforts to facilitate abortion access in France and in response to the worldwide threats against abortion rights, particularly following the 2022 U.S. Supreme Court decision to overturn *Roe v. Wade* (*Dobbs et al., v. Jackson Women's Health Organization et al., 2022*). This

¹ The article 191 of the 1974 Yugoslavian constitution recognized the “the right of every person to freely decide whether to bear children. This right can only be restriction for protection of health” (Yugoslavia Constitution, 1974). Similarly, the article 55 of Slovenia's constitution affirms that: “everyone shall be free to decide whether to bear children. The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children” (Constitution of the Republic of Slovenia, 2000). While “freely deciding whether to bear children” shall implicitly involve abortion, France framed abortion in a more direct manner in its constitution, as a “guaranteed freedom to voluntary termination of pregnancy” (Projet de loi constitutionnelle relatif à la liberté de recourir à l'interruption volontaire de grossesse, N° 1983, 2023).

constitutional change in France sparked national and international debates, rekindling ongoing arguments and adding new dimensions to the global conversations on abortion rights and access.

This article focuses on the constitutionalizing of abortion in France. Its core purpose is to examine both the political trajectory that led to the constitutional revision on abortion and the discursive frameworks employed by political actors to legitimize, contest, or influence this change. While the constitutionalizing of abortion was widely supported, the process through which the Constitution was amended hosted a series of critical debates on the relevance, necessity, and implications of such a move. In this article, we unravel the broader political and ideological frontlines that lie behind this support. In doing so, we provide an account of how political actors justified or challenged the move to constitutionalize abortion, and how the framing of abortion as a “guaranteed freedom” was constructed, contested, and ultimately accepted.

Political debates are particularly sensitive to the creative uses of language and framing. What is projected as the “meaning” of a term or an expression can be highly dependent on discursive, institutional, and structural factors and processes (Krizsan & Lombardo, 2013). When a new country-wide political debate, such as the one on the constitutionalizing of abortion, arises on the political scene, politicians attempt to frame what is at stake in a way that garners support. In doing so, they often try to tap in existing frameworks (Snow et al., 1986, p. 467) and strategically reframe the issue to leverage their position and mobilize their supporters. This often takes place through discursive practices that involve and produce systems of meaning, which both reflect and constitute power relations (Wooffitt, 2005). As such, discourses are not mere surface manifestations of the matter at stake, they are constitutive of identities and interests (Dryzek & Niemeyer, 2008).

Within the context of the constitutionalizing of abortion in France, the discussions notably centered on whether to frame abortion as a “right” or a “freedom”, with politicians strategically drawing on existing frameworks, such as “freedom of conscience” (*liberté de conscience* – understood here as a way for medical doctors not to perform abortions if they are against it for religious reasons) or “freedom to dispose of one's own body” (*liberté de disposer de son corps* – bodily autonomy), to advance their positions. These discussions engage discourses that are socially and politically consequential, carry profound ideological implications, and give rise to complex power dynamics (Fairclough & Wodak, 1997).

We first provide a brief historical overview of the ongoing trends leading toward the liberalization of abortion rights and access in France, contextualizing the constitutionalizing of abortion within broader French abortion politics. We examine these trends in relation to care-seekers’ autonomy, abortion insurance coverage, access protections, and task-shifting in care provision, while also analyzing the dominant discourses that informed and shaped them. While our work concerns medical, social, and political developments related to abortion, our focus remains strictly on the normative aspects of this process, and the issue of abortion access on the ground falls outside the scope of this analysis. Next, we examine the key debates in the constitutionalizing process. We analyze the discourses employed by various political actors to support or challenge the constitutional change to include abortion. Finally, we examine this inclusion of abortion as a “guaranteed freedom” in the context of a longer trend in French politics where left-wing and right-wing parties reached a “consensual breakthrough”.

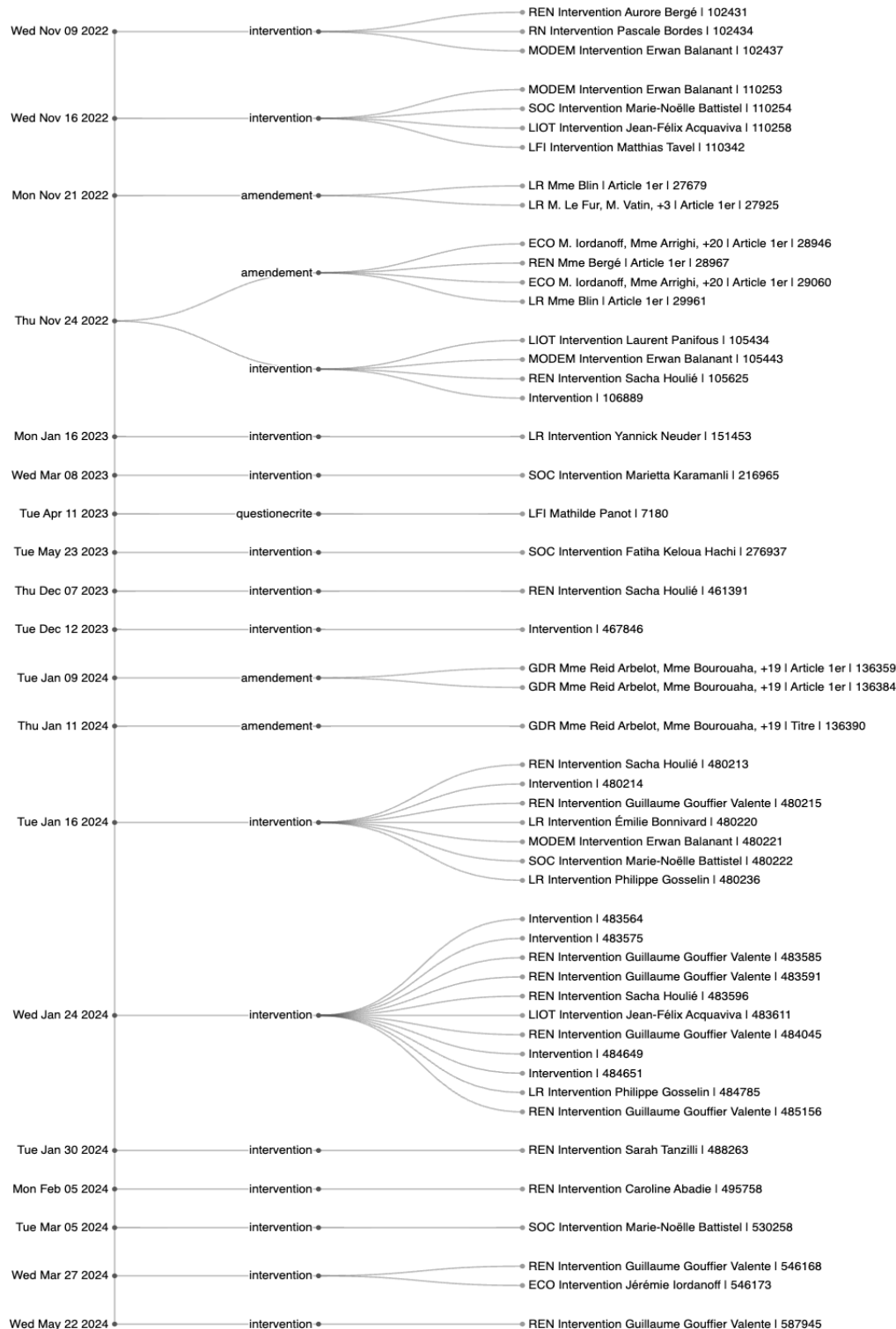
Data and methods

To track the debates in the French National assembly, we rebuilt and enhanced a specific functionality of PANDORÆ (Levrier, 2025), an open-source data retrieval and exploration software built for scientific research. This software can be used, among other capacities, to

retrieve parliamentary data aggregated by Regards Citoyens (2024), an open database license (ODbL) data provider which harvests public interventions from the French Parliament and provides them through several channels, including a full-text search API. This particular PANDORÆ capacity was previously used to track the emergence of new technologies in the parliamentary discourse (Levrier, 2022). The software is now able to retrieve notices from the search API of Regards Citoyens, rehydrate their full content, send this rehydrated data to a user's Zotero library (by creating a new collection and appending the full text of the relevant parliamentary debate or text as a "Note" to the entry), and re-import this data for chronological corpus exploration. We focused our data retrieval on the National Assembly Legislature XVIth legislature (from June 22, 2022 to June 9, 2024), which hosted the debates on the revision for the insertion of abortion in the French constitution.

Among the many query structures we tried, the simple but encompassing "IVG AND révision" (IVG is a French acronym meaning "voluntary termination of pregnancy", a technical term to designate abortion) turned out to be the best signal-to-noise ratio we managed to obtain. Including "avortement" ("abortion") in the request resulted in the inclusion of many off-target documents, notably alongside a debate on the presence of wolves in the Drôme region. The stress induced by the presence of wolf packs (detected as such by their howls) caused both direct and indirect damage to animal husbandry. Part of the indirect damage is the "avortement", i.e. the stress-induced pre-term termination, of animals supposed to bear the next generation of the livestock. Our attempts to diminish this off-target effect by explicitly excluding terms in the request ended up having important loss of signal. We hence expect the corpus of documents we retrieved to be representative of the different argumentative lines developed between 2022 and 2024 on the constitutionalizing of abortion. The figures below summarize the timeline and type of documents retrieved by PANDORÆ which informed our analysis.

Figure 1. Timeline of all documents in the corpus retrieved by PANDORÆ sorted by date/type/author.



[illegible]

The debates around the constitutionalizing of abortion were not limited to the National Assembly but also took place in two other settings: the French Senate and the 'Congress'—a joint session of the National Assembly and Senate convened to enact the constitutional amendment. As PANDORÆ could not be used to retrieve data from those two settings in a methodically consistent manner, we retrieved interventions manually on their respective websites by using the same key word “IVG” and selecting interventions made in the context of the constitutional revision. Embracing a qualitative analytical approach, we analyze the texts located and identify the key discourses and arguments raised to justify or oppose the move to constitutionalize abortion.

Voluntary termination of pregnancy was criminalized in France until the enactment of the Veil Law, promulgated on 17 January 1975. Prior to this, the 1920 law against “incitement to

abortion” and the 1942 addition of abortion as “a crime against the state”, subjected women, abortion providers, and those who assisted in abortion to severe penalties, including imprisonment and even execution during the Vichy regime (Cahen, 2016). While the 1942 law was ultimately repealed with the *Libération*, abortion remained a criminal offense for decades. In 1955, a small exception was introduced with the decriminalization of therapeutic abortions, permitted only in cases where “the mother's life was in grave danger” (Décret N° 55-512 du 11 Mai 1955).

As observed elsewhere, restrictions on abortion did not prevent abortions from occurring but instead forced individuals into clandestine abortions (Cahen, 2011). Feminist and women's groups, notably the Movement for the Liberalization of Abortion and Contraception (MLAC-Mouvement pour la Liberté de l'Avortement et de la Contraception), played an active role in this context (Pavard, 2009). They not only championed the liberalization of abortion access but also facilitated it by organizing travels abroad for safe procedures and by providing community care through self-help groups (Pavard, 2009; Ruault, 2021, 2023). Public figures and intellectuals also contributed to the debate around liberalization of abortion. For instance, the publication of the Manifesto of the 343 in 1971, written by Simone de Beauvoir and signed by 343 women, including prominent figures such as Catherine Deneuve and Marguerite Duras, played a key role in exposing the scope of the problem and the hypocrisy of the abortion ban (Pavard, 2012; Zarevich, 2022). The Manifesto contested: “One million women have abortions every year in France. They do so under dangerous conditions due to the clandestinity to which they are condemned [...]. We remain silent about these millions of women.” (Le Manifeste des 343 Salopes, 1971). Furthermore, the 1972 Bobigny case of a minor accused of having an abortion following a rape incident, defended by the prominent feminist lawyer Gisèle Halimi, once again brought national attention to the issue of abortion (Dosse, 2024; Valenti, 2022). In her discourse, Halimi advocated for “the right to abortion” (*le droit à l'avortement*) as part of a continuum of other women's rights and choices, including “the right to vote” (*le droit de vote*), “the right to bodily autonomy” (*le droit de disposer nous-mêmes*), and the “choice of contraception” (*le choix du contraceptif*) (Halimi, 1972). In light of the gradual expansion of women's rights, Halimi argued that the abortion ban constitutes a backward practice: “Do we still have the right today in France, in a country that we call “civilized”, to condemn women for exercising her bodily autonomy or for having helped another to exercise her bodily autonomy?” (Halimi, 1972). Halimi's argument situates abortion within a historical context and elevates it to a matter of both national and cultural relevance, challenging the idea that France cannot uphold a discourse of civilization while simultaneously denying women control over their own bodies.

These discourses reveal at least two key arguments mobilized by feminist actors and public intellectuals in challenging the abortion ban in France. The first involves a public health approach to abortion, an approach that has been widely employed in abortion debates in various national contexts. By framing abortion primarily as a matter of public health and safety, rather than morality or individual choice, this framework argues that access to abortion is essential to protect women's health (Berger & Hoggart, 2019; Petchesky, 1990). In the French context, this approach entailed the problematization of the widespread yet silenced experiences of women forced into clandestine abortions, making a public appeal to acknowledge and address the systemic harm caused by the abortion ban. The second dominant discourse we observe in abortion debates in France appears to be more specific to the French context and involves a “civilizational discourse” that situates abortion rights within a broader narrative of national identity and historical progress. This discourse draws on France's self-image as a modern, secular and democratic nation to expose the contradiction between France's self-declaring being “civilized” and denying women bodily

autonomy. Together, these discursive frameworks portray abortion not only as a practical necessity but also as a test of France's commitment to its professed values and civilization.

At the legislative level, five bills addressing abortion were proposed in the parliament between 1970 and 1973, accompanied by reports examining the state of abortion rights worldwide and the realities of abortion access in France (IVG, *La Conquête d'un Droit*, 2024). In November 1974, the then-Minister of Health Simone Veil presented the bill on voluntary termination of pregnancy (*le projet de loi relatif à l'interruption volontaire de la grossesse*) (Veil, 1974). Shedding light on clandestine abortions and the inefficiency of the abortion ban, Veil called for a new social consensus to be formed on the question of abortion, as part of the country's "tradition of tolerance and moderation" (Veil, 1974). Veil's discourse reflects and bridges both discourses previously mobilized by feminist actors and public intellectuals. While emphasizing abortion access as a public health necessity under the light of the dangers of clandestine procedures, Veil also connects it to France's civilizational discourse, national identity, and values.

The Veil law was passed after 25 hours of debate with 284 votes in favor and 189 against (Elzas, 2024). Initially adopted for a five-year trial period, the law was made permanent in 1979, decriminalizing abortion for medical indications and for voluntary terminations before the end of the 10th week in cases of "distress" (Loi N° 75-17 du 17 Janvier 1975, 1975). The law also introduced a conscientious objection clause, granting doctors the right to refuse to perform abortions based on personal or religious beliefs.

Since then, France has marked successive— if slow— expansions in legal protections for providing and accessing abortion care. These include enhancements to insurance coverage for abortion, safeguards ensuring greater autonomy for abortion care seekers, access to services, and task-shifting in care provision. Milestones such as the 1993 Neiertz Law (Loi N° 93-121 du 27 janvier 1993, 1993), which decriminalized self-management of abortion, and the 2001 Aubry-Guigou Law (Loi N° 2001-588 du 4 juillet 2001, 2001), which extended the gestational limit for abortion on demand by two weeks and removed the parental consent requirement for minors, represent significant shifts in policy. The 2014 amendment (Loi N° 2014-873 du 4 août 2014, 2014) further reinforced abortion care seekers' autonomy by eliminating the "distress" condition that had required women to justify their need for an abortion, a condition which had already *de facto* been neutralized in 1980 by judges who asserted that women in that situation were the sole arbiter of their own distress (Genevois, 1981). This change symbolically reinforced the principle that women alone should have the right to make decisions about their bodies without needing to provide justification. The extension of the gestational limit also granted women greater flexibility in decision-making and navigating systemic barriers to access. These advances were later supported by additional measures, such as the 2016 Touraine Law, which removed the mandatory waiting period. Most recently, the 2022 Gaillot Law (Loi N° 295 du 2 mars 2022, 2022) extended the gestational limit for abortion on demand from 12 to 14 weeks, further broadening access and affirming the autonomy of care-seekers in abortion decision-making.

Another important development has been the progressive expansion of insurance coverage for abortion care services. Initially, abortion was only partially reimbursed by the national health insurance system, placing a financial burden on many abortion care seekers, particularly those from disadvantaged socioeconomic backgrounds. In 1982, the Roudy Law (Loi N°1172 du 31 décembre 1982, 1982) authorized the reimbursement of abortion costs under the national health insurance system. However, it was not until 2012 that out-of-pocket costs for abortion care were fully eliminated, and abortion was entirely covered by the national insurance scheme (Loi N° 1404 du 17 décembre 2012, 2012). These reforms contributed to making abortion care more accessible, affirming that economic circumstances shall not determine a woman's ability to access abortion care.

Finally, France enacted several key changes regarding the abortion care delivery, protecting access against obstruction and facilitating task-shifting in care provision. In 1993, the Neiertz Law (Loi N° 121 du 27 janvier 1993, 1993) introduced the “offense of obstructing abortion”, designed to address and penalize actions that deliberately hindered women from obtaining abortion services. In 2017, under the Coutelle initiative, the law was amended to include online practices of misinformation and deceptive referral as offenses under the obstruction framework (Loi N°347 du 20 mars 2017, 2017). This amendment was a response to the rise of digital strategies aimed at deterring women from seeking abortions, such as misleading websites posing as neutral sources of information but covertly promoting anti-abortion agendas, and directing women towards hotlines staffed by activists trying to dissuade them from having an abortion (Motet & Laurent, 2016).

Initially, the delivery of abortion care in France was heavily medicalized, requiring medical doctors to perform procedures. However, reforms have progressively enabled midwives to provide medical abortions, expanding the scope of both who can deliver abortion care and where it can be delivered. This task-shifting was solidified in 2016, when midwives were authorized to prescribe abortion pills and conduct follow-ups (*Décret N° 743 du 2 juin 2016*, 2016), thereby significantly expanding the healthcare personnel involved in providing the full array of abortion services. In 2022, following the covid pandemic, pharmacists were permitted to dispense medication for abortions, and telemedicine was approved for medical abortions (*Décret N° 212 du 19 février 2022*, 2022), further decentralizing care and enhancing accessibility. These task-shifting measures were further bolstered by the 2023 amendment to the Public Health Law (*Décret N° 367 du 23 avril 2024*, 2024), which allows midwives to perform surgical abortions as well.

Legislative changes in abortion rights and access in France have been achieved through a series of incremental reforms rather than sweeping, transformative changes. Each reform has addressed specific barriers, such as financial accessibility, the roles of healthcare providers, and the gestational limits for legal abortion. This piecemeal process highlights both the entrenched barriers to abortion care in France and the gradual societal and political shifts that have occurred over time to dismantle them. This process also illustrates that the country’s abortion regime had to be renegotiated several times across the years, gradually paving the way for further ease of access. The debates on the insertion of the right to abortion in the Constitution unraveled in this context, reviving some decades-old arguments while introducing new ones relevant to contemporary developments.

Reframing what is at stake: situating the key debates in the move to constitutionalize abortion

The move to constitutionalize abortion can be traced back to a 2017 led by senators Laurence Cohen and Éliane Assassi. Their legislative proposal sought to amend Article 34 of the Constitution by adding a provision stating, “the law determines the implementation of the right to voluntary termination of pregnancy” (*Inscrire le droit à l’IVG dans la constitution*, 2017). Framing abortion as “a question of bodily autonomy” and describing the Veil Law as a “real revolution” and a “democratic and secular conquest”, the proposal aimed to safeguard this right against challenges from reactionary forces within France and across Europe. Despite its ambitious goals, the proposal failed to advance, as it was never scheduled for further discussion or vote.

The debates over constitutionalizing abortion were reignited following the U.S. Supreme Court's decision to overturn *Roe v. Wade* in 2022, which ended federal protections for abortion rights in the United States (*Dobbs et al., v. Jackson Women's Health Organization et al.*, 2022). In November 2022, both the majority and opposition parties in France clashed over the relevance of making abortion a constitutional right. All major parties, whether

supportive of the government or not, agreed that abortion rights were legitimate and necessary in the French republic. Most parties, including the far-right *Rassemblement National (RN-National Rally)*, even agreed that abortion care provision in France is inadequate for women. Pascale Bordes, an RN deputy, noted: “This [project to change the Constitution] should not hide the real scandal of the failure of our health care system that is unable to give access abortion care to the women who ask for it in the legal timeframe” (Bordes in her discourse during the meeting of the *Commission for Constitutional Laws, Legislation and General Administration of the Republic* on 9 November 2022).

Although the obvious backdrop for the constitutional revision project was the overrule of *Roe v. Wade* in the US, other changes in legislation in Europe (Levrier & Atay, 2024) are also used to support the relevance of the revision project. From the outset, the debate was framed as made necessary by both the international context and the national discrepancy between a legal framework that claims to ensure abortion care to all women and the real-world obstacles women confront when they try to access abortion. Our analysis of the debates described above in the Data and Methods led us to rebuild the debates leading to constitutionalizing of abortion in France as determined by three major questions. These questions broadly concern (i) the state of abortion care provision and access (ii) whether the legal framework and abortion access is being threatened (iii) what is expected from this constitutional revision and whether it is the right means for the chosen purpose. While these questions were not mutually exclusive and did crosscut one another, they form the key debates whose resolution led to the constitutionalization of abortion.

Before delving deeper into the discourses mobilized in these debates, several points need to be clarified to provide context on the perception of abortion and its constitutionalization in France. “The French and Abortion”, a poll built by Kantar Public in April 2021, showed that more than 9 out of 10 people claim to be attached to the right to abortion, two third of those being “strongly” attached to it. 8 out of 10 considered it necessary to expand it (Quenet, 2021). The poll also tested as a sub-question the necessity to inscribe abortion in the constitution, and 9 out of 10 participants claimed to be in favor of it. Another poll was conducted by IFOP in June 2022, specifically interrogating on the French citizens’ support for the constitutionalization of abortion. The findings were closer to 8 out of 10 in support of constitutionalization. It must be noted that different polling outfits use different weights and strategies to build their “representative” samples (IFOP, 2022), so it would be hard to infer a trend between those two results. Both polls are weak indicators in scientific terms, given that they are based on self-managed online forms filled by a thousand participants each. However, they did form a potent political signal that was available to all political actors prior to the debate on the constitutionalizing of abortion: the overwhelming majority of voters were strongly in favor of abortion and wanted to see it both expanded and added to the Constitution.

As these polls may suggest, the constitutional revision project was very popular in the French society and was potentially made even more so by the repealing of *Roe vs Wade*. But behind the appearance of a unanimous support, parliamentary debates illuminated clear ideological divides. This does not mean opposing views were dismissed. But it did favor the emergence of sub-debates which seemed to carry different if overlapping topologies: a politician can be in favor of the inscription of abortion in the constitution under a given perspective (i.e. making it harder to be repealed in the future) and judge it to be unnecessary under another one (i.e. being able to claim that France is uniquely advanced for having abortion rights in its Constitution). In this context, we can expect the apparent self-contradiction a member of parliament might have (being in favor of the inscription for one reason and in disfavor for another) to be easily resolved: a single positive rationale is

enough to justify a vote in favor, as this is a position that is a lot more popular with voters than any negative one.

On abortion care provision and access

To garner support for the constitutionalization of abortion, political actors strategically framed the issue as a public health concern, highlighting the significant disparities in abortion care provision and access across France. They pointed out that the limited number of clinics and hospitals offering abortion services often leaves these facilities overburdened, resulting in long waiting times for appointments and forcing women to travel considerable distances to access care. For Mathilde Panot, from La France Insoumise–New Popular, Ecological, and Social Union group of the National Assembly, the battle for constitutionalizing abortion is a fight to ensure that "access to abortion is effective when one in four women must change departments to be able to end an unwanted pregnancy" (Panot during the XVIth Legislature Congress 2024 that took place on 4 March 2024). Territorial disparities and the issue of "medical deserts" in which no health structure provides abortion, were also raised by Cécile Cukierman, president of the Communist Republican Citizen and Ecologist group – Kanaky of the Senate. Cukierman noted:

We must provide the means, in mainland France as well as in the overseas territories, in cities as well as in rural areas, to establish the practical right to abortion. The lack of resources allocated to public hospitals, the numerous closures of IVG centers – nearly 150 in fifteen years – the difficulties in finding available health professionals, and the medical deserts everywhere in our territory place many women, today, in France, in a practical inability to exercise this right (Cukierman during the XVIth Legislature Congress 2024 that took place on 4 March 2024).

Proponents argued that constitutionalizing abortion would not only serve as a legal safeguard but also as a catalyst for addressing these inequities by further compelling policymakers and service providers. As such, adding abortion to the constitution was framed by left-leaning parties as a practical necessity to make abortion rights effective. These arguments positioned the change not merely as a symbolic gesture but as a step toward rectifying structural inequalities that compromise abortion access. However, while disparities and difficulties in access were also acknowledged by other politicians, some expressed skepticism about the potential impact of a constitutional revision on changing practical realities. For instance, François-Noël Buffet, president of the law commission from the Republicans group in the Senate, remarked: "I would say that we are convinced that, if problems remain, they are not, at this time – and I insist on this – of a legal nature: they are above all of a material nature. The Republicans group has long been concerned about the difficulties of access to voluntary termination of pregnancy, and a constitutional change will unfortunately not change anything in the difficulties encountered today by many women" (Buffet during the XVIth Legislature Congress 2024 that took place on 4 March 2024). It must be noted however that this view is also not completely consensual in his own party: other politicians from his party previously declared that they would try to block the constitutional revision process. For instance, his colleague Anne-Laure Blin, a member of the parliament (MP), said that she will push legislation against the revision and ultimately be among the few MPs voting against it in March 2024 (Blin cited in Beyrand, 2024).

By addressing public health challenges around abortion care provision and access, proponents were able to create a sense of urgency and relevance for the constitutional revision. This approach positioned the revision as more than a symbolic safeguard: it was projected to become a critical tool for addressing systemic inequities and ensuring effective access to abortion care. While other lawmakers also acknowledged the public health challenges surrounding abortion access, some remained skeptical that constitutional

change would lead to tangible improvements in women's lived realities. These tensions, both between and within parties, reveal differing views on the relationship between rights, access, and the role of the state in making those rights effective—not just legally recognized, but materially guaranteed through public policy and infrastructure.

On threats to abortion rights and access

In defending the process of inscribing abortion in the Constitution, several politicians argued that this effort was necessary to counter persistent and evolving threats against abortion in France and in the world. Several threats were highlighted during the debates, including regular attacks on family planning centers and misleading websites designed to dissuade women from seeking abortions. Advocates of the constitutional change emphasized that enshrining abortion rights in the Constitution would fortify the already existing legal protections around abortion and safeguard abortion rights and access in an increasingly polarized ideological environment. As then-Prime Minister Gabriel Attal stated, “to enshrine this right in our Constitution is to close the door on the tragedy of the past and its long procession of suffering and pain; it is to further prevent reactionaries from attacking women” (Attal during the XVIth Legislature Congress 2024 that took place on 4 March 2024).

Global assaults on abortion rights were also central to the arguments for constitutionalizing abortion in France. Examples from the United States, Poland, and Hungary served as stark warnings, illustrating how abortion rights remain vulnerable when subject to political and judicial negotiation. Several politicians insisted that France could not remain indifferent to these international developments and shall send “a message” to the world. For instance, Olivier Marleix of the Republican group in the National Assembly observed: “Not to mention the United States, around us, within the European Union, in Poland and Hungary, the right to abortion is restricted. These threats cannot leave us indifferent. Although this risk is remote, we decide to rise up to it.” (Marleix during the XVIth Legislature Congress 2024 that took place on 4 March 2024).

The symbolic importance of the vote was underscored by various politicians, who argued that the constitutionalizing of abortion would send a double message: on the one hand, a message of solidarity and support to those fighting for abortion rights, and on the other hand, a firm warning to those who seek to undermine abortion rights and access. As Sylvain Maillard from the Renaissance group of the National Assembly suggested: “With this vote, we are sending a message of hope to women around the world, who see their rights flouted or denied, not only in autocratic regimes, but also at our borders” (Maillard during the XVIth Legislature Congress 2024 that took place on 4 March 2024).

Sending a message to reactionary forces in France and abroad is a central element of the debate, connecting the constitutionalizing of abortion with French identity and values—particularly in terms of what France represents on the international stage. This not only positions the constitutional revision as a defensive move against backlash but also positions it as an affirmative act of national relevance.

On whether the constitutional change is a way forward to safeguard abortion rights and access

In addition to the contextual discussions around abortion access and the threats posed to abortion rights and access in France and across the world, the debates over constitutionalizing abortion also included significant technical discussions. These deliberations centered on whether the constitutional revision was the right course of action, delving into the potential practical and symbolic consequences of this legal shift. This debate essentially revolved around three key sub-questions: first, whether constitutionalizing abortion would have a tangible impact on access to abortion services

and effectively safeguard these rights from future threats; second, what symbolic significance this change would carry in the broader socio-political and historical context; and third what would the constitutional revision mean for norm-making and law-making, and thus for the separation of powers, on the issue of abortion.

On the first point, advocates and critics alike explored whether embedding abortion in the Constitution would concretely strengthen protections against the erosion of access. Proponents argued that the change would establish an unassailable legal foundation, making it significantly harder for reactionary forces to roll back progress. However, skeptics questioned whether this move would translate into substantive change on the ground, arguing that the consolidated Veil Law already provides a robust legal framework for abortion access in France. They raised concerns about whether the constitutional amendment might be more symbolic than practical, potentially giving a false sense of security without addressing ongoing challenges. In this context, for instance, Maryse Carrère, from the European Democratic and Social Rally group of the Senate, noted: “some question the solidity of a constitutional change that would only be illusory and symbolic, insofar as it would not resolve the problems of access to abortion. It is up to the legislator and the regulatory authority to create the conditions for access to all the rights enshrined in the Constitution” (Carrère during the XVIth Legislature Congress 2024 that took place on 4 March 2024).

On the second point, the debate tackled the symbolic resonance of this move and how it would be interpreted. Here, two dominant tendencies emerged. Some saw the change as a profound expansion of women’s rights, a step signaling France’s progressive commitment to women’s autonomy and its willingness to lead by example on the global stage. The debates cited various women’s struggles and rights acquired and still fought for, including right to vote, right to emergency contraception, and right to bodily autonomy. While enshrining abortion in the constitution was seen as a continuum of these previous rights and struggles, for some, it was also considered as a reflection of “the continuation of France’s universalist and humanist struggle” (Bertrand Pancher from the Liberties, Independents, Overseas and Territories group of the National Assembly during the XVIth Legislature Congress 2024 that took place on 4 March 2024). For others, however, the act of constitutionalizing abortion was less about expanding these rights and more about affirming and enshrining the existing consensus around the Veil Law. For instance, in announcing the vote of his group in favor of the constitutional change, M. François-Noël Buffet, from the Republicans group of the Senate, noted that: “The Minister of Justice, basing himself essentially on the opinion given by the Council of State on this text, assured us that this was not the case: the constitutional bill aims to protect the Veil law and not its extension” (Buffet during the XVIth Legislature Congress 2024 that took place on 4 March 2024). This perspective viewed the move as a reflection of a settled societal agreement rather than a groundbreaking shift in policy.

The discussions also involved, as a third sub-topic, what constitutionalizing abortion would mean for norm-making and law-making, and thus for the separation of powers, on this issue. This was primarily a technical debate, mainly raised by right-wing political parties (Rassemblement National and Les Républicains), and was presented as a “legal argument” against the move to constitutionalize abortion. A Constitution is classically described as the legal, often textual, basis that roots all legal order in a geopolitical entity that claims to be a State. In France, this is anchored just after the French revolution by the 1789 Declaration of Human Rights, whose article 16 details that a society in which citizen’s rights are not assured and powers not separated does not have a constitution (*Déclaration des droits de l’Homme et du citoyen de 1789*). Consequently, one can deduce that the role of a constitution is to both declare which rights are guaranteed to citizens, and which institutions yield what

power in that society. Those two parts can also be considered, to some extent, a means and an end. Separating power is needed to prevent tyranny and would hence be a means to ensure that rights can be guaranteed.

Using this background rationale, some RN deputies pointed out that inserting abortion in the French constitution would raise an issue to both accounts, as it would take the right out of the hands of the legislator, which was originally the one to assert it. The first constitutional law project, that proposed “none could be deprived from the right to abortion” (102434) was therefore considered problematic for “suggesting that the access to abortion would be absolute and without conditions, and that the legislator would not be able to give it limits” (Bordes in her discourse during the meeting of the *Commission for Constitutional Laws, Legislation and General Administration of the Republic* on 9 November 2022). The argument here was that it would hence move this right from the legislator to the judge, who would be the one writing down how such a general principle would be applied. Likewise, while the majority of the LR group declared their support for constitutionalizing of abortion, several deputies declared opposing it for “legal reasons” that speaks to the role of the legislature in granting such rights (Pedro, 2024) and introduced amendments to revoke the attempt to revise the constitution. In explaining their vote against the constitutionalizing of abortion, they also suggested that this move was not “necessary” and “useful” on the grounds that the Veil Law was not really threatened in France.

These discussions show that while the constitutionalizing of abortion was supported by political groups across the spectrum, perspectives have diverged on the meaning, necessity and implications of it. Ultimately, the debates underscored a duality in the move to constitutionalize abortion; for some political actors, this process represented a proactive step in the ongoing advancement of abortion rights; for other actors, it was framed as a reaffirmation of an existing norm—anchoring a normalized status of abortion rather than extending it further. Moreover, the practical and normative implications of this constitutional revision—for access to care, the safeguarding of abortion rights against future threats, and its consequences for the separation of powers in abortion-related norm- and law-making—remained a point of contention.

The “Consensual Breakthrough”: Inserting Abortion in the French Constitution

The constitutional change took place through a series of legislative proposals and debates. The process began with a bill led by Mathilde Panot, president of the *La France Insoumise* group in the National Assembly on 7 October 2022 (Proposition de la loi constitutionnelle visant à protéger et à garantir le droit fondamental à l’interruption volontaire de grossesse et à la contraception, 2022). Framing abortion as a “hard-won right”, Panot’s proposal frames the move to constitutionalize abortion as a reflection of “human progress” and suggested amending the article 66 of the constitution to add: “No one may infringe the right to voluntary termination of pregnancy and contraception. The law guarantees any person who requests it free and effective access to these rights.” Subsequently, the government introduced a similar bill on 12 December 2023 (Projet de loi constitutionnelle relatif à la liberté de recourir à l’interruption volontaire de grossesse N° 1983, 2023) to avoid the necessity of a referendum—which is required when a constitutional amendment ensues from a member of the parliament, but can be passed by the Senate and National assembly when it is submitted by the President of the French Republic. Remarking that abortion is “not directly threatened or called into question, except by a few currents of opinion which are fortunately very much in the minority” in France, the preamble of the government bill advocates for constitutionalizing abortion in the face of global threats: “true to its vocation, our country must support the universal fight for this essential freedom, on our continent and throughout the world.” This bill suggested to amend the article 34 of the constitution

to add: “The law determines the conditions under which the freedom guaranteed to women to have recourse to a voluntary termination of pregnancy is exercised” and was passed by the lower house in January 2024 and by the Senate in February 2024. The final approval occurred during a joint session on March 4, 2024, with an overwhelming vote of 780 to 72, leading to the enshrinement of abortion rights in the French Constitution (Loi constitutionnelle du 8 mars 2024 relative à la liberté de recourir à l’interruption volontaire de grossesse, 2024).

This formulation of abortion in the French Constitution is both significant and consequential, reflecting the debates and tensions that characterized the preceding discussions. The deliberate choice of the term “freedom” rather than “right” is meaningful and relates to the discussions surrounding the practical implications of constitutionalizing abortion: the Constitution grants protection from State abuse, but it does not define how a service, including medical care, is to be provided. Moreover, by entrusting the law—and thus the legislators—with the authority to define the conditions under which abortion may be exercised, the constitutional text appears to respond concerns about the separation of powers, seeking to balance the constitutional safeguard of abortion access with the preservation of legislative autonomy on abortion law-making.

Abortion as “guaranteed freedom”

The formulation of abortion as a “guaranteed freedom” resulted from an amendment to the original bill and was further advanced by the government’s bill on the issue. The distinction between *right* (*droit*) and *freedom* (*liberté*) reflects deeper ideological tensions concerning individual autonomy and the nature of state obligations (Berlin, 1969; Dworkin, 1977). Whereas a “right” imposes positive obligations on the state—requiring it to guarantee, facilitate, and protect access to and the exercise of the right in question; “freedom” implies a sphere of individual autonomy protected against interference, without necessarily mandating proactive state provision or support. Thus, *prima facie*, framing abortion as a “freedom” rather than a “right” may subtly limit the scope of enforceable claims and safeguards around abortion access and care provision.

However, the articulation of abortion as a “guaranteed freedom,” rather than simply as a “freedom” in the classical sense, warrants closer attention. This formulation aligns not only with a negative conception of liberty—as traditionally understood as freedom from interference—but also reflects elements of a positive conception of liberty, as defined by Berlin (1969). In Berlin’s terms, negative liberty refers to the absence of external constraints, whereas positive liberty concerns “not the freedom from but freedom to lead one prescribed form of life” (Berlin 1969, p. 22). By framing abortion as a “guaranteed freedom,” the constitution seems to assign an affirmative role for the state: a role that is not merely about abstaining from interference but actively guaranteeing access, protection, and facilitation of the exercise of this freedom. Thus, this articulation of abortion in the French constitution transcends a purely negative conception of liberty and implies some state action and protection for abortion care and access.

Balancing between constitutional protection and legislative autonomy

The initial version of the French constitutional amendment, proposed by FI deputy Mathilde Panot, included a strong and unequivocal formulation: “No one may infringe the right to voluntary termination of pregnancy and contraception. The law guarantees any person who requests it free and effective access to these rights.” This wording would have elevated abortion to the status of an absolute constitutional right, shielding it from almost any form of legislative restriction or modulation. However, it was later abandoned, and the government’s bill instead framed abortion as a guaranteed freedom, the exercise of which

is defined by law. This revised formulation appears to reflect the previously discussed legal concerns surrounding the constitutionalizing of abortion, particularly in light of the French constitutional doctrine and the emphasis on preserving legislative sovereignty against constitutional authority.

This framing is significant because it defines the role of the Constitution—and, by extension, the judiciary—not as the creator of abortion norms *ex nihilo*, but rather as the guarantor of a legislatively defined framework. This model stands in sharp contrast to the American model, where judicial decisions have played a pivotal role in abortion law and policy making. In both North and South America, key developments such as the decisions *Roe v. Wade* (1973) or *Dobbs et al., v. Jackson Women's Health Organization et al.* (2022) in the United States, *R. v. Morgentaler* (1988) in Canada, as well as the judgements from the Mexican Supreme Court (*Accion de Inconstitucionalidad*, 2021) and the Colombian Constitutional Court (*Sentencia C-055-22*, 2022) on the unconstitutionality of the abortion ban in their respective countries, have demonstrated a model in which courts—not legislatures—have been the principal engines of abortion rights recognition. France's approach, by contrast, reflects a continued commitment to affirming a positive freedom in the highest norms of law, while maintaining legislative autonomy.

A longer-term trend in French politics

This constitutional revision was another revealing factor of a decades-long rearrangement of French politics. The 1975 law that introduced the abortion right in France was pushed by the ruling center-right party, whose legacy the LR party could have chosen to endorse. Symmetrically, the RN is a rebranded version of the *Front National* (National Front), whose founder declared on national TV during the 1988 presidential campaign that he was “Christian, and hence, against abortion”. And yet, in what must have appeared to many voters as a reversal of fates, the 2022 RN is the larger party trying to make the wording palatable to the widest audience, while the 2022 LR is a smaller party which tentatively runs a firebrand conservative agenda. The final phrasing of abortion as a “guaranteed freedom” come from a LR party senator, who proposed to replace “right” with “freedom” (*IVG dans la constitution*, 2024). The changing of the phrasing did help make 79 LR MPs vote in favor of the revision, while 38 voted against and 14 abstained (*Loi constitutionnelle du 8 mars 2024 relative à la liberté de recourir à l'interruption volontaire de grossesse*, 2024).

While right-wing parties tried to cancel or dilute the government's proposal, left-wing opposition parties proposed rewrites that aimed at expanding abortion rights further. A November 24, 2022 amendment tried to add a “right to contraception” (28946). In January 2024, a few months before the vote, the French Communist Party proposed to change back the “freedom” to abortion as a “right”, replacing the word “woman” with “person in a state of pregnancy” (136359). Both initiatives were ultimately rejected.

The “civilizational” rationale also played a key role in the insertion of abortion in the Constitution. In one of his declarations in Parliament (483575), the Minister of Justice Éric Dupond-Moretti told MPs that “if we manage to get this work done, do not doubt it, the entire world will turn its gaze towards our country. France will have been, once more, meeting its universal vocation” (*Intervention of Éric Dupond-Moretti*, 2024). This closes the loop with the debates that started 18 months before, when left-wing MP Raquel Garrido made the point that “if some of you are against abortion, that is your right, but we are in a civilized nation, and the time has come to inscribe the right to abortion in the hierarchy of norms” (Garrido cited in *Compte Rendu*, 2022). It also correlates with other discourses we analyzed above, which frames the move for constitutionalizing abortion as part of a broader “humanist struggle” and “human progress”. Despite the divergence of perspectives on the implications of the constitutional change, the reformulation of abortion as a “freedom” and

not a “right” and its reframing as a “civilizational imperative” played a key role in mobilizing political actors across the ideological spectrum to vote in favor of inserting abortion in the French constitution and helped it being validated with a larger number of votes.

Conclusion

The insertion of abortion into the French Constitution is a major event. Most of its political, legal, and social impacts are yet to unfold. The purpose of this article is therefore not to offer a definitive analysis of its significance but rather to examine the process that led to what we call a “consensual breakthrough”—an almost unanimously approved constitutional change on a previously contentious topic as politically charged as abortion.

Our analysis identifies several key insights into this “consensual breakthrough”. First, we find that the constitutionalizing of abortion garnered strong and broad support across the political spectrum. This does not mean that all parties ascribe the same significance to the revision: left-leaning parties frame it as part of the broader struggle for women’s rights and an expansion of abortion rights, whereas the majority center bloc views it as a reaffirmation of the already established consensus on abortion rights in France. Only a smaller conservative faction considers it as “unnecessary” and insignificant. The debates further reveal that abortion rights are no longer mainly framed under the perspective of ensuring that the State does not restrict women’s agency over their own bodies but rather indicate a broader expectation of care provision.

Our main finding is that the widespread support that emerged for the constitutionalizing of abortion in France reveals a striking consensus on abortion rights and access as defined in the law, even if behind this quasi-unanimous support lie political divisions and conflicts around the ideal scope of abortion rights and their expansion. The debates surrounding this process underscore that widespread support for this measure is rooted in a shared belief that abortion rights and access are integral to the values that define France as a “civilized” nation, aligning with ideals of “human progress” and “universalist struggle”. These debates led to framing abortion as a positive freedom in the constitution, ultimately incorporating it as a defining aspect of France’s civilizational model—presented as “universal”. We argued that this framing played a key role in bringing the “consensual breakthrough” that led to the insertion of abortion in the constitution, mobilizing political actors across the ideological spectrum. These findings suggest that abortion rights are increasingly becoming a cornerstone of the biopolitical foundations of modern democracies, reflecting a country’s core identity and values.

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RESEARCH ARTICLE

45 Years of Law 194 in Italy

How Does Regional Politics Impact on the Right to Access Abortion?

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Abstract

Law 194 introduced the right to abortion in Italy in 1978. Since then, the literature reports a persistent ineffectiveness of the right to abortion throughout the country. This research addresses the relevance that regional political actors attach to this issue and the position they take, investigating a sample of eight Italian regions over 10 years, from 2013 to 2023. The analysis is based on an original data collection, including legislative and oversight activities on the issue of abortion in the selected regions. The results show that the issue is of little relevance to Italian parties, although there are some exceptions, and that, in terms of orientation, the center-left and the Five Star Movement generally adopt a pro-abortion stance, while the center-right parties tend to support anti-abortion positions. Analyzing the narrative behind these positions, the results also highlight the variety of arguments used by anti-abortionists to support their position.

Keywords: Abortion; Reproductive rights; Law 194; Women; Meloni.

Introduction

The annual reports of the Ministry of Health and the literature (among others, D'Amico et al., 2022; Fanlo Cortés, 2017; Grandi, 2015; Brunelli, 2009) have long highlighted a general ineffectiveness of the right to abortion in Italy and a significant variation among regions in terms of efficacy of the services provided with regards to abortion.

The abortion rate – defined as the number of abortions per 1,000 women, aged 15–49 years, residing in the country and considered the most accurate indicator for a proper assessment of abortions – has exhibited a consistent decline in Italy for decades, reaching a value of 5.6 per 1,000 in 2022: one of the lowest figures observed internationally (Ministry of Health, 2024). However, obstacles to the implementation of the right to abortion have remained consistent throughout the years: the defunding of public health centers (*consultori*); the dimension of conscientious objection (Gannon & Pullan, 2025), which is defined as “cyclopean” (Brunelli, 2009) and described as a “cancerworm which erodes the law from within” (Pezzini, 2022); the difficulties in accessing pharmacological abortion; the attempts to make the preliminary interview “dissuasive”, complicating administrative formalities and

favoring the participation of anti-abortion associations¹ (Ministry of Health, 2008; Chamber of Deputies, 2006). The most recent data further confirm this trend. The waiting times between the certification of pregnancy and the medical treatment remain high, despite some recent improvements (Ministry of Health, 2024; *id.*, 2023). Furthermore, it has been shown that waiting times tend to be longer in regions with a higher percentage of objectors and that the regions with the highest outflows are those where conscientious objection presents the highest values (Autorino et al., 2018).

Law 194 introduced the right to abortion in Italy in 1978 and assigned many competencies to the regions in terms of the provision of medical services for abortion. Italian regions vary widely in terms of the effectiveness of the services provided because of different regional interpretations and implementations of Law 194 (Gannon & Pullan, 2025). This exploratory work purpose aims at investigating the attention that regional political actors pay to the abortion issue and the position they have on it. The research is based on a comparison of a sample of ordinary-statute regions over a 10-year period, spanning from 2013 to 2023. The regions were selected according to three criteria: the political affiliation of the government in office, the possible alternation in office during the period of analysis, the geographical location (north, center, south and the islands). As a result, eight regions were selected: two regions with stable center-left governments, Emilia-Romagna and Apulia; two regions with stable center-right governments, Lombardy and Veneto; and four regions with alternating governments, Piedmont, Umbria, Lazio and Basilicata. The analysis is based on the data of the annual reports of the Ministry of Health and on an original collection of data, which includes both legislative and oversight activities on abortion. These data have been classified according to their content, with a distinction between those adopting a “pro-abortion” position and those adopting an “anti-abortion” position.

Positions on abortion over the years

Although a significant percentage of the Italian population – 75% according to a SWG poll administered in 2024² – is in favor of abortion legislation, with rates higher than the world average and among the highest in Europe, the issue has been the subject of ongoing debate in the country for almost as long as anyone can remember. Recently, despite Prime Minister Giorgia Meloni’s reassurances that her right-wing government has no intention of changing the national legislation on abortion, statements by the Minister for the Family, Childbirth and Equal Opportunities Eugenia Maria Roccella – including “Is abortion a women’s right? Unfortunately, yes”³ (La Stampa, 2023) – have further stimulated the debate on the issue. The purpose of this article is to analyze the relevance that political actors attribute to the abortion issue in the Italian regions and the position they take regarding the pro/anti-abortion dichotomy. With the term “pro-abortion” we will refer to discourses, actions or measures that are in some way aimed at the removal of legal and material obstacles to the

¹ See art. 44 of the conversion law of decree-law no. 19/2024.

² [https://www.agi.it/cronaca/news/2024-05-22/aborto-associazione-coscioni-sondaggio-swg-italiani-favorevoli-](https://www.agi.it/cronaca/news/2024-05-22/aborto-associazione-coscioni-sondaggio-swg-italiani-favorevoli-26477684/#:~:text=AGI%20%2D%20Il%2075%25%20degli%20italiani,in%20vigore%20sia%20da%20migliorare.)

[26477684/#:~:text=AGI%20%2D%20Il%2075%25%20degli%20italiani,in%20vigore%20sia%20da%20migliorare.](https://www.agi.it/cronaca/news/2024-05-22/aborto-associazione-coscioni-sondaggio-swg-italiani-favorevoli-26477684/#:~:text=AGI%20%2D%20Il%2075%25%20degli%20italiani,in%20vigore%20sia%20da%20migliorare.)

³ The statement was made during a television program on the national television network RAI in January 2023, commenting on a bill presented by a Brothers of Italy MP, which provided for the “amendment of Article 1 of the Civil Code on the recognition of legal capacity to every human being”. It is also noteworthy that a *Forza Italia* MP of presented a bill that provided for the recognition of the legal capacity of the conceived in October 2022; additionally, the same MP proposed to establish the “Day of Unborn Life”. A bill presented by a *Lega* MP in October 2022 proposed that the fetus should be “recognized as a member of the family nucleus for all purposes” (see La Stampa 2023 and www.senato.it).

full implementation of the Law 194 in Italy, while with the term “anti-abortion” we will refer to discourses, actions or measures aimed at the reinforcement or creation of new obstacles.

A review of the debate on abortion over time has identified recurring topics that recall one position or the other, as well as interpretations, especially concerning women and motherhood, which have been traced in the arguments of both sides. According to Sheldon (1997), for example, there are three main visions of motherhood that can be found among opponents and supporters of the 1967 Abortion Act in the United Kingdom. First, one of the most frequently used arguments by those opposed to abortion is that of the “minor” (as in inferior) woman, who is perceived to be immature and selfish. This argument implies that these women should be empowered and consequently enabled to carry out their own (unwanted) pregnancies. Second, the woman as “victim” is one further image that emerges, mainly among the supporters of the right to abortion. The “victim” concept is used to describe women who are perceived as being unable to fulfil the role of “good mothers” and, for this reason, should be allowed the right to abortion, otherwise they would resort to illegal practices risking their lives (Sheldon, 1997; Hindell & Simms, 1971). Finally, the woman as the “natural mother” (Lowe & Page, 2019a) is one further vision shared by both those opposing and supporting the right to abortion (Sheldon, 1997): on the one side, abortion is seen as an “unnatural” action – since women are seen as mothers by nature –, while on the other side, it is viewed as a necessary decision for women who cannot be “good mothers” because of their behavioral or personal circumstances. In general, the idea of women’s role as procreators rather than as individuals with the right to make decisions about their own bodies has been shared by legislators for decades (Budde & Heichel, 2017).

The three visions of women, shared by those who oppose and support abortion rights, are also evident in much more recent campaigns. The 2018 “Yes” campaign in Ireland, for instance, where a referendum was held to repeal the constitutional ban on abortion, focused on an almost exclusively negative view of abortion, which built its “moral permissibility” along predominantly conservative lines, without trying to destigmatize it (O’Shaughnessy, 2022). The campaign has contributed to the idea of what Lowe (2016) calls “good abortion” – which is based on a “good reason”, that cannot simply be the case of an unwanted pregnancy – as opposed to what is a “bad abortion” – which is based on “bad reasons” such as a contraceptive not working or not being used (Lowe, 2016). The idea that every woman should be able to choose what she thinks is right for herself and her body – in other words, that she has the right to self-determination – is still lacking.

On the other side, among the anti-abortion movements, the arguments have shifted from the traditional religious sphere – which focused on the sanctity of life and equated abortion with murder – to a more secular and falsely feminist rhetoric. In many countries, these movements have reframed their narrative as “pro-women”, portraying women as victims of an oppressive, pro-abortion society (Koralewska & Zielińska, 2021) and heavily relying on the argument that “abortion harms women” (Saurette & Gordon, 2013).

Another argument used by both sides is that of abortion rights as human rights. Traditionally, feminist discourses developed the idea of reproductive rights as human rights, emphasizing the right of women to decide over their own bodies, hence, the right to self-determination. But anti-abortion actors have reformulated human rights to include the rights of the “unborn child” within the category, together with the right of women (once again seen as victims) to be protected. In doing so, they reconfigured the recipients of human rights, arguing not only that fetuses should be granted human rights, but also that providing abortion services to women violates human rights (Lowe & Page, 2019b).

In general, what is certainly noteworthy is that abortion has continued to be a topic of controversy for years in so many countries (Ferree et al., 2001), beyond the legislation that regulates it and, as Gal (1994) states, the nature of abortion discourses tells us a great deal,

not only about reproductive rights and the view of women and their role in a given society, but also about the nature and concerns of democracy as a whole.

Similar discourses and dynamics to those mentioned above can be observed in the Italian debate, where the argument of the “minor” woman and the “victim” woman has always been present (Brunelli, 2009; Veronesi, 2007; Niccolai, 2006; Ronchetti, 2006) as well as the rhetorical discourse on the protection of “all lives”, including that of the unborn – with the anti-abortion movements using precisely the argument of the protection of life “from conception to natural death”.⁴

The issue of the so-called “full implementation” of Law 194 is also common to both supporters and opponents of abortion rights in Italy, clearly with very different intentions. “Pro-abortion” supporters understand the full implementation as the removal of all the legislative and administrative obstacles that make the right to abortion *de facto* ineffective. On the anti-abortion side, instead, the full implementation of Law 194 is instrumental in supporting natality (which the law also encourages) – as opposed rather than complementary to abortion⁵ – and rejecting innovations in medical treatments, such as pharmacological abortion (Brunelli, 2009; Niccolai, 2006).

In light of these dynamics, the aim of this work is to analyze the impact of pro- and anti-abortion orientations on the decisions taken or initiatives presented by the institutions – in our case, the Italian regions – to make abortion services more or less accessible. Before presenting our empirical work, some legal considerations should be made to understand the constitutional basis of abortion in Italy and the scope and role of the regions in guaranteeing the right to abortion in the country.

The right to abortion in Italy and the regional powers

The Italian Constitution does not mention abortion. Legal abortion was allowed for the first time by a judgment of the Italian Constitutional Court (ItCC), no. 27/75. Under the Italian Criminal Code abortion was a crime. The ItCC declared it unconstitutional in the case of medically ascertained damage or serious danger to the mother’s physical and psychic health. Since that ruling, abortion has found a basis in the right to health, under Art. 32 of the Italian Constitution (It. Const.). The 1975 judgment affirmed a principle that has remained famous: “there is no equivalence between the right to life and also to health of one who is already a person, such as the mother, and the protection of the embryo that has yet to become a person”. The 1975 judgment outlined a constitutional balance which was later taken up by the legislator in Law no. 194/1978. As a result of a compromise between Catholics, Communists and other forces in parliament at the time, the law aimed at preventing clandestine abortions and allowing interventions under safe and healthy conditions for mother and child. Abortion was so regulated as a medical procedure, in which the women’s will passed through the national health service. Hence, unlike other legal systems the constitutional basis for abortion in Italy was not the woman’s self-determination, but the protection of health. Over the years, the link between Law 194 and the Constitution has been strengthened. Checking the admissibility of abrogative referendums to repeal it, either entirely or partially, the ItCC ruled that certain provisions of Law 194 have “constitutionally mandatory content”, because the latter directly reflects constitutional principles (right to life, right to health), and their elimination would leave

⁴ See for instance the *Pro Vita & Famiglia* association webpage: https://www.provitaefamiglia.it/chisiamo?_gl=1*1rrx2gp*_up*MQ..*_ga*MTY3MTcwODEyLjE3MjgyOTM4NjE.*_g_a_86V8KY1CJ5*MTcyODI5Mzg2 MS4xLjEuMTcyODI5NDM0Ny4wLjAuMA.

⁵ For instance, the “Conclusions” of the Ministry of Health’s 2024 report compare the number of health care facilities performing abortions with the number of birth points, a correlation that has long been argued to be scientifically unfounded (Brunelli, 2009).

both the mother and the child without protection. To date, therefore, the legislature cannot eliminate the regulation of abortion or even radically change its content. A fortiori, Law No. 194/1978 is mandatory for regional legislators. The constitutional basis remains, for the time being, the right to health, although legal doctrine has long observed that it would be possible to link abortion to a woman's self-determination (D'Amico et al. 2022; Niccolai, 2006; Ronchetti, 2006). Since 2008 the ItCC has recognized the existence of a constitutional right to self-determination, based on Artt. 13 and 32 of the Italian Constitution, from which the regulation of informed consent in health treatments derives. However, the Court has never expressly ruled on self-determination in matters of abortion.

For the present research, it is now important to define the scope of intervention of the Italian regions. As we mentioned, abortion in Italy is essentially a medical treatment. Law no. 194/1978 was passed under the original text of the Italian Constitution, Art. 117, concerning the division of legislative powers between the state and the regions. At that time, the regions could only intervene in certain enumerated matters, including health care. Within the general framework provided by the state legislation, the regions develop their own health care organization, following different models. Law 194, in fact, assigned many powers to the regions for the organization of abortion medical services establishing that abortion surgery and hospitalization were hospital services transferred to the regions.

In addition, the regions had to promote and strengthen social and health services related to abortion (Art. 1, Art. 2.1, a) Law no. 194/1978); authorize health facilities to perform abortions (Art. 8.3); ensure, concerning conscientious objection, that there was a sufficient number of doctors and auxiliary personnel, even through staff mobility (Art. 9.4); ensure, with the universities, that health personnel are kept up-to-date on conscious and responsible procreation, on contraceptive methods, and on the use of the techniques that are "more modern, more respectful of a woman's physical and psychic integrity, and less dangerous for the termination of pregnancy" (Art. 15). The issue of the "best techniques" has emerged recently due to the slowness with which many regions have allowed pharmacological abortion.

In 2001, the constitutional framework changed, but the impact on regional powers on abortion remained virtually unchanged. In general, the regions have more legislative powers, but in matters of health protection it is still up to the state to establish the fundamental principles. The regions, on the other hand, are responsible for all legislative and administrative aspects connected with health and social-health organization, as also required by the law that established the National Health System in the same year of Law 194 (Giorgi, 2024). The organizational powers of the regions are essential to make health care services effective (Luciani, 2002; on the "organizational dutifulness of the healthcare administration" for the protection of the person in the care pathway, see Pioggia, 2016; *id.*, 2014). This is even more evident in the field of abortion (Grandi, 2021; Brunelli, 2009; Catalano, 2008). Like legislation in many other countries, Law 194 contains a "time regulation scheme" of procedures with increasing limits (Busatta et al., 2023; Brunelli, 2009). Procedures and their timeliness are the core of the law. Delaying or complicating these procedures means rendering the related rights ineffective. The regions are, therefore, responsible for the engine that makes Law no. 194 work. If that engine has no petrol, the law and therefore the abortion services do not work.

In the period preceding the ten years considered in this research, some regions have added requirements for access to abortion, with both pro- and anti-abortion purposes. In 2008, for instance, administrative guidelines were adopted in Lombardy introducing a maximum time limit for therapeutic abortion, which was not provided for by Law 194. Moreover, they extended the members of the medical team and required the signature of two gynecologists, instead of one, and of the health director. These guidelines were annulled by the

administrative judge precisely because it was impossible for the regional legislature and, a fortiori, for the regional administration to introduce additional requirements (Catalano, 2008). On the “pro-abortion” side, guidelines on family counselling centers, specifying that their doctors could not object, were adopted in Lazio in 2014. These guidelines were also challenged in court, although the principle they reiterated was already acquired in the literature and the case-law, namely that the objection provided for by Law 194 is reserved only for doctors who immediately and directly perform the abortion procedure (Pioggia 2016; *id.*, 2015; Paris, 2011a; *id.*, 2011b; *id.*, 2008; Pugiotto, 1995).

In short, the regions are responsible for organization but cannot set requirements for access to abortion services that are additional to those provided for by Law 194, neither by law nor by administrative act. In practice, however, the boundary between legislative and administrative acts is not always clear. The regions, depending on their respective health organization laws, sometimes adopt legislative acts, some others administrative measures to implement them. Moreover, among the administrative measures, the line between acts of political-administrative guidance and acts of administrative management is not clear. For example, in 2020 the national guidelines on pharmacological abortion were adopted at state level. Some regions transposed them with administrative acts of a managerial nature, while others with acts of political-administrative direction (deliberations of regional executives, see Grandi, 2021). The type of act has repercussions on accountability and will be mentioned in the conclusions.

The (in)effectiveness of the right to abortion in Italy: some indicators

The distribution of facilities throughout the territory is a pivotal factor in evaluating the accessibility of the abortion services. While the annual reports of the Ministry of Health do not provide this information, an estimation of the accessibility of these services can be derived by examining the proportion of facilities equipped with a gynecology department which perform abortions out of the total. At the national level, more than a half of the facilities offer abortion services (61.1%), but the situation varies significantly among regions, even within the same area. Among the northern regions, for instance, some show rates that exceed the national average, such as Piedmont (86.7%) and Veneto (82.9%), while others are below the national average, such as Emilia-Romagna (54.2%) and Lombardy (61.9%).⁶ A similar scenario is observed in the central area, where Umbria stands out with its 83.3% of facilities performing abortions, while Lazio is below the national average at 53.8%. In the south, apart from Basilicata (83.3%), all regions show a facilities rate that is below the national average, as Apulia (56.7%), with some as Campania and Molise presenting particularly challenging scenarios. As stated in the introduction, the length of waiting times and the extent of health care mobility are among the most significant indicators of the ineffectiveness of the right to abortion in Italy. The performance of these indicators largely depends on the choices made in the organization of health care services at regional level. Regarding the waiting period considered appropriate (within 14 days between certificate and medical treatment), as evidenced in Table 1, several regions in northern Italy are below the national average (77.7%), although with different percentages. This is particularly true in Lombardy and Veneto in the north, with 67.2% and 54.9% respectively. Moreover, in 2022, Lombardy and Veneto were also among the regions with the highest rates of waiting times exceeding three weeks – 12.5% and 23.4% respectively.⁷ A correlation between the average

⁶ The rate of facilities performing abortions in Lombardy is above the national average in 2022 (70.7%), but it was 61.9% in 2021 (Ministry of Health, 2023).

⁷ The rate of women waiting for more than three weeks to have an abortion was 17.6% in Lombardy and 20.3% in Veneto in 2021, and 13.4% and 27.2% in 2020 (Ministry of Health, 2023; *id.*, 2022).

waiting time between the certification and the medical treatment, on the one hand, and the percentage of objectors among doctors and non-medical staff, on the other hand, was identified in both ministerial reports and literature (Autorino et al., 2018). In the 2022 report, the Ministry of Health called for a regional action in view of the considerable number of conscientious objectors, as set out in Article 9 of Law 194, “to guarantee the free exercise of women’s sexual and reproductive rights and access to abortion services and to minimize the impact of conscientious objection in the exercise of this right” (Ministry of Health 2022, p. 10). In the conclusions of the 2024 annual report, the workload for each non-objecting gynecologist is not considered to be problematic for the provision of such services.⁸ Issues concerning abortion services are rather more likely to be attributed to the way they are organized (Ministry of Health, 2023, pp. 13-14). However, in Annex B of the same report, the workload of non-objecting gynecologists by facility per region shows great variation within the same regional borders, which is particularly evident in Lombardy, Veneto, Marche, Lazio and almost all the southern regions (Ministry of Health, 2024, pp. 79-82). The percentage of objecting gynecologists in 2022 exceeds half of the total number of gynecologists in almost all Italian regions, with a national average rate of 60.7%. In this context too, a different pattern emerges among the regions. For instance, the northern regions generally report a percentage of objecting doctors that is lower than the national average, with two exceptions, among which Veneto (65%). Among the central regions, Lazio has a percentage of 72% objecting doctors. The situation is even more concerning when we examine the southern regions, where the proportion of objecting gynecologists is significantly higher than the national average. For instance, in Apulia, the rate is 77.9%, and in Basilicata, it is 79.2%. An additional indicator of effectiveness concerns the health care mobility (between regions) of women who are having an abortion. This indicator is calculated as the percentage difference between abortions of resident women and those that are performed in the region. The regions with positive values, i.e. those from which women moved to have an abortion, are almost all located in the south. In this context, it is of particular concern the situation of Molise (21.7) and Basilicata (12).⁹

⁸ The same conclusion was reached in the 2023 report, which included data almost unchanged in comparison to the 2022 report; however, the new center-right Minister surprisingly deprioritized the role of objectors in abortion services (Ministry of Health, 2023, pp. 13-14).

⁹ The figure for Calabria (-27.1) is particularly surprising: this is not solely attributable to a potential inflow of women from neighboring Basilicata but may be rather due to incomplete data (Ministry of Health, 2024).

Table 1. Data on the implementation of Law 194 in 2022.

	Health care facilities ^a performing abortions (%)	Abortions within 14 days (%)	Objectors among doctors – gynecologists (%)	Abortion ratio by region of medical treatment and region of residence (%) ^b
North	70.9	75.4	51.7	-5.2
Piedmont	86.7	87.2	52.9	-3.7
Aosta Valley	100	83.5	25.0	-10.1
Lombardy	70.7	67.2	53.9	-5.7
Bolzano	28.6	76.6	70.3	-5.0
Trento	80	75.3	31.8	-6.8
Veneto	82.9	54.9	65.0	+0.1
Friuli-Venezia Giulia	75	80.2	46.6	-8.6
Liguria	78.6	76.2	42.9	-1.4
Emilia-Romagna	54.2	93.4	40.9	-9.9
Centre	69.6	83.3	61.5	-5.4
Tuscany	73	82.2	48.8	-11.0
Umbria	83.3	76.5	62.5	-4.9
Marche	92.9	72.7	67.4	+4.8
Lazio	53.8	86.8	72.0	-3.9
South	43.3	79.9	75.8	-1.3
Abruzzo	46.7	73.1	70.8	+0.9
Molise	33.3	80.9	90.9	+21.7
Campania	28.8	75.7	77.3	+3.5
Apulia	56.7	85.7	77.9	-1.7
Basilicata	83.3	86.1	79.2	+12.0
Calabria	64.3	80.2	57.0	-27.1
Islands	51.9	71.5	74.7	+1.5
Sicily	47.3	68.1	81.5	+3.1
Sardinia	63.6	82.5	61.5	-3.8
Italy	61.1	77.7	60.7	NA

^a Authorized hospitals and private care facilities with obstetrics and/or gynecology departments (Ministry of Health, 2024, p. 62).

^b The percentage is derived from the discrepancy between the number of abortions performed on resident women and the number of abortions performed in the region. A positive value indicates that a proportion of abortions of resident women have been performed in other regions.

Source: Ministry of Health (2024).

Despite the shortcomings in the Ministry's reports (Pullan & Gannon, 2024), they nonetheless allow to highlight that regional differences are influenced by a variety of factors, including conscientious objection, the number and distribution of hospitals and other health care facilities, the funding of public health centers, the access to pharmacological abortion, and the resources allocated to anti-abortion associations. For instance, Piedmont recently established the “*Vita nascente*” fund (Ricci 2025), which allocated 400,000 euros to anti-abortion associations, which had been authorized to access public health centers and health care facilities in the region since 2021.

Data and Methods

This work analyses the impact of regional politics in the access to the right to abortion. The analysis covers a 10-year period from early 2013 to June 2023, that allows analysis of more than one regional legislature and ensures homogeneity with regard to the party actors active in the Italian political system. First, in this way it was possible to examine at least two legislatures for each region. Secondly, 2013 marked the debut of two of the most prominent political actors in recent Italian politics: the Five Star Movement (*Movimento 5 Stelle* – M5S) and Brothers of Italy (*Fratelli d'Italia* – FdI). The period 2013-2023 presents a homogeneous party system, comprising the five main Italian parties that have continued to exist to the present day and are represented at both national and regional levels, despite significant shifts in electoral support over time: the party leading the center-left coalition, the Democratic Party (*Partito Democratico* – PD); the M5S; the three parties composing the center-right coalition, *Forza Italia* (FI), FdI and *Lega*.

Italy is composed by 20 regions, five with special statute and 15 ordinary statute regions. Dealing with the selection of regional cases, we excluded special statute regions due to their broader legislative autonomy and larger funds for health care services, although in the field of health care their legislative powers and the indicators of services are comparable to those in the ordinary regions. The second factor that influenced the selection of cases was the availability of data. Italian regions are autonomous in the management of their institutional websites; consequently, the availability of data may significantly vary. In light of these considerations, regions were selected based on three factors. First, the selection was made based on the geographical position, given that there are substantial differences between northern, central, and southern regions in terms of the efficacy and efficiency of the health care services.¹⁰ The other factors are of a political-institutional nature, to consider the alternation in power and the political affiliations of the regional majorities (Table 2). The selected cases include four regions with alternating majorities: one in the north, two in the center and one in the south, namely Piedmont, Umbria, Lazio and Basilicata. In addition, four regions with stable majorities were selected: Emilia-Romagna and Apulia, long ruled by a center-left majority, and Lombardy and Veneto, long ruled by a center-right majority.

¹⁰ Ministry of Health (2023), *Monitoraggio dei LEA attraverso il Nuovo Sistema di Garanzia - Metodologia e risultati dell'anno 2021*, available at: <https://www.salute.gov.it/portale/lea/dettaglioPubblicazioniLea.jsp?lingua=italiano&id=3329>.

Table 2. Political-institutional characteristics of the regional case-studies.

Region	Majorities' characteristic	Political affiliation	Majority composition
Emilia-Romagna	Stability	Center-left	PD and allies (2013-2015) PD and allies (2015-2020) PD and allies (2020-2023)
Apulia	Stability	Center-left	PD and allies (2013-2015) PD and allies (2015-2020) PD and allies (2020-2023)
Lombardy	Stability	Center-right	<i>Lega</i> , FI, FdI and allies (2013-2018) <i>Lega</i> , FI, FdI and allies (2018-2023) <i>Lega</i> , FI (2013-2015)
Veneto	Stability	Center-right	<i>Lega</i> , FI, FdI and allies (2015-2020) <i>Lega</i> , FI, FdI and allies (2020-2023)
Piedmont	Alternation	Center-right Center-left Center-right	FI, <i>Lega</i> and allies (2013) PD and allies (2014-2019) FI, <i>Lega</i> , FdI (2019-2023)
Umbria	Alternation	Center-left Center-right Center-left	PD and allies (2013-2015) PD and allies (2015-2019) <i>Lega</i> , FI, FdI and allies (2019-2023)
Lazio	Alternation	Center-left Center-right	PD and allies (2013-2018) PD and allies (2018-2023) FdI, <i>Lega</i> , FI and allies (2023)
Basilicata	Alternation	Center-left Center-right	PD and allies (2013-2019) FI, <i>Lega</i> , FdI and allies (2019-2023)

Data were sourced from the database of each regional council and government of the selected regions via a keyword search.¹¹ Our final database consists of 170 entries, including regional laws, resolutions, regional council and executive deliberations, motions, questions and interpellations.¹² The data were subsequently classified into three categories: legislative activities, initiatives and oversight activities. The legislative activities include adopted regional laws, resolutions, regional council or regional executive deliberations, and motions. The initiatives include those same acts yet to be or not adopted, i.e. transmitted, rejected, lapsed, or withdrawn. Finally, the oversight activities' category includes questions and interpellations. Subsequently, another reclassification categorized the data according to their content, that is, pro-abortion, anti-abortion or neutral.¹³

The analysis is divided into two parts. The first part aims at assessing the relevance of the topic in the various regions, measured in relation to all legislative activities, initiatives and oversight activities during the period of analysis. The second part examines the position of political parties on abortion by analyzing the content of the data collected, which were classified as pro-abortion or anti-abortion and analyzed separately according to the type of activity, given that legislative activities and initiatives and oversight activities might respond

¹¹ Keywords: *gravidanza*, IVG, 194, 194/1978, 194/78, *abort**, *pillola*, RU486, *obiettor**, *obiezione di coscienza*, *maternità*, *nascit**, *famigl**, *donn**, *vita*, life, fertility-day, *consulor**. In Italian, voluntary abortion is also called voluntary termination of pregnancy (*interruzione volontaria di gravidanza* – IVG).

¹² See Table A and B in the Annex. It is worth clarifying that the data collected do not include the acts of administrative management. The acts of the regional health directorates, in fact, are difficult to find in regional search engines, if one does not already know the number and year by which they are classified. We consequently only consider the acts issued by the political bodies, regional councils and regional executives.

¹³ Data on abortion that lacked any subjectivity were classified as "neutral".

to different motivations. The first ones are more constrained by institutional rules and require much more time and effort to be made; while the second ones are timelier and more dynamic, but also more exposed to the shift in attention caused by the rise of trend topics and the opening of new public debates (De Giorgi et al., 2023).

The right to abortion (and to exercise it) and the role of regional politics *The relevance of the topic in eight Italian regions*

The relevance of the topic is measured as the percentage of legislative activities, initiatives, and oversight activities proposed by each party group in the eight regions out of the total of these activities in all policy areas. Regarding legislative activities,¹⁴ the abortion issue shows limited relevance for all political groups. The percentage of legislative activity on abortion by political party rarely exceeds 1% during each legislature. Emilia-Romagna represents an exception to this trend, with the issue being particularly relevant (5.9%) for the center-left majority coalition composed of the PD and its allies, during the 2014–2019 legislature. In Apulia, which was also always governed by a center-left majority during the period analyzed, the issue seems to have had much less relevance: here only one council resolution was adopted for the introduction of guidelines on pharmacological abortion during the entire period of analysis.

In Lombardy,¹⁵ which has historically been governed by the center-right, the issue is of relatively low relevance as well, as only one legislative activity per legislature has been approved by the majority coalition. Among the four regions where there has been alternation in power, a total of six legislative activities were adopted in Piedmont, both by the center-right majority coalition in the 2010–2014 and the 2019–in-progress legislatures, and the center-left coalition in the 2014–2019 period. In Umbria, a total of seven legislative activities were approved between 2013 and 2023. Here, the center-left coalition led by the PD adopted two regional laws and one Council deliberation during the first two legislatures. Since 2019, the new center-right majority, led by the *Lega*, has adopted four legislative activities on abortion (0.3%). In Lazio, the center-left majority which led the region during the first two legislatures, adopted two legislative activities (one per legislature) by its own initiative and a third one proposed by the majority allies (2.3%). It is difficult to evaluate the activities of the new majority in Lazio given that the period of analysis ended on 30 June 2023 and the newly elected regional government assumed power in January 2023. Finally, three regional laws were adopted in Basilicata by the center-left majority between 2013 and 2019.

Regarding political party initiatives on abortion,¹⁶ our data show a remarkable lack of activity on the part of the PD. In Lombardy, where the PD has historically been in opposition, the party presented only one initiative (a motion, which was subsequently rejected) during the 2013–2018 legislature – this represents just the 0.9% of the initiatives. Despite the shift from government to opposition in Piedmont in 2019, no initiative was proposed. In Lazio, there are two PD initiatives for the periods when it was in government. In Umbria, the party presented one motion during the 2015–2019 legislative term, when it was in government, and two motions during the following legislative term, when in opposition. However, when the total number of initiatives presented by the party is considered, the topic of abortion is

¹⁴ Table C in the Annex.

¹⁵ The data collected from the Veneto Regional Council for the IX and X legislatures did not allow to differentiate between legislative activities and initiatives.

¹⁶ Table D in the Annex.

not particularly relevant to PD councilors (0.8%) in Umbria, despite the events involving the center-right regional government.¹⁷

The issue is found to be relevant to the minor left-wing parties (SEL-LEU-Sinistra Verdi) in two regions. In Emilia-Romagna, the group proposed one initiative during the 2010–2014 legislature when it was part of the regional majority together with the PD. This was one of a total of ten initiatives proposed by this group that sought to limit the presence of anti-abortion associations in health care facilities where abortions are performed. In Lombardy, the minor left-wing parties in opposition proposed a motion (which was subsequently rejected) to enhance the effectiveness of Law 194. This single proposal represented 9.1% of the group's initiatives during the 2013–2018 legislative term.

The analysis shows that the issue is of greater relevance to the center-right parties – FdI, FI and *Lega* – when they are in opposition. As of 30 June 2023, the only two initiatives that had been collected during their term in government were still under discussion: one was a bill presented by FdI in Piedmont; the other was a bill proposed by the *Lega* in Umbria. The issue of abortion is particularly important to FdI in Piedmont, whether the party is in opposition (7.4%) or in government (9.1%).

Finally, all M5S's initiatives on abortion concern motions or resolutions presented between 2014 and 2018. However, in each region, they had only a minimal incidence on the Movement's total of initiatives.

In terms of oversight activities,¹⁸ there is no correlation between the relevance of the issue and the political and institutional characteristics of the regions analyzed. The three regions with the greatest number of oversight activities during the entire period of analysis are in both the north and the center of the country. These are Emilia-Romagna (34), stable center-left region, and Piedmont (17) and Umbria (17), regions characterized by alternation in power. Nevertheless, while in Piedmont most oversight activities have been transmitted following the return of the center-right in government in the current legislature, in Umbria their distribution over time is more evenly balanced. It is worth noting that in the southern regions, the topic is not relevant in the context of oversight activities.

It is typical for the PD regional councilors to submit questions to the regional government regarding the provision of abortion services. This occurs regardless of whether the party is part of the government majority or in opposition. Nevertheless, in all eight regions and legislatures, oversight activities on abortion are not many: indeed, the percentage of questions on this issue, in comparison to their total number, never reaches one percentage point. The exception to this pattern is represented by the current legislative assembly in Umbria, where PD councilors, in opposition to the center-right government, have submitted nine questions about abortion – 2.1% of their total oversight activities. The topic does not receive substantial attention in terms of oversight activities by the left parties SEL-LEU-Sinistra Verdi either. For instance, although the latter have submitted seven questions to the center-right government in Piedmont, these represent only 0.5% of their total oversight activities. In Piedmont, the topic became increasingly relevant to the M5S after the center-right coalition won the regional elections in 2019. However, the five questions about abortion submitted by this group represented 1.6% of their total scrutiny activities. A similar pattern emerges when examining the oversight activities of center-right that rarely exceed one percentage point for FdI, FI as well as *Lega*. Finally, it is evident that there are some differences between the two political factions regarding the use of oversight activities. As

¹⁷ For instance, the Tesei regional government contravened the guidelines set forth by the scientific community and issued by the Ministry of Health through the reinstatement of the three-day hospitalization requirement for pharmacological abortions (Resolution No. 467 on 10 June 2020)..

¹⁸ Table E in the Annex.

previously indicated, the center-left employs the questions to address abortion, irrespective of whether they are in government or in opposition. This suggests a nonpartisan interest in the issue, irrespective of the specific roles of the parties within the regional government. On the contrary, the center-right engages in oversight activities primarily when it is in opposition.

In general, the issue is more relevant in four of the regions analyzed: Emilia-Romagna, Lazio, Piedmont, and Umbria, all of which are in the central and northern part of Italy. However, there are regional variations regarding legislative activities, initiatives and oversight activities in relation to abortion. A greater number of legislative activities has been approved in Emilia-Romagna (11), Piedmont (6) and Umbria (7) than in the other regions. A total of ten initiatives has been transmitted in two territories: Emilia-Romagna and Lazio. Finally, the number of oversight activities is greater again in Emilia-Romagna (34), Piedmont (17) and Umbria (17). The shift in the regional government composition in Umbria, from a historical center-left majority to a center-right one in 2019, has led to a significant increase in the introduction of oversight activities related to abortion.

The position of political parties on abortion in the selected regions

The second part of the analysis aims to understand the position of political parties on abortion distinguishing between initiatives, legislative activities and oversight activities.

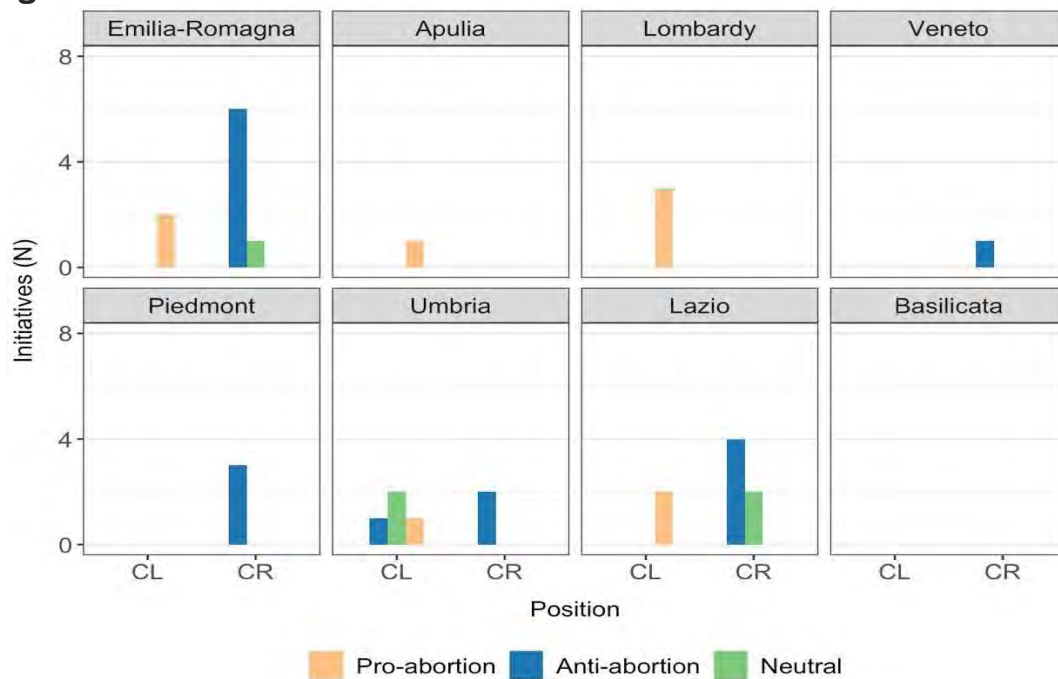
Drafting legislative proposals of any kind requires considerable investment in terms of time, resources, “know-how” and expertise, also due to the fixed and rigid criteria that must be adhered to. Following transmission, the subsequent process of approval, or even merely the examination and rejection of the texts, is time-consuming and involves several actors within the regional council or the executive. This is also true in the case of opposition initiatives, even if they are typically unlikely to be approved by the majority.

The 39 initiatives were first classified according to the position (pro/anti-abortion) and the political affiliation of the proponent (center-right/center-left/M5S) (Figure 1).¹⁹ The regions with the fewest initiatives were Veneto (1), Apulia (3) and Basilicata (2), while Emilia-Romagna (10) and Lazio (10) were the most active. Of the 39 initiatives, 15 were pro-abortion, 19 anti-abortion, and 5 were neutral. Most initiatives were presented by regional party groups or individual councilors belonging to the center-left or center-right. The M5S presented only five initiatives, all classified as pro-abortion, in Emilia Romagna (1), Lazio (2) and Apulia (2) during the entire period of analysis.

When we take all eight regions into account, the analysis shows that the center-left tends to adopt a pro-abortion position (9) and the center-right an anti-abortion one (16). In Emilia-Romagna, Apulia, Lombardy, Umbria and Lazio, the center-left presented at least one pro-abortion initiative. On the other hand, it failed to come up with any initiatives in Piedmont, Basilicata and in Veneto, that has historically been under the control of the center-right. The center-right presented at least one initiative in all the regions except for Apulia and Lombardy, where it is possible that the initiatives, approved by the same center-right majority, fall under the category of legislative activities.

¹⁹ The M5S' initiatives, legislative activities and oversight activities are not shown in Figure 1-3-4 due to their relatively minor contribution to the overall database.

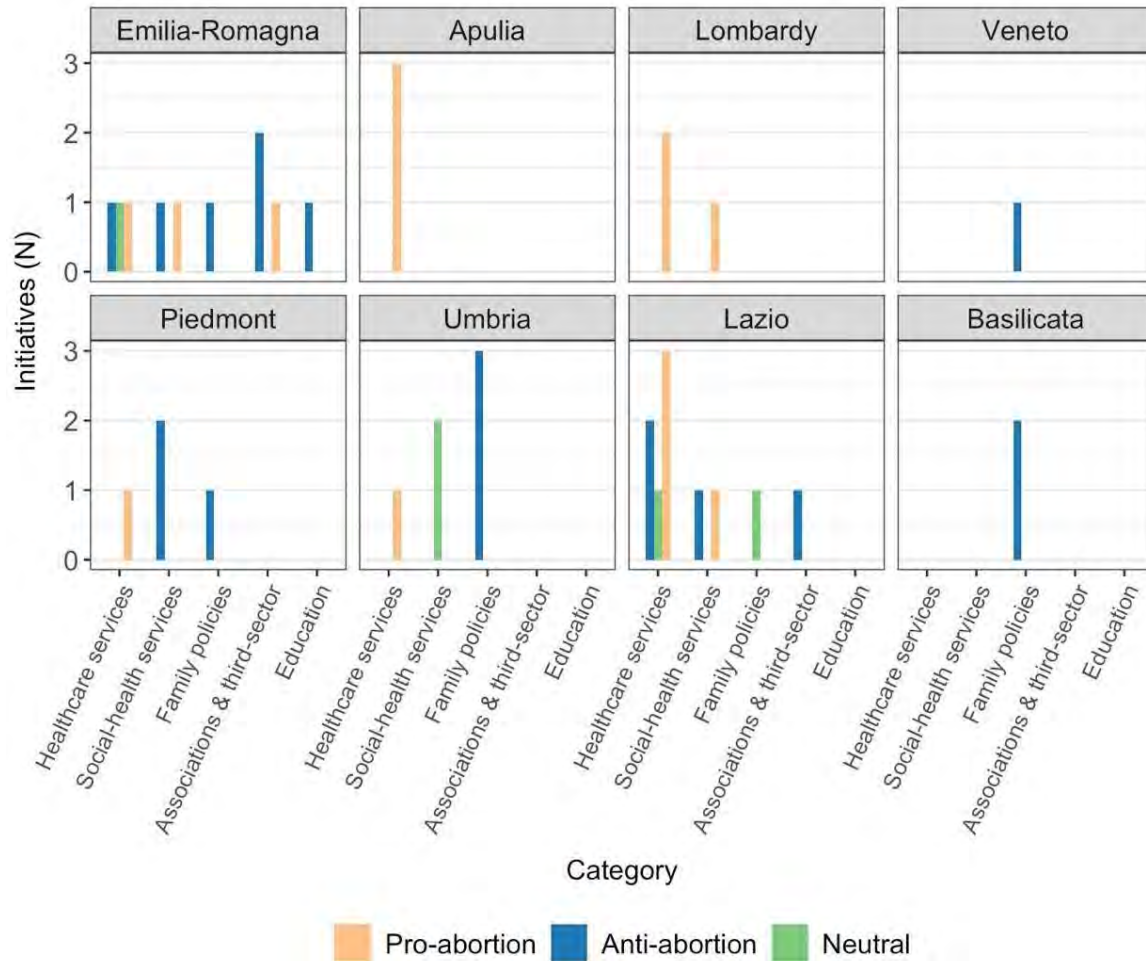
Figure 1. Center-left (CL) and center-right (CR) positioning on abortion in initiatives by region.



Source: own elaboration from the initiatives collected in the regional databases.

Since not all abortion-related policies are the same and give rise to the same actions and reactions (Rolfes-Haaase & Swers, 2022), initiatives were also classified according to their specific content (Figure 2), distinguishing between those related to the organization of health care services, the organization of social-health services, family policies, associations and third-sector organizations, and education. The primary objective of pro-abortion initiatives is to enhance health care services and social-health services (11 and 3 respectively). Similarly, the neutral initiatives are mainly concerned with these two categories of services and family policies. On the other hand, anti-abortion initiatives cover a wide range of areas, including health care services (3) and social-health services (4), as well as family policies (8), (anti-abortion) associations and third-sector organizations (3), and, to a lesser extent, education (1).

Figure 2. Positioning on abortion in initiatives by region and category.



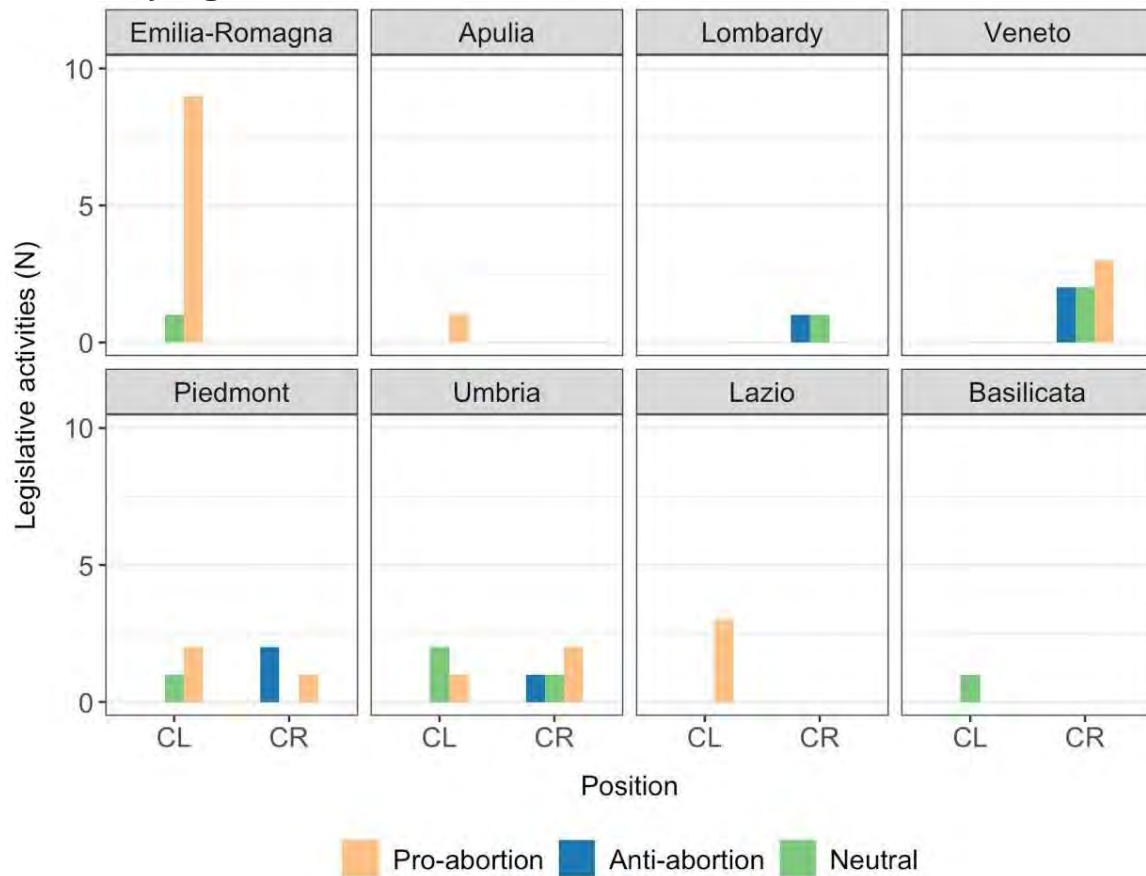
Source: own elaboration from the initiatives collected in the regional databases.

With regards to legislative activities, Apulia and Basilicata are once again the regions where issues related to Law 194 seem to be less relevant. During the period of analysis, Basilicata adopted only one regional law and two Council deliberations, while Apulia adopted only one Council deliberation, the latter being the only region among those examined not to have enacted any regional law on abortion during the entire period of analysis. Conversely, Emilia-Romagna is the most active region in terms of legislative activities (11), that here include regional laws, resolutions, and motions.

The 40 legislative activities were also classified according to the position and the political affiliation of the proponent (Figure 3).²⁰ While both center-left and center-right majorities adopted pro-abortion legislative activities (23), anti-abortion ones (6) were only approved by the center-right. This result is consistent with the findings of the previous section, which showed that anti-abortion initiatives are never associated with center-left groups. The regions in which all legislative activities are pro-abortion are those that belong to the center-left cluster of stability, namely Emilia-Romagna and Apulia. The center-right enacted both pro-abortion (5) and anti-abortion (6) legislative activities, particularly in the two stable center-right regions, Lombardy and Veneto, and in the recent legislature in Piedmont and Umbria. Furthermore, in all regions except Veneto and Basilicata, neutral legislative activities were enacted by center-left (4) or center-right (5) majorities. These activities mostly focused on the organization of health care services or social-health services.

²⁰ The contents of some Basilicata's legislative activities were not available for classification.

Figure 3. Center-left (CL) and center-right (CR) positioning on abortion in legislative activities by region.



Source: own elaboration from the legislative activities collected in the regional databases.

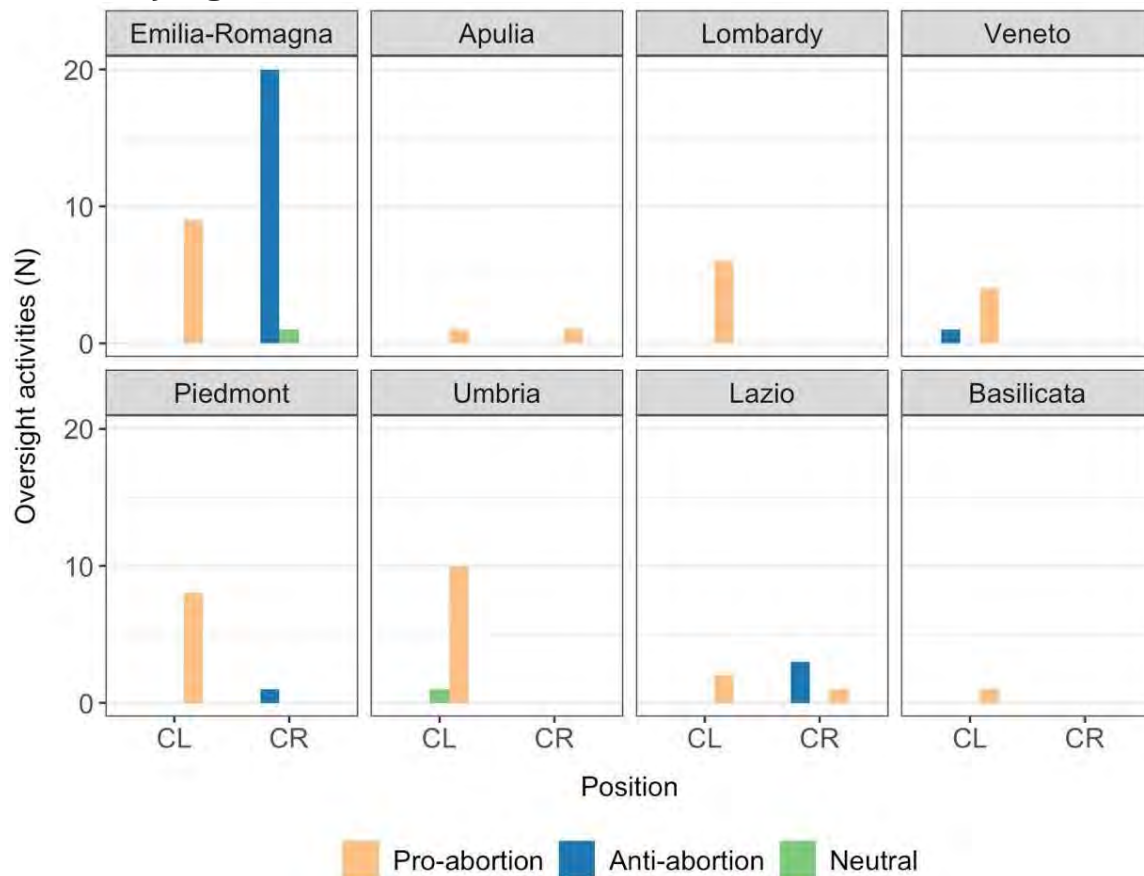
Regarding the content of the legislative activities, the distribution in the categories is broadly in line with the findings related to the initiatives. Most pro- and anti-abortion legislative activities fall within the categories of the organization of health care services (11) and social-health services (6), with a small proportion of both pro- and anti-abortion activities in the remaining categories.

Oversight activities require little time for their formulation and submission to the regional executive. Consequently, they are often used to address current events and to push the regional executive to take a position on an issue. Formulated with flexibility, oversight activities enable the proponents to express themselves with varying degrees of freedom on a topic. For this reason, these activities can be understood as a means of communicating one's own and/or one group's views on abortion, as they have no direct impact on regional institutions. This makes them an effective tool for understanding the position of political parties from a rhetorical perspective.

A total of 91 oversight activities have been collected from the eight selected regions for the 2013–2023 period. Of these, 13 were submitted by councilors belonging to the ruling regional majority, while 78 were submitted by councilors belonging to the opposition. The political groups have been classified according to their position on the issue based on an analysis of the content of the data (Figure 4). The oversight activities of the center-left overwhelmingly exhibit a pro-abortion position. Of the total number of activities in question, only two have been classified as neutral and one as anti-abortion. In contrast, the center-right tends to submit questions and interpellations with anti-abortion stances. Of

the 30 oversight activities of the center-right, only two can be classified as pro-abortion (both by FI) and three as neutral.

Figure 4. Center-left (CL) and center-right (CR) positioning on abortion in oversight activities by region.



Source: own elaboration from the oversight activities collected in the regional databases.

By limiting the analysis to the oversight activities submitted by the opposition groups (78), it is possible to control for the role of the parties and to strictly focus on their orientation. Regarding the content of these oversight activities, abortion is generally the primary focus of the questions and interpellations (64); only in a small number of cases (14), the topic is mentioned without being the primary focus of discussion. Therefore, the oversight activities have been classified according to the argument used by their proponents to support them, even when they focus on highly specific instances, such as the closure of a particular public health center or the award of the regional patronage to a certain event (which is often an “anti-abortion” one). The way in which abortion is framed by political actors can have a significant impact on its guarantee and even its development (Atay & Levrier, 2025). There are several issues, not always exclusively linked to pro- or anti-abortion positions, that were used by party groups to strengthen and legitimize their position on abortion. As shown in Table 3, the center-left and the M5S, which predominantly have a pro-abortion position, mainly address issues related to the ineffectiveness of services and the women’s right to self-determination. Nevertheless, these two arguments are also occasionally raised by the center-right and the mixed group as a justification for anti-abortion positions. The center-right employs a variety of arguments in defense of anti-abortion associations and conscientious objectors, mainly focusing on the protection of individuals (women, children

or “unborn children”) and the freedom of expression – a finding confirmed by the literature mentioned above.

Table 3. Oversight activities by argument and proposing opposition group.

	PD	Other CL	Fdi	Lega	FI	Other CR	M5S	Mixed Group	Total
Abortion as main object	15	10	6	4	7	5	12	5	64
Ineffectiveness of services	12	7	0	0	0	2	5	3	29
Protection of women	1	1	6	2	0	3	0	1	14
Protection of human life	0	0	0	0	4	0	0	0	4
Protection of minors	0	0	1	1	2	0	0	0	4
Freedom of expression	0	0	1	1	1	0	0	0	3
Dignity of the unborn (burial)	0	0	1	0	1	0	0	0	2
Scientific research and statistical analysis	0	0	0	1	0	0	0	0	1
Total	20	11	9	5	0	5	13	5	78

Source: own elaboration from the oversight activities collected in regional databases.

As said before, the pro-abortion position of the center-left and the M5S is connected to women’s right to self-determination, which is often directly mentioned in the oversight activities as a principle guaranteed by Law 194. In their view, the guarantee of the right to self-determination is thus threatened by those regional governments which do not provide effective services or hinder the access to abortion, also by supporting anti-abortion associations.

The introduction of this procedure (*i.e.*, pharmacological abortion), which is currently in use in most European countries, would serve to reinforce the principle of women’s self-determination and would also lead to significant savings for health care services. (*Liberi Uguali Verdi*, Piedmont, legislature XI, Question for immediate Answer No. 1034)

Hospitals must guarantee women’s freedom of choice and self-determination and not interfere with ideological projects. (PD, Umbria, Legislature XI, Written Question No. 1213 on the suspension of abortion services at the Terni hospital)

The content of many oversight activities by PD and M5S can be traced back to the will of guaranteeing the right to self-determination even if it is not explicitly mentioned in the text. This is evident when they question the regional executive about the difficulties of accessing abortion services, the problems connected to the public health centers and the presence of objectors in the regional health care system.

Public health centers are responsible for the care of women who decide to have an abortion. In order to guarantee women’s right to health and their self-

determination, adequate health care facilities and services should be provided. However, the 2022–2024 financial forecast does not appear to provide for any additional funding for counselling activities. (M5S, Piedmont, Legislature XI, Question for an Immediate Response No. 1063)

In contrast, the center-right uses a range of arguments to express their anti-abortion position in their oversight activities. Specifically, some cases address the sponsorship or support to events organized by anti-abortion associations, which according to the center-right should be promoted by regional institutions to guarantee the freedom of expression.

(..) such initiative (*i.e.*, a protest against the prayer group in defense of life organized by the Giovanni XXIII Community near a hospital maternity ward in Bologna) should be considered as anti-democratic, as it aims to deny others the possibility of freely expressing their thoughts and living their religious beliefs, rights which are universally recognized. (*Lega*, Emilia-Romagna, legislature IX, Written Question No. 5659)

In other cases, the topic of abortion is included in the oversight activities even if it appears to be unrelated to the primary topic. For instance, abortion is often mentioned in those questions and interpellations whose main objective is youth education; in such cases, abortion is included in a list of “teachings” considered inappropriate to be taught in school, as part of a discourse on the so-called “gender ideology” (Prearo, 2020; Garbagnoli & Prearo, 2018). Finally, most anti-abortion oversight activities presented by the center-right employs the protection of human life and, above all, the health of the women/mothers as a justification for potential limitations to the law’s implementation, particularly about pharmacological abortion through the pill RU486.

Introducing young students to the issues of contraception, abortion and homosexuality without providing them with the necessary cultural, ethical and moral support, without encouraging their personal growth and making them responsible for fundamental life choices, is essentially a form of functional indoctrination aimed at imposing gender theory and promoting sexual practices, abortion, etc. on teenagers, trivializing in their imagination the concepts of family, life, love, responsibility and growth. (*Lega*, Emilia-Romagna, legislature X, Written Question No. 1330)

It is essential to provide advice and counselling to families and pregnant mothers to protect the life of the unborn and to prevent abortion (...) in addition, the primacy of life must be recognized in such cases. (FI, Emilia-Romagna, legislature X, Written Question No. 3006)

Conclusions

The aim of this work was to explore the extent to which the issue of the effectiveness of Law 194 in Italy is relevant for the regional political actors and what is their position on the matter. Our findings show that regional center-left majorities, led by the PD, are more inclined to deal with the issues related to abortion. This result is supported by the higher number of legislative activities approved by Emilia-Romagna, a stable center-left region, and by regions that alternate between center-left and center-right governance, when the PD and its allies are in office. In contrast, center-right regional governments seem to deal with the issue only to a very limited extent, or not at all, when they are in power. However,

if we focus on the actual salience of the issue, abortion is relatively marginal in all the regions analyzed, both in terms of actions taken and debate. Despite this, the center-right and center-left parties differ in the importance they attach to the issue and, more significantly, in the orientation and reasons they give to support their position.

There are four regions where the issue appears to be more relevant: Emilia-Romagna, Lazio, Piedmont and Umbria. However, there is a significant difference between these regions: while some are more action-oriented, others tend to be more debate-oriented. Emilia-Romagna stands out as a region with a relatively high level of (pro-abortion) legislative activities. At the same time, with 93.3% of abortions carried out within 14 days, it is one of the regions with the best indicators of effectiveness. As far as the debate is concerned, the number of oversight activities is higher in Emilia-Romagna, Piedmont and Umbria. In Umbria, this is mainly the result of the new center-right majority and the (often controversial) decisions made by the regional government led by *Lega*. Finally, according to our data, the party that attaches the greatest importance to abortion is the Democratic Party, followed by other minor center-left parties and the Five Star Movement. Another important difference between the center-left and center-right parties concerns the oversight activities and the circumstances in which they are carried out. As illustrated above, the center-left questions the regional government on abortion regardless of its position in government or opposition, demonstrating a consistent interest in the issue. In contrast, the center-right only engages in oversight activities on the topic when in opposition.

A further distinction between the political groups becomes evident when examining their respective position on abortion. In all the regions analyzed, the center-left and the M5S have consistently adopted a pro-abortion position, while the center-right has consistently adopted an anti-abortion one. It is worth noting, however, that center-right majorities have also enacted legislation with a neutral or pro-abortion content. The only regions in which all legislative activities are pro-abortion, though, are those belonging to the center-left cluster of stability, i.e., Emilia-Romagna and Apulia. In the rest of the analyzed regions, center-right majorities were sometimes successful in approving anti-abortion legislation.

Lastly, the article examines the way the two positions have been supported by the political factions. The right to self-determination – i.e., guaranteeing and respecting the right of women to decide over their own body – is often invoked by the center-left and the M5S. This is a crucial aspect, given that in Italy Law 194 defined abortion as part of the right to health, thus establishing it as a medical procedure, subject to prior consultation with medical staff and excluding any link to the woman's self-determination. Therefore, the right to self-determination, which has emerged over time in the literature and, indirectly, in the Constitutional Court case law, appears to be present in the dimension of political debate.

Conversely, the center-right parties employ a variety of arguments to justify the legitimacy of their anti-abortion position, while refraining from direct advocacy. These results are in line with the finding of the literature on the debate and positions on abortion in other countries (Koralewska & Zielińska, 2021; Lowe & Page, 2019; Saurette & Gordon, 2013). The center-right, in fact, bases its rhetoric on aspects which are not directly connected to abortion such as the protection of women's health or the right to freedom of expression. The analysis of the anti-abortion positions, especially in the oversight activities, shows that Italian parties justify their claims using arguments that relate to a falsely feminist rhetoric, as the protection of women's health or the guarantee of women's right to motherhood. Furthermore, the narrative used by some anti-abortion positioned "stretch" the concept of human rights to include the rights of the victims to be protected, be they women, unborn children or the conceived. Nevertheless, when these arguments are applied in the context of abortion, they become instruments to preclude access to the services in question.

Although the analysis focuses only on the Italian case, we believe that this work can contribute to a broader understanding of the role of regional politics in the effectiveness of the right to abortion. Further research is undoubtedly required to confirm the results obtained so far. A further step in the research could be to investigate the role of social movements in giving voice to the abortion issue in the regional context. The low salience of the issue for all parties (with both pro- and anti-abortion positions) found in the analysis, might suggest that the party does not effectively represent abortion-related needs; rather, it could be the transfeminist movements to do so in the various territories through different activities, such as practices of social action and knowledge production (Barone et al. 2025).

To conclude, it is worth considering the wider implications of political accountability. The data suggest that the issue of abortion is considered relatively unimportant in all regions and by all political forces, although its relevance varies. In recent years, we have observed that some regional measures, such as the introduction of pharmacological abortion, have not come from political institutions but from health administrative authorities, whose activities have not been analyzed in this work. However, administrative decisions, such as those concerning the organization of staff and departments within the healthcare facilities or deciding whether to accept the national Ministry of Health's recommendations, affect abortion care (Gannon & Pullan, 2025). Access to these documents would make it possible in the future to distinguish between cases where regional decisions have been translated into laws reflecting the political will of the majority and those where administrative decisions have been implemented, for which it is difficult to attribute responsibility.

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ANNEX

Table A. Data collected by region and data type (2013–2023).

	Legislative activities and initiatives	Oversight activities	Total
Stability – Center-left			
Emilia-Romagna	21	34	55
Apulia	4	2	6
Stability – Center-right			
Lombardy	5	8	13
Veneto	8	5	13
Alternation in power			
Piedmont	10	17	27
Umbria	13	17	30
Lazio	13	7	20
Basilicata	5	1	6
Total	79	91	170

Source: own elaboration from the regional databases.

Table B. Data collected by region and data type (2013-2023).

	Legislative activities / Initiatives										Oversight activities		Total
	Regional laws		Resolutions		Regional executive deliberations		Council deliberations		Motions		Questions	Interpellations	
	Adopted	Not / Yet to be adopted	Adopted	Not / Yet to be adopted	Adopted	Not / Yet to be adopted	Adopted	Not / Yet to be adopted	Adopted	Not / Yet to be adopted			
Stability – Center-left													
Emilia-Romagna	1	2	5	8	5	0	0	0	0	0	31	3	55
Apulia	0	1	0	0	1	0	0	0	0	2	2	0	6
Stability – Center-right													
Lombardy	1	1	0	0	1	0	0	0	0	2	7	1	13
Veneto	2	0	0	0	2	0	1	0	2	1	5	0	13
Alternation in power													
Piedmont	1	3	0	0	2	0	2	0	1	1	17	0	27
Umbria	2	1	0	0	5	0	0	0	0	5	17	0	30
Lazio	1	3	0	0	1	0	0	0	1	7	7	0	20
Basilicata	1	2	0	0	2	0	0	0	0	0	1	0	6
Total	9	13	5	8	19	0	3	0	4	18	87	4	170

Source: own elaboration from the regional databases.

Table C. Relevance of abortion in legislative activities by region and council group.

		Total	On abortion	Majority coalition ^a	PD	SEL- LEU- S.E.	Center -left others	FdI	FI	Lega	Center- right others	M5S	Mixed group	Others
Emilia-Romagna	2010–2014	233	2 (0.9%)	1 (0.9%)	1 (1.3%)	0	0	0	0	0	0	0	0	0
	2014–2020	742	8 (5.9%)	5 (1.9%)	2 (0.7%)	1 (3.4%)	0	0	0	0	0	0	0	0
	2020–2015	446	1 (0.2%)	0	0	-	0	0	0	0	0	1 (0.2%)	0	0
Apulia	2010–2015	41	0	0	0	0	0	0	0	0	0	-	0	0
	2015–2020	259	1 (0.4%)	1 (0.4%)	0	0	0	0	0	0	0	0	0	0
	2020–	447	0	0	0	-	0	0	0	0	0	0	0	0
Lombardy	2013–2018	5040	1 (0.01%)	1 (0.02%)	0	0	0	0	0	0	0	0	0	0
	2018–2023	6493	1 (0.01%)	1 (0.02%)	0	-	0	0	0	0	0	0	0	0
	2010–2014	2526	1 (0.04%)	1 (0.04%)	0	0	0	0	0	0	0	0	0	0
Piedmont	2014–2019	9791	3 (0.03%)	2 (0.02%)	1 (1.7%)	0	0	0	0	0	0	0	0	0
	2019–	7390	2 (0.02%)	2 (0.03%)	0	0	0	0	0	0	0	0	0	0
	2010–2015	1096	1 (0.09%)	1 (0.01%)	0	-	0	0	0	0	0	-	0	0
Umbria	2015–2019	1695	2 (0.1%)	2 (0.1%)	0	-	0	0	0	0	0	0	0	0
	2019–	1584	4 (0.3%)	4 (0.3%)	0	-	0	0	0	0	0	0	0	0
	2013–2018	4087	1 (0.02%)	1 (0.02%)	0	0	0	0	0	0	0	0	0	0
Lazio	2018–2023	5424	2 (0.04%)	1 (0.02%)	0	0	1 (2.3%)	0	0	0	0	0	0	0
	2023–	280	0	0	0	0	0	0	0	0	0	0	0	0
	2013–2019	2099	3 (0.1%)	3 (0.2%)	0	0	0	0	0	0	0	0	0	0
Basilicata	2019–	1215	0	0	0	-	0	0	0	0	0	0	0	0

Notes: the color grey is used to indicate the political groups that form the majority. Data collected from 2013 onwards. The percentages refer to the calculated relevance based on the total number of legislative activities per council group within the legislative period.

The relevance of legislative activities in Veneto could not be calculated due to the lack of data for the 2010–2015 and 2015–2020 legislatures.

^a The majority coalition includes all legislative activities for which the proposing group could not be identified.

Source: own elaboration from the regional databases.

Table D. Relevance of abortion in initiatives by region and council group.

		Total	On abortion	PD	SEL- LEU-S.E.	Center -left others	FdI	FI	Lega	Center -right others	M5S	Mixed group	Others
Emilia- Romagna	2010–2014	202	2 (1%)	0	1 (10%)	1 (4.8%)	0	0	0	0	0	0	0
	2014–2020	935	5 (0.5%)	0	0	0	1 (1.3%)	2 (1.4%)	1 (0.5%)	0	1 (0.3%)	0	0
	2020–	534	3 (0.6%)	0	-	0	1 (0.5%)	0	2 (1.5%)	0	0	0	0
Apulia	2010–2015	56	0	0	0	0	0	0	0	0	-	0	0
	2015–2020	484	3 (0.6%)	0	1 (0.2%)	0	0	0	0	0	2 (1.4%)	0	0
	2020–	329	0	0	-	0	0	0	0	0	0	0	0
Lombardy	2013–2018	584	2 (0.3%)	1 (0.9%)	1 (9.1%)	0	0	0	0	0	0	0	0
	2018–2023	632	0	0	-	0	0	0	0	0	0	0	0
	2010–2014	79	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2014–2019	454	3 (0.7%)	0	0	0	2 (7.4%)	0	0	0	0	1 (0.2%)	0
	2019–	170	1 (0.6%)	0	0	0	1 (9.1%)	0	0	0	0	0	0
	2010–2015	56	1 (1.8%)	0	-	0	1 (1.8%)	0	0	0	-	0	0
Umbria	2015–2019	475	1 (0.2%)	1 (2.1%)	-	0	0	0	0	0	0	0	0
	2019–	439	4 (0.9%)	2 (0.8%)	-	1 (5.9%)	0	0	1 (0.8%)	0	0	0	0
	2013–2018	764	2 (0.2%)	1 (0.4%)	0	0	0	0	0	0	1 (0.4%)	0	0
Lazio	2018–2023	676	6 (0.9%)	1 (0.7%)	0	0	1 (1.2%)	0	3 (2.5%)	0	1 (0.4%)	0	0
	2023–	58	0	0	0	0	0	0	0	0	0	0	0
	2013–2019	277	0	0	0	0	0	0	0	1 (3.2%)	0	1 (4.2%)	0
Basilicata	2019–	312	0	0	-	0	0	0	0	0	0	0	0

Note: the color grey is used to indicate the political groups that form the majority. Data collected from 2013 onwards. The percentages refer to the calculated relevance based on the total number of initiatives per council group within the legislative period.

The relevance of initiatives in Veneto could not be calculated due to the lack of data for the 2010–2015 and 2015–2020 legislatures.

The percentages of initiatives by SEL-LEU-S.E. in Apulia's 2015–2020 legislative period, by FdI in Umbria's 2010–2015 legislative period, by Mixed group in Piedmont's 2014–2019 legislative period are calculated on the total number of initiatives submitted by all groups in the region due to the lack of data.

Source: own elaboration from the regional databases.

Table E. Relevance of abortion in oversight activities by region and council group.

		Total	On abortion	PD	SEL- LEU-S.E.	Center -left others	FdI	FI	Lega	Center -right others	M5S	Mixed group	Others
Emilia- Romagna	2010–2014	1850	6 (0.3%)	1 (0.7%)	0	2 (1%)	0	2 (0.4%)	0	0	1 (1%)	0	0
	2014–2020	7155	10 (0.1%)	1 (0.2%)	0	0	2 (0.2%)	3 (0.2%)	1 (0.04%)	0	3 (0.2%)	0	0
	2020–	5253	16 (0.3%)	3 (0.8%)	-	2 (0.5%)	6 (0.3%)	1 (0.3%)	4 (0.3%)	0	0	0	0
Apulia	2010–2015	538	0	0	0	0	0	0	0	0	-	0	0
	2015–2020	1747	1 (0.6%)	0	1 (25%)	0	0	0	0	0	0	0	0
	2020–	514	1 (0.2%)	0	-	0	0	1 (1.4%)	0	0	0	0	0
Lombardy	2013–2018	2144	4 (0.2%)	3 (0.7%)	0	0	0	0	0	0	1 (0.1%)	0	0
	2018–2023	2262	4 (0.2%)	3 (0.5%)	-	0	0	0	0	0	0	1 (0.01%)	0
Veneto	2010–2015	706	2 (0.3%)	1 (0.4%)	0	1 (0.5%)	0	0	0	0	0	0	0
	2015–2020	2076	3 (0.1%)	3 (0.4%)	0	0	0	0	0	0	0	0	0
	2020–	840	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2010–2014	519	1 (0.2%)	0	0	0	1 (9.1%)	0	0	0	0	0	0
	2014–2019	2629	1 (0.03%)	0	0	0	0	0	0	0	1 (0.1%)	0	0
	2019–	1391	15 (1.1%)	1 (0.2%)	7 (0.5%)	0	0	0	0	0	5 (1.6%)	1 (0.04%)	1 (0.1%)
Umbria	2010–2015	374	3 (0.8%)	0	-	0	0	0	0	0	-	0	3 (7.1%)
	2015–2019	1058	5 (0.5%)	2 (0.8%)	-	0	0	0	0	0	1 (0.3%)	2 (0.2%)	0
	2019–	920	9 (1%)	9 (2.1%)	-	0	0	0	0	0	0	0	0
Lazio	2013–2018	2504	5 (0.2%)	0	0	2 (2.5%)	0	0	0	2 (0.3%)	1 (0.1%)	0	0
	2018–2023	1283	2 (0.1%)	0	0	0	1 (0.4%)	1 (0.8%)	0	0	0	0	0
	2023–	26	0	0	0	0	0	0	0	0	0	0	0
Basilicata	2013–2019	877	1 (0.1%)	0	0	0	0	0	0	0	0	1 (0.4%)	0
	2019–	624	0	0	-	0	0	0	0	0	0	0	0

Notes: the color grey is used to indicate the political groups that form the majority. Data collected from 2013 onwards. The percentages refer to the calculated relevance based on the total number of oversight activities per council group within the legislative period.

The percentages of oversight activities by SEL-LEU-S.E. and Others in Piedmont's 2019–in progress legislative period, by Mixed group in Lombardy's 2018–2023 and Umbria's 2015–2019 legislative periods are calculated on the total number of insight activities submitted by all groups in the region.

Source: own elaboration from the regional databases.

RESEARCH ARTICLE

“In Italy, we have a saying: make the law and you will find a way to cheat it”

The Regionalized Implementation of Italian Abortion Policies

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Abstract

While abortion debates often center the moral balance between individual autonomy versus state control, the idea of “state control” itself is nuanced. Regional versus national control of abortion policy has been a matter of much debate in recent years, most famously in the US case. In this paper, we explore how regional policies manifest in Italy. Abortion in Italy is characterized by the high level of conscientious objection among medical professionals, though the level varies significantly by region. Italy delegates administration of its health system to the regional level as well. We argue that this has led to different interpretations of the national abortion law and varying levels of abortion access across the country. We reach these conclusions by bringing together two datasets of interviews with doctors and administrators about abortion policy implementation. We conclude by theorizing a direct causal chain between the delegation of this policy to the regional level and the divergent levels of abortion access across Italy.

Keywords: Abortion access; Italy; Regionalization; Abortion policy; Health policy

Introduction

While most countries regulate abortion at the national level (World Abortion Laws Map, 2024), a handful have moved to allow regional and local governments and administrators to play a larger role in the process. Despite Italy’s characterization as a unitary state, we argue that the way in which they delegate healthcare authority to regions creates a situation similar to the federal arrangements in the US or Mexico.

In Italy, the most notable aspect of abortion policy is conscientious objection: the legally-enshrined principle that any medical professional who morally disagrees with the procedure can opt out of participation. With nationally high but regionally varying levels of objection, many hospitals struggle to recruit enough nonobjecting doctors to staff their abortion services. We argue that regionalization of health administration plays a significant role in this problem, and that choices made at the regional level ultimately impact the level of abortion access in the region.

We theorize a causal mechanism that links the regional delegation of healthcare management to differing levels of abortion access. This mechanism hinges on the experience of abortion providers in hospitals, based on the administrative choices made by

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their regional health authorities. We reach this conclusion through the analysis of 42 semi-structured interviews that represent the perspectives of medical professionals and adjacent actors in eight regions of Italy. These interviews shed light on the variability of abortion care and access in different regions. We conclude by considering the effects that regionalizing such a policy has on democratic norms; specifically, whether a national “right” is really guaranteed if it is not accessible in all regions.

Literature Review

Italy’s structure of government can be viewed as a compromise system, neither fully unitary nor fully federal, a hybrid or “quasi-federalist” system (Arban et al., 2021; Lippi, 2011). Lijphart’s (2012) classical index of federalism scores Italy at 1.3, where 1.0 is fully unitary and centralized and 5.0 is fully federal and decentralized. Others, however, describe Italy as a semifederal state and “perhaps one of the best examples of how a state may closely resemble a unitary system notwithstanding the presence of regional governments” (Tate & Shugart, 2024). Italy consists of 20 regions, five of which are autonomous and granted additional powers because of their unique historical and cultural background. The other 15 regions operate with some autonomy, but this autonomy is not codified constitutionally (Hooghe et al., 2016). A regionalized system has certain similarities to a federalized one in that it devolves power to the regional level. Federalized systems allow for their parliaments to devolve powers to the state or regional level by amending their devolution statutes (Lev, 2018). Contrastingly, the Italian system confers specific powers and competencies to the regions in Article 117 of its constitution, but with regular adjustments to which level of government claims authority over a given topic. Therefore, Italy is better described as a regionalized unitary system as opposed to a federalized one.

Since the 1990s, more and more authority over healthcare has been delegated to the regional level (Cicchetti & Gasbarrini, 2016; Toth, 2014). The structure of this devolution of power is not simple: different regions have different agreements with the central government; funding comes partially from the national and partially from the regional level in varying ratios; and regions usually further devolve their power to a more local level, with local autonomy and organizational structures once again varying. Regions engage in differing levels of oversight and active attention given to the management of abortion provision (Cozzi et al., 2024). Implicit in this delegation is the idea that healthcare is a technical topic that requires experts to administer on the local level, but that it is not fundamentally a question of rights and freedoms. In this sense, Italy might be a most likely case to have relatively uniform abortion access across its territory. This, however, has proven to be a faulty assumption, as we will argue below, and as is supported by the widening division between the North and the South of Italy since regionalization of healthcare (Toth, 2014).

Law 194 legalized abortion in Italy in 1978. Specifically, Law 194 allows for voluntary abortion in the first 90 days of pregnancy, and therapeutic abortion up until viability. Almost all abortions in Italy are performed in a public hospital. Levels of conscientious objection, enshrined in Law 194, are high in Italy, but they also differ radically across regions, and the number of objectors is likely higher than reported (Law 194, section 9; Caruso, 2020a; Minerva, 2015; Pullan & Gannon, 2024b). For example, in Sicilia the Ministry of Health reports 85% of gynecologists are objectors, while in Valle d’Aosta only 25% are (Ministero della Salute, 2023).

Like all healthcare, Law 194 is administered at the regional and local level. Each region and sometimes each district (*Azienda Sanitaria Locale* or ASL) has its own policies and methods of administering abortion services (Cozzi et al., 2025; Gannon, 2023; Pullan, Forthcoming; Ripamonti, 2022). Law 194 technically requires that all public hospitals have an abortion

service. However, due to the high levels of conscientious objection, many fail to live up to this promise (Caruso, 2020b; De Zordo, 2017, 2018; Minerva, 2015; Pullan, Forthcoming). The Ministry of Health reports on abortion services at the regional level, tacitly endorsing the administrative choice to operate abortion services at only some hospitals across a region (Ministero della Salute, 2023).

Italy's level of conscientious objection is unusually high and leads to problems accessing care (Bo et al., 2015, 2017; Caruso, 2020a; Minerva, 2015). Autorino et al. (2020) demonstrate that abortion seekers are traveling between Italian regions to access abortion care, suggesting that access is limited in some regions. Furthermore, several studies show that Italians are actually leaving the country to get abortion care (De Zordo et al., 2021; Gerdtts et al., 2016; Zanini et al., 2021). Neither the European Union nor the Council of Europe have universal policies on abortion or conscientious objection (Pullan & Gannon, 2024a). However, the European Committee of Social Rights has judged that Italy has violated the European Social Charter twice in the last twenty years in two cases related to abortion and conscientious objection (*IPPF v. Italy*, 2013; *CGIL v. Italy*, 2015).

The pros and cons of conscientious objection provisions are beyond the scope of this paper, but in Italy conscientious objection plays a significant role in the regionalized access landscape. Broadly, conscientious objection as a concept is criticized because it limits patients' ability to access abortion and exercise their rights (Barone et al. 2025; Giubilini et al. 2025). This highlights the difference between having a legal right to abortion and meaningfully being able to access abortion care, a distinction focused on by reproductive justice scholars. The theoretical framework of reproductive justice looks beyond laws that permit abortion to a broader and deeper conception of reproductive freedom (Ross & Solinger, 2017). Though the framework was created by Black American women (Roberts, 1997), it is applied to other contexts where structural barriers make abortion access harder for some groups than others, and where different groups have different reproductive needs (Dürks Cassol, 2024; Bakhru, 2019; Lonergan, 2012). Reproductive justice advocates that all people should have not only a theoretical but a practical ability to choose to have children, to choose not to have children, and to raise their children in safe environments (Ross & Solinger, 2017; Bakhru, 2019).

Regions have used their devolved authority to adopt different policies on reproductive healthcare. Ten regions have chosen to provide free contraception to at least some subset of their population, typically people who are young, low-income, or have had a prior abortion (Zennaro, 2023). In the other ten regions, contraception is a private expense. While all regions require certification of the pregnancy in family planning counselling centers, some regions allow religious actors to play a larger role in these centers, particularly Lombardia (Corica, 2017).¹

In another example, the national Ministry of Health released guidance encouraging hospitals to limit the amount of time abortion patients would spend in the hospital, allowing patients to complete their medication abortions partially at home (Ministero della Salute, 2020). Caruso (2021) comments on the active choice that some regions made to reinterpret vague references towards hospital recovery to allow a shorter recovery period (known as "day-hospital"). The region of Umbria initially adopted this, but when the political leadership changed, it reversed that decision and required longer hospitalizations again in the midst of the Covid-19 pandemic (Caruso, 2021; Guerra, 2020), resulting in public protests (Cirant, 2020).

¹ Perhaps recent laws passed by the Meloni government that expand the presence of religious groups in family planning centers and limit Italians' ability to seek surrogacy abroad signal a shift towards a more unified, conservative governance of reproductive policy, but such speculation is beyond the scope of this paper.

Very recently, the region of Emilia-Romagna has declared that beginning in January 2025, they will allow a greater degree of self-managed abortion outside of hospitals, much to the chagrin of the governing party Fratelli d'Italia (Il Resto del Carlino, 2024) and anti-abortion associations (BolognaToday, 2024). While patients will still need to source their medications from hospitals or family planning centers, patients will be allowed to leave after taking the first dose and complete their abortion with the remaining pills at home (Cirant, 2024).

Toth (2014, 2023) observes that in healthcare more broadly, regionalization and partial privatization makes it difficult to ensure equitable quality of healthcare across the country. We see this in the specific domain of reproductive healthcare in several ways. For example, the region of Lazio allows its hospitals to explicitly hire nonobjecting doctors when there is a need for more abortion providers (de Luca, 2017), but the region of Puglia does not. A regional administrative court decision in Puglia determined in 2010 that such a practice constitutes religious discrimination against objectors (TAR Puglia, 2010), but this court only has authority within the region of Puglia. Thus, not only are the regional health authorities empowered to make choices that impact their citizens' access to abortion, but judicial institutions that only have jurisdiction at the regional level also contribute to the divergence of abortion access experiences across Italy.

Pullan (2024) presents comparative data on the locations of abortion providers in ten European countries, including Italy. She explains that while no regions and very few provinces of Italy are completely without abortion providers, Italian abortion services often operate for only a few hours or a few days per week, whereas in other countries, abortion services are more or less consistently available depending on patients' needs.

Data and Methods

The data used in this project combines two separate but similar sets of qualitative interviews conducted in Italy in late 2021 and early 2022. These interview sets, while different, sought to shed light on the day-to-day realities that abortion providers in Italy experience. Both are also grounded in public policy and law, as well as the understanding of healthcare personnel as street-level bureaucrats (O'Brien, 2023; Malyszko, 2025) responsible for interpreting and implementing Italy's abortion law.

The first dataset has a concentration of interviews in northern Italy, but includes several experiences from around the country. Interviews were conducted face-to-face whenever possible, or by video call to more distant regions. Some were with doctors who currently worked in the north but shared stories from their previous places of employment. This dataset focuses only on nonobjecting medical doctors, providing first-hand experiences of abortion providers. This dataset does not include the perspectives of anti-abortion doctors, other healthcare personnel, or administrative personnel in the healthcare system.

The second interview set is broader in terms of the interviewees' professional roles, but narrower geographically. This dataset includes all of the aforementioned professional roles, but with an aim to understand the state of abortion access in Puglia. This dataset includes three interviewees from outside Puglia who spoke to the Italian abortion context more generally, but otherwise focuses on building up a picture of abortion care provision in this one southern region.

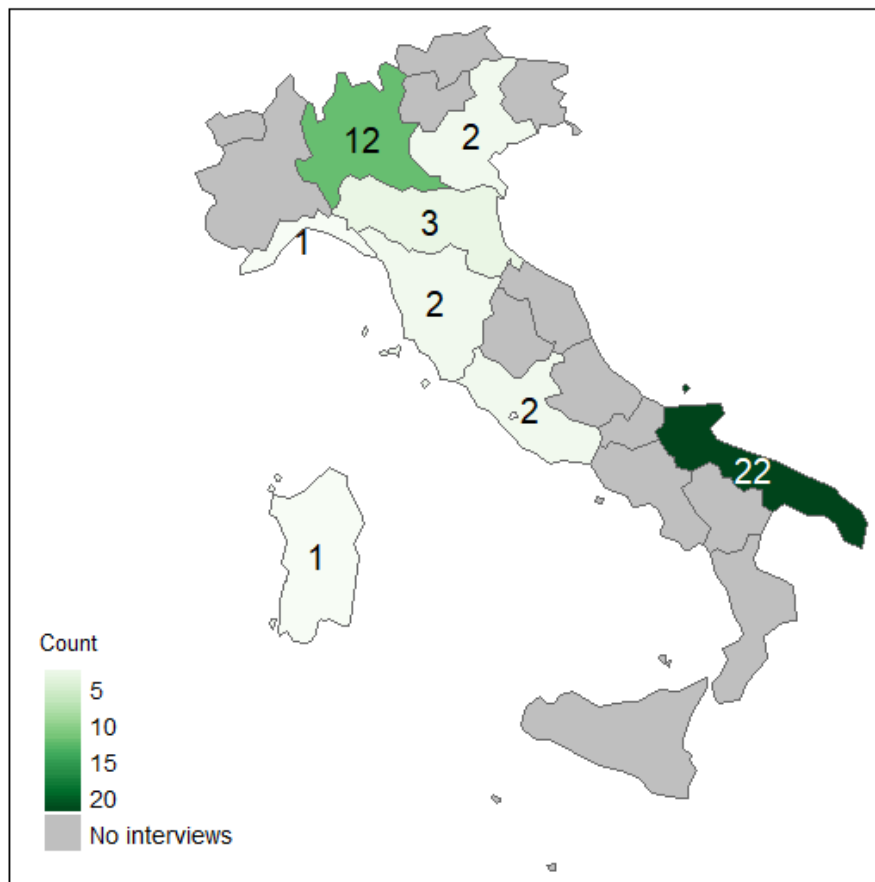
In total, these interview transcripts include 26 nonobjecting doctors in 7 different regions, which are complemented by the perspectives of 7 objecting doctors and 9 other abortion-adjacent healthcare workers and activists for a total of 42 interviews. One-on-one interviews were preferred in both datasets, but some interviewees were more comfortable participating alongside a colleague. All interviewees gave their informed consent to

participate. The structure of the interviews is detailed in the Appendix. All interviewees are referred to by pseudonyms unless otherwise agreed with the interviewee.²

Table 1. Interviewee Professional Roles.

Role	Non-objector (Pro-Abortion)	Objector (Anti-Abortion)	Neutral
Gynecologists	26	7	
Nurses	1		
Obstetricians	1		
Administrative Staff			4
Activists	2	1	

Figure 1. Interviewee Regions of Experience.



Note: Interviewees who had extensive experience in more than one region are counted more than once in this total.

In interview-based research, the positionality and power relationship between the interviewer and interviewee provide important information for evaluation (Manohar et al., 2019). In this case, both interviewers were young, white women who speak Italian but not natively, and both were early career social science researchers. With most interviewees working as medical professionals and agreeing to meet with them freely, there is not a concern about interviewers' power over interviewees. Both interviewers employed the

² This sample of interviews is not random, so we are hesitant to generalize anything about the identity characteristics of the interviewees. We interviewed both men and women who both support and oppose abortion, and we did not observe a consistent gender pattern in their attitudes, but perhaps with a larger sample one could.

method of constant comparison (Glaser & Strauss, 1967), iterating the semi-structured interview structure based on the information learned in previous interviews as well as what the authors were sharing across the two original projects. The later interviews in each project benefited from the other coauthor's experience in the earlier interviews, thus uniting the two datasets in the end.

Findings and Discussion

This paper finds that, in delegating administration and interpretation of the abortion law to regional healthcare bodies, Italy has produced a situation where abortion access differs so dramatically across regions that the country can hardly be said to operate under a single national abortion policy. We demonstrate this by exploring what administrative choices regions made that are different or similar from other regions, and illustrating how this ultimately affects abortion access in those regions. After presenting this data, we theorize a causal mechanism to explain why regional administration of abortion policy leads to such divergent levels of abortion access across the country.

Where regions diverge

In this section, we present a series of examples of the divergent administrative choices regions have made that affect the experience of doctors working in abortion services. The fact that regions have the authority to choose among options that can make abortion more or less accessible in their region demonstrates our argument that the delegation of administration of abortion policy to the regional level results in a situation where citizens governed by the same law *de jure* have different rights *de facto*.

Department and hospital organization

Regional health services organize their gynecology departments in different ways. Some organize their hospitals to have one centralized gynecology department, while others break out subfields like family planning and fetal medicine into separate departments or sub-units of the department. On its face, this does not sound like a particularly controversial or political choice, but we find that it has significant impacts on the quality of life of doctors who provide abortions. When family planning is regarded as a separate sub-unit of gynecology, this has been interpreted by local district managers of the health service to require a hard division between abortion doctors (working in family planning) and "normal" gynecologists working in all other aspects of care. When this structure coincides with a hospital having a small number of doctors who are willing to provide abortions, the hospital administrators are under pressure to maximize the efficiency of their family planning department by assigning those few non-objectors to work in family planning full time.

This leads to stories like Dr. Romano's (Interview A5). She had worked as an abortion provider for more than 20 years, and for much of that time, she was the only non-objector in her hospital. At the time of our interview, she was leading a small team of non-objectors that was organized as a separate unit and physically segregated into a different building in a different part of town than the rest of the hospital campus. It was very clear from this arrangement that the work of Dr. Romano and her colleagues was meant to exclusively handle abortion and contraception patients, and that they would not even encounter other patients in their hospital ward. Dr. Romano also expected her colleagues to leave the team as soon as an opportunity to work as an objector presented itself to them, sharing a story of how, in a recent round of hiring, the regional health authority had 30 open positions, two of which were in this team. The first 28 candidates declined to work on this team, choosing more desirable jobs in other hospitals, and the two who did join this team requested a transfer after one year. Dr. Romano opined that the positions would not have been quite so

undesirable if her team were physically located in the main hospital building, because colleagues would have the opportunity to do work other than abortion care.

Every person who becomes involved in abortion work has their own feelings about the subject and their own beliefs about abortion that are usually deeply personal. Some people are happy to provide abortions as a primary function of their job because they believe that abortion is a fundamental right for women, including Dr. Romano. But doing the same task repetitively day after day is not exciting, nor is it taking advantage of the full medical training that these doctors studied for. It was a commonly held opinion among our interviewees that doing abortions as part of a well-rounded role in the gynecology department was a more desirable distribution of work. Abortion can be a heavy, sad topic for some, and even though they are willing to do it, they would rather not do it all the time. For others, it is about the social isolation and the stigmatization of being segregated into a separate group.

Dr. Basilone (Interview B5) spoke of a colleague of his who, due to the regional management of personnel, only came into their hospital on certain days to perform abortions, because none of the doctors working full-time in this hospital were non-objectors. The rest of the staff referred to this visiting abortion provider as “Dr. Death,” ostracizing him and emphasizing that they disapproved of his work. The distance between these “normal” gynecologists and a contracted abortion provider was even starker when the regional health authority chose not to arrange their staff so that the abortions could be provided by a full-time staff member.

Some departments also separate fetal medicine and therapeutic abortion care – abortions deemed medically necessary past 90 days of pregnancy – from earlier abortions and mainstream gynecology. This work is far less stigmatized than the provision of “voluntary” abortions (up to 90 days without a medical indication), but it still leads to division among gynecologists. Doctors who are regularly responsible for working with patients who discover later in pregnancy that the fetus may not survive or would be severely disabled have a very different view on Law 194 than their mainstream gynecology colleagues.

These doctors are often limited by their regional health authority’s policy determining when a fetus is “viable.” With the delegation of Law 194 to the regions, each region sets their own standard for when they believe that a fetus could survive birth, varying between about 20-24 weeks. If the pregnancy is too far advanced, the doctor may not be legally allowed to provide an abortion. Dr. Basilone (Interview B5) even told us about experiences where patients were pressured to make a choice about terminating a pregnancy that might – or might not – have a serious health condition. The tests that could more accurately predict this would not be available until past the threshold of viability, forcing the prospective parents to gamble on the possibility of a fatal or seriously disabling diagnosis, versus the possibility that the fetus was actually perfectly healthy. These patients had to make an impossible choice, and their doctors were angry on their behalf. These doctors would call for a reform that allows more flexibility and compassion for patients who may need an abortion later in pregnancy – a position that is also not supported by mainstream objecting gynecologists.

Therapeutic abortion doctors and voluntary abortion doctors face different challenges, but they could be natural allies in pushing for a change in how their regional health authority makes policies around abortion. But due to organizational siloing, people working in different components of abortion care often do not even know each other. In the course of this research project (Interview A16), Dr. Caparelli and Ms. Toscana met each other for the first time. Dr. Caparelli was a voluntary abortion provider, and Ms. Toscana was a local administrator for the regional health authority, and they worked on the same campus. They agreed on many issues, and they left the interview planning to stay in touch to improve

abortion services in their hospital. Organizational hierarchies and rigid lines of reporting and communication hampered these actors with similar interests from ever meeting, let alone collaborating.

Culture of objection or nonobjection

Regardless of how the gynecology department is organized, department leaders, the most local representatives of the regional health authority, play a role in shaping the experience of abortion providers. Department heads set the tone for a culture of objection or a culture of nonobjection based on their own behavior. In more progressive regions, there is the assumption that doctors will join the department as non-objectors. When Dr. Zappa (Interview B10) was promoted to lead his department, he judged that he had to change his status from objector to non-objector. He stated, “The fact that [I am the] director, it is my duty to organize the [abortion] service together with [the] delivery room, and other stuff. This is why I organize the service to offer the women a safe way to terminate their pregnancy” (p. 3).

Conversely, in a region with a more conservative regional health authority, Dr. Marchesi (Interview A14) made the opposite choice when he was promoted to lead the department of gynecology in his hospital. He had always been an objector, and he remained an objector. He did, however, feel that he had a responsibility to organize a functional abortion service, which his hospital had previously not operated. When asked why this was important to him, he explained “Because I think that all the services must be done in a public operative unit, in a public center.” For Dr. Marchesi, part of the responsibility of leading the gynecology department involved ensuring that all gynecological services were available in his department, despite his personal convictions. A culture of nonobjection makes the job of abortion providers easier, and a culture of objection makes their job harder.

Dr. Rossi (Interview A1) made it very clear just how influential the regional health authority was in constraining the choices of the department head. In his capacity as department head, he was very frustrated with how little independence he had from the regional health authority. “We are the false coach of a false team, because we don’t choose the players, we couldn’t move them to different positions, and objection or nonobjection status isn’t decided by the chief, but the chief is responsible for the organization,” he summarized (p.5). Individual managers in the regional health authority’s hierarchy have only limited latitude in the choices they can make, when the regional authority has a certain vision for how they want abortion care to be managed.

Staffing Requirements

A final example of how regional health policies materially impact the experience of providing abortion care is the different interpretation of how many staff people are required to attend to an abortion procedure. When Law 194 mandated abortion care be available in Italian public hospitals, it did not specify exactly how this abortion care ought to be provided. In some ways, this was a prudent decision, as it allows medical experts to determine how best to perform a medical procedure. On the other hand, this ambiguity has led to conflict between feminists and doctors about the safest and best abortion methods (Caruso, 2024), and only in the last few years has Italy shifted to use internationally-recommended techniques (Ministero della Salute, 2021).

In Puglia, interviews revealed that each procedural abortion requires not only a gynecologist and a nurse, but also an anesthetist and an obstetrician. None of our interviews in other regions mentioned any requirement for obstetricians. We observe that the regions where fewer people are required have an easier job of logistically arranging for an abortion service to be consistently staffed.

The national Ministry of Health produces a report each year on abortion statistics, a requirement of Law 194. In Table 28, this report includes data on what share of health personnel are registered as objectors. There are several criticisms of this data and its interpretation (Bo et al., 2015, 2017; Pullan & Gannon, 2024b; Minerva, 2015). Setting these aside for the moment, we see a connection between the structural element of this report and the regional policy about how many staff are required. Table 28 includes columns for gynecologists, anesthetists, and “personale non medico,” a term that is vague but likely means medical staff who are not doctors (though could also be credibly interpreted to mean non-medical staff, such as hospital cleaning staff). This table tracks the number of gynecologists and anesthetists who are non-objectors, because these two categories of professionals are indisputably required to perform a procedural abortion. Obstetricians are not reported separately, but rather grouped with other medical professionals, suggesting that obstetricians are not necessarily required at the national level.

Regional health authorities decide many technical aspects of abortion care: how many staff are required, when is the gestational age limit for therapeutic abortions, which categories of professionals are allowed to register as objectors, what default assumption will be made about objection or nonobjection, and ultimately how actively the region will work to ensure that abortion services are operating efficiently and effectively. These decisions are technical in the sense that they require familiarity with healthcare management and expertise in how the procedure can be most safely performed. But there is reason to expect that the answers to these technical questions should differ from region to region.

There is not a singular “right answer” to the “best” way to administer abortion services, and advocates who want abortion to be more or less available can no doubt find studies that support their opinions. So perhaps, some would argue, it is reasonable to allow each region the autonomy to make these decisions independently. What goes unacknowledged in this scenario is that the end result is differing levels of abortion access in different parts of the country.

Cross-regional similarities

In this section we will discuss the important similarities in the experience of doctors across regions of Italy. As mentioned above, all regions are supposed to regulate their abortion services in accordance with Law 194. This means the law is harmonized in some meaningful ways, including voluntary abortions being permitted up to 90 days of pregnancy and “therapeutic” abortions being permitted until viability (though there is some variation across regions in the exact time of viability). Additionally, Italy relies on a nationalized healthcare system, meaning that all abortions performed in public hospitals (which is the vast majority of abortions in Italy) are free for patients. All regions also have to allow for conscientious objection, though the level of adoption does vary widely. Other cross-regional similarities include a recent shift towards medication abortion, the isolation and social stigma doctors face, and the psychological toll that the current abortion regime puts on doctors.

Shift towards medication abortion

There has been a dramatic increase in the use of abortion pills (known as pharmacological abortion in the Italian context, or medication abortion more internationally) across all regions in the last five years. Though colloquially often referred to as the abortion pill, the regimen usually involves a combination of mifepristone and misoprostol, though less commonly misoprostol is used independently.

In 2019, before the recommendations on medication abortion were changed, 28.5% of abortions were carried out using abortion pills, compared to 51% in 2021 (Ministero della Salute, 2021, 2023). This almost 100% increase in the use of abortion pills in two years is largely due to the Ministry of Health publishing new rules allowing for outpatient use of abortion pills, which was instigated by concerns about the COVID-19 pandemic. In 2020, Italy was one of the major hotspots for the COVID-19 pandemic; as such, they worked to reduce the load on hospitals and prevent patients from unnecessary exposure to the disease. This was a rare move towards more centrally-administered healthcare, and its effectiveness amplifies our argument that the choice to allow regions autonomy in implementing abortion care can have very divergent effects for patients.

Some pregnant patients seeking abortion do access pills by mail outside of the traditional medical system, though exact numbers are challenging to pin down. Women on Web, one group which will mail abortion pills to patients, responded to 656 requests from Italian mailing addresses from January 2019 to June 2020 (Aiken et al., 2021). The most recent estimate from the Italian Ministry of Health regarding extra-legal abortions was reported in 2008 and put the number at 20,000, but other groups estimate the number to be closer to 40,000 or even 50,000 a year (Minerva, 2015). The vast majority of these extra-legal abortions are likely performed using abortion pills.

Prior to this rule change, patients taking abortion pills were required to be admitted to the hospital for the entire process, which typically took about three days. This suppressed the use of the abortion pill in Italy compared to other European countries (Fiala et al., 2022). The 2020 change allowed outpatient distribution of the abortion pill, meaning that the patients come to the hospital to take mifepristone, leave the hospital, and come back to take the misoprostol a couple of days later. This reduces the amount of time a patient spends in the hospital from multiple days to a few hours. The lengthy hospitalization likely discouraged patients from seeking medication abortions when their families were not supportive of the decision, as it would be difficult to conceal a multi-day hospitalization, but easier to find time for a couple of shorter appointments.

This also materially changes the experience of doctors. Most doctors interviewed report that a substantial number of the abortions they perform are medication abortions, and many report that most of the abortions performed in their unit or hospital are done with medication now. This is also borne out in the data, though there is still significant regional variation (Ministero della Salute, 2023).

Though across all regions, there has been a significant increase in the use of the abortion pill, doctors report different experiences. Many say it has proven immensely beneficial in expanding access to abortion care because it is quicker, and some suggest further deregulation, including allowing the entire abortion to be completed at home (Dr. Menelli, Interview B15). Other interviewees worried that the shift towards medication abortion would just shift the discourse on conscientious objection: “there is a new problem: the objecting personnel do not want to take this pill out of the box and put this on the table for the patient to take the pill. I hope that the truck drivers [of] the boxes of this pill are not objectors...” (Dr. Agatone, Interview A12, p.6).

Some doctors, however, are still uncomfortable and are not embracing widespread use. Dr. Rizzo (Interview A11), an objecting gynecologist, felt that the pill trivialized the experience of abortion, saying “not a lot of efforts are made to make the women think again about their decision [to have an abortion]. If they were shown the small head, the little leg, the small heart that is beating, maybe they would revise their decision... We cannot dismiss the issue by just giving a pill to a woman so you can go have an abortion.” Another interviewee referenced the Ministry of Health data regarding the increased use of abortion pills, which he saw as a positive development, but explained that historically there were relatively few

doctors performing abortions, and consequently this meant that there were also few training opportunities for new doctors (Dr. Rossi, Interview A1). Older doctors continued using the techniques with which they were more comfortable, and younger doctors had little opportunity to learn about medication abortion.

In international contexts, abortion pills are seen as putting power directly into abortion seekers' hands (Jelinska & Yanow, 2018). In Italy, abortion pills are only legal when prescribed face-to-face by a gynecologist in an accredited abortion-performing medical structure. As noted above, Emilia-Romagna has recently liberalized their policy to allow the second set of pills to be taken at home, but the initial dose still relies on nonobjecting gynecologists. While we imagine that some Italians likely take advantage of online services that connect them with international doctors who mail them abortion pills such as Women on Web, Women Help Women, and Aid Access, these abortions do not follow the procedures outlined by Law 194 and thus are considered illegal. Official data on medication abortion in Italy only includes those patients who comply with the law, and data available from these international organizations is limited (Aiken et al., 2021). Thus, even though medication abortion use is increasing in Italy, we do not have the data to evaluate whether it allows patients to circumvent local conscientious objectors.

The widespread uptick in the use of the abortion pill demonstrates that the national government can meaningfully expand abortion access if they so desire. However, the disparate implementation of the new policies across regions demonstrates that the national government alone cannot entirely increase abortion access without support from regional governments.

Isolation and Social Stigma

Across regions, there are reports from doctors of social isolation and stigma caused by the decision to be a non-objector. Doctors often report experiencing isolation and social stigma, across hospitals, often even in hospitals with a significant number of abortion providers.

The level of isolation and stigma that non-objectors face can vary widely, but most report some level of stigma or social isolation. In more dramatic cases, as discussed in the case of Dr. Romano above, some abortion wards are moved to entirely separate, less desirable facilities away from the rest of the gynecologists – ostensibly for purely logistical reasons, but with the effect that abortion doctors are the ones experiencing isolation. However, sometimes doctors don't even identify the way they or other doctors are treated as isolating or stigmatizing, but the stories they share tell a different story. Dr. Basilone (Interview B5), who told the story about his colleague being referred to as "Doctor Death," when originally asked, said that non-objectors and objectors were treated the same. He said that non-objectors did not face stigma in the hospital, but went on to tell a very different story once further prompted.

Another non-objector, Dr. Rivera, described the complicated legal implications of providing abortion. This doctor described how doctors might not want to perform abortions because of enhanced legal liabilities if there were a complication. Because of the stigma associated with abortion, it is not viewed as having any "positive outcome," as contrasted with giving birth. While both medical events could result in complications, the doctor is, in Dr. Rivera's estimation, far more likely to face a lawsuit for abortion-related complications than birth-related complications. The broader social stigma associated with abortion can have an effect on the way medical complications are viewed in the hospital.

Stigma can creep into conversations about abortion provision in more subtle ways as well. Dr. Colombo (Interview A6) emphasized repeatedly throughout our interview that the abortion service operated by her colleagues was "efficient," at one point even interrupting the interview to wave at a nonobjecting colleague who was passing the room, telling the

non-objector directly “I told [the interviewer] about your extremely efficient center!” This descriptor felt like a backhanded compliment in the interviewer’s opinion, because it was clear that the objecting doctor did not see it as a good thing to perform abortions, and so “efficiency” in doing something she disapproved of was not exactly positive. It evokes an impression of the abortion service as cold and dispassionate, quickly shepherding patients in and out with minimal human interaction.

Generally, doctors who work in larger hospitals, which just as a matter of scale usually have more non-objectors, report less sense of isolation than doctors in smaller hospitals or with few non-objectors. In hospitals with more non-objectors there are fewer reports of being socially isolated from their colleagues. They are also more likely to report feeling supported by the hospital infrastructure and their colleagues. However, many of these examples come from hospitals with many non-objectors. What becomes clear from conversation is that much of the social stigma doctors describe is not directly from their colleagues or supervisors, but the broader culture, which views abortion as shameful or “dirty.” Dr. Enzo (Interview B8) explicitly described the stigma against abortion as “inside society.” When asked why people choose to object Dr. Enzo responded, “it is socially more accepted... you can be a good doctor or a bad one” (p. 5-6). He is describing a society that view objectors as “good doctors” and non-objectors as “bad doctors.” These broader, national cultural views infect even the most supportive hospitals, and color the way doctors discuss their experience and their work.

Psychological Toll on Doctors

Doctors across regions and hospitals also report the psychological toll performing abortions can take on them. Even doctors who are incredibly supportive of abortion rights have described the procedure by saying, “There are tears, sadness, and [it is] a really dirty job” (Dr. Rivera, Interview B4, p.3). The psychological toll on doctors comes from several places: the additional mental labor of scheduling in an abortion service, the social stigma the doctors face, and for some, the experience of regularly performing abortions.

Doctors who work in hospitals where there are only one or two abortion providers have to do substantially more mental labor to ensure abortion services continue to operate at their hospitals. These doctors discuss the immense planning it takes to guarantee that abortion access does not cease in their hospitals. For example, the two non-objectors can never both be on vacation at the same time, both be on the night shift, or both be sick, otherwise abortion access stops in their hospital altogether. This is a widely reported phenomenon in the region of Molise, where only one doctor is a non-objector for the entire region (Grazi, 2021). Whenever she is sick or takes vacation there is no one available to provide an abortion in the entire region. Dr. Natale (Interview B10) even reported this problem in a hospital where there were several non-objectors: on one occasion, two of them were assigned to the night shift and the third was on vacation, leaving Dr. Natale the sole provider of abortions for the hospital. She describes the added stress this caused, pulling her away from other patients and procedures to go perform abortions. This caused her anxiety related to emergency abortion care. She said that, though objectors were supposed to help in case of emergency, they did not, and she was stressed about patients who might experience an emergency situation while she was already providing care elsewhere.

Non-objectors do substantial mental labor to ensure that their patients have access to abortion care, especially in smaller hospitals with fewer doctors. This not only requires additional time and planning, but it also leaves some of them with an ever-present sense of stress, as Dr. Natale describes, worrying about what will happen to their patients if they are not available or if there are multiple patients who need help urgently. This increased mental labor and stress can take a significant psychological toll on doctors.

Secondly, the social stigma attached to providing abortion can take a toll on doctors. It is not just the overt isolation and stigma discussed above, but also the toll it can take on their careers and personal lives to be a non-objector. As discussed above, there is a general cultural sense reported by several doctors that non-objectors are “bad doctors,” that they do “dirty work” (Dr. Enzo, interview B7; Dr. Rivera, interview B4). This broader social attitude takes a psychological toll on doctors. In a newspaper interview, Dr. Michele Mariano, the longtime sole abortion provider in the region of Molise, described that “those who do abortions don’t advance their career” (Grazi, 2021). Similarly, Dr. Bianchi (Interview A4, p.3) recounted a story of when she received her job offer to work in the family planning unit providing abortion care. “I organized a party with my friends, and most of my friends were, let’s say they were a little bit sorry for me. They gave me their compassion because in their minds, doing this kind of job is not as gratifying as, like, following a pregnancy or doing all the other tasks that are done in let’s say classical gynecology or obstetrics wards.” She herself found this work to be very gratifying because she was able to help people who really needed it, but she still drew the pity of her friends. This widespread social stigma, even when it does not change how abortion providers feel about their own job, can nevertheless hold them back and potentially have a negative impact on their career trajectories.

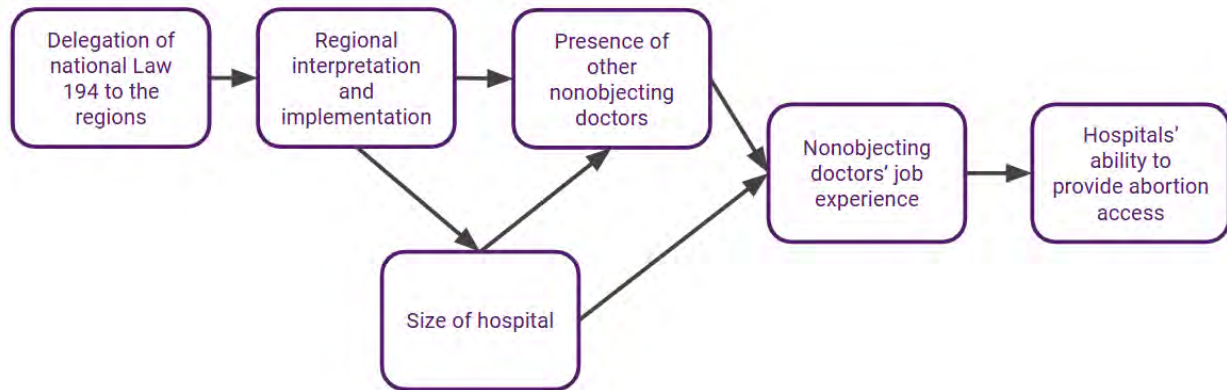
Third and finally, some doctors describe experiencing a significant psychological toll when performing abortions. One non-objector, Dr. Rivera, put it starkly: it “is not something that is very beautiful to do, nobody wants to kill a baby, okay, nobody wants to kill a baby” (Interview B4, p. 3-4). This statement is demonstrative of the feelings of some doctors, who report that the nature of the procedure itself can take a psychological toll on doctors. This belief is shared by Dr. Zappa, who stated, “Well, being a nonobjecting doctor, it is difficult for ethical reasons, because even for non-objectors, terminating pregnancy is not lovely work. It’s not a lovely job. Sacrifices... ethical, religious, [and] philosophical issues that anyone that goes through termination of pregnancy can face... these issues [affect me] on a personal view [sic: personally]” (Interview B10, p. 6). Dr. Fabbri (Interview B14) speaks to a larger reality of being a non-objector, which is that many doctors did not become gynecologists because they wanted to perform abortions.

As discussed above every abortion provider has their own deeply personal beliefs about abortion, but even those who fiercely believe in the right, still discuss the psychological toll of such heavy work. Patients seeking abortions often come to doctors because they are in sad or challenging positions. After a while that can take a psychological toll on some, even driving some to become objectors. For example, Dr. Zappa was originally a non-objector but described the psychological toll of frequently performing abortions and became an objector. He later switched back to being a non-objector, but at that point he served in a role where he did not regularly perform abortions. Additionally, several doctors pointed out that performing abortions is monotonous and uninteresting work from a medical perspective. All of these factors take a significant psychological toll on non-objectors. All of these experiences are more pronounced the fewer non-objectors there are to share the load.

Theorizing a Causal Mechanism

Our goal in exploring the differences and similarities across regions is to shed light inside the black box of why some regions have more abortion access than others. We argue that this data supports a causal mechanism whereby the delegation of the implementation of Law 194 to regions can be linked to differential levels of abortion access.

Figure 2. Causal Mechanism.



When the parliament delegated implementation of Law 194 to the regions, this created the opportunity for regions to interpret the law in accordance with local politics and values. Some regions will implement the law in a way that strives to maximize abortion access, while others will pay little attention to the issue of abortion, and a third group will actively try to minimize abortion access through administrative means. We have shared the above examples to demonstrate the ways in which regions do, in fact, have and use the authority to affect abortion care in administrative decisions like directing hospitals to organize their departments and staff in certain ways, defining fetal viability, determining how many staff are required to perform an abortion, and deciding whether to accept the national Ministry of Health's recommendations that would standardize care.

The power of regional health authorities appears concretely in the regions' management of resources. If they operate more small hospitals versus few larger hospitals, the odds are higher that any single hospital will have a very small number of isolated non-objectors. The region could, however, choose to concentrate their non-objectors in a few hospitals to produce well-staffed centers where the abortion providers are likely to be happier, though this comes with the tradeoff of patients potentially having to travel farther for their abortion care.

Sometimes this will happen by sheer luck, like in Dr. Conti & Ms. De Luca's hospital (Interview A8, p. 8): Dr. Conti tells us, "I signed a job agreement when I was hired at this hospital, and no one before my signature was on the agreement asked me whether or not I was an objector or a non-objector." Ms. De Luca and Dr. Conti both reported that their previous employers did ask about their objection status before assigning them to a position. But in their current hospital, "it is by chance!" We discussed why it might be that the regional health authority did not actively manage this aspect of abortion provision, when Dr. Conti explained: "because at the end of the day, it is something that concerns only us as gynecologists and obstetricians, so maybe attention is not really given to this issue by the human resources director" (p. 9).

Conscientious objection magnifies the effects of regionalization. In the causal mechanism proposed here, conscientious objection most directly affects "the presence of other doctors" element. If there were no conscientious objection, there would be significantly less regional variation in the number of abortion providers available, though there would still be some due to other factors, described previously. A high percentage of doctors claiming conscientious objection means there are fewer doctors willing to provide abortion care, which in turn leads to a more negative experience for those remaining non-objectors.

Whether it is an active choice to ignore abortion care management or a simple human resources oversight, the outcome is that non-objectors will end up in understaffed abortion services more often than not. When these doctors are stigmatized and isolated or forced

into performing abortions as their primary professional responsibility, they are at a high risk of burnout. This begins a vicious cycle: doctors burn out and quit the abortion service by registering as objectors, increasing the workload on their remaining nonobjecting colleagues. Those remaining colleagues are at higher risk of burnout. Regions that do not actively intervene to interrupt this pattern cannot be surprised when they end up with very few doctors in their employ who are willing to work in abortion care.

Without abortion providers, there is no abortion access. Italy currently criminalizes self-managed abortion outside of the national health service with a fine of up to 10,000 euros (Caruso, 2023). This is the paradox of Law 194: it balances doctors' rights against patients' rights, but patients' ability to exercise their right is entirely dependent upon some doctors not exercising their right to object (Pullan, Forthcoming). Ministry of Health reports on the level of conscientious objection have painted a rosier picture by overcounting the number of doctors who are actually providing abortion care, by eliding the concepts of abortion provider and non-objector (Pullan & Gannon, 2024b). While some objectors hold the belief that there will always be other doctors and nurses who will be willing to perform abortions (Dr. Marchesi, Interview A14), this cannot be taken for granted. As long as Law 194 limits legal abortions to the hospital sector, hospitals that do not have enough non-objectors to operate their abortion services will be unable to ensure patients' ability to exercise their right to an abortion. In this way, the management choices of the regional health authority directly impact abortion access in the region.

Conclusion

Across regions, many doctors' attitudes can be summed up with this titular quote from Dr. Rizzo (Interview A11, p. 3): "fai la legge, hai trovato l'inganno," which she translated as "if you make the law, you will find a way to cheat it." In regards to Italy's Law 194, gynecologists perceive that people are cheating the law. The spirit of the law is to allow doctors with strong moral convictions that abortion is wrong to practice their profession without compromising their personal values. But doctors on both sides of the issue – Dr. Rizzo is notably an objector herself – see the ways that the people implementing this law circumvent its provisions to be more convenient. Conscientious objection is often used for reasons unrelated to moral convictions, and especially in regions where there are already small numbers of doctors willing to provide abortion care, this directly impacts patients. Doctors feel unheard when they raise complaints about how Law 194 doesn't work, and they feel constrained by the institutions in which they work.

Italy delegates a high degree of autonomy in healthcare management to the regions. This is by design and democratically supported. In practice, however, the choices left to regions are not simply questions of logistics. Regional and local health authorities can define protocols and organize staff and resources in ways that make abortion services run well, like establishing a local culture of nonobjection that destigmatizes abortion provision, or run poorly, like requiring an additional staff person to participate in each abortion. In turn, patients and their advocates in these regions report different experiences with accessing abortion (Obiezione Respinta, n.d.), and some leave their home regions (Autorino et al., 2020) or even leave the entire country (Garnsey et al., 2021) to receive care.

In effect, Italy has regionalized the right to abortion care. Italy joins other countries, notably the USA, in supporting different levels of abortion access based on where in the country someone lives (Gannon & Pullan, 2025), with the religiosity of local communities playing a strong driving role (Pullan & Trail, 2025). If one lives in a region where the regional health authority supports abortion providers and works to prevent them from burning out, there will be more non-objectors to provide abortion services, and the logistics will flow smoothly. This is affected by both regional directives about the organization of staff and

resources and by the choices of local heads of department in each hospital. One way that regions contribute to this disparity is in how they interpret Law 194's provision for conscientious objection. If one lives in a region where the region administers abortion care in apathetic or actively hostile ways, such as having abortion services segregated from the rest of gynecology and/or where more categories of medical staff are judged to be necessary for abortion care provision, one can expect more difficulty obtaining an abortion. When the Italian legal system was reformed to delegate more managerial authority to the regions, is this really what was intended? The facade of a national law that, in principle, applies the same standards to all Italian residents serves to cover up the reality that access to care depends on one's individual location and ability to travel for medical care that may not be readily available near one's own home.

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APPENDIX: Table of Interviews

Interview #	Date	Interviewee Pseudonym	Professional Role	Region working in at time of interview
A1	02.12.2021	Dr. Rossi	Nonobjecting doctor	Puglia
A2	15.12.2021	Dr. Ferrari	ASL Staff (doctor who now administers)	Puglia
		Dr. Russo	Nonobjecting doctor	Puglia
A3	16.12.2021	Ms. Marino	Pro-abortion activist	Toscana
		Ms. Greco	Pro-abortion activist	Toscana
A4	19.01.2022	Dr. Esposito	Nonobjecting doctor	Puglia
		Dr. Bianchi	Nonobjecting doctor	Puglia
A5	19.01.2022	Dr. Romano	Nonobjecting doctor	Puglia
A6	21.01.2022	Dr. Colombo	Objecting doctor	Puglia
A7	29.01.2022	Dr. Bruno	Objecting doctor	Puglia
		Ms. Gallo	Anti-abortion activist	Puglia
A8	16.02.2022	Dr. Conti	Nonobjecting doctor	Puglia
		Ms. De Luca	Nonobjecting obstetrician	Puglia
A9	17.02.2022	Ms. Mancini	ASL Staff (Social worker)	Puglia
		Ms. Costa	ASL Staff (Social worker)	Puglia
A10	17.02.2022	Dr. Giordano	Objecting doctor	Puglia
A11	18.02.2022	Dr. Rizzo	Objecting doctor	Puglia
A12	12.03.2022	Dr. Silvana Agatone (not pseudonymized)	Nonobjecting doctor / activist	Lazio
A13	16.03.2022	Dr. Moretti	Objecting doctor	Puglia

Interview #	Date	Interviewee Pseudonym	Professional Role	Region working in at time of interview
A14	22.03.2022	Dr. Marchesi	Objecting doctor	Puglia
		Ms. Buonocuore	Nonobjecting nurse	Puglia
A15	31.03.2022	Dr. Bartholdi	Objecting doctor	Puglia
B1	07.04.2022	Dr. Casadei	Nonobjecting doctor	Sardegna
B2	13.04.2022	Dr. Mastrangelo	Nonobjecting doctor	Lombardia
B3	21.04.2022	Dr. Giulian	Nonobjecting doctor	Lombardia
B4	05.05.2022	Dr. Rivera	Nonobjecting doctor	Lombardia
B5	11.05.2022	Dr. Basilone	Nonobjecting doctor	Emilia-Romagna
A16	16.05.2022	Dr. Caparelli	Nonobjecting doctor	Puglia
		Ms. Toscana	ASL Staff	Puglia
B6	24.05.2022	Dr. Sanfilippo	Nonobjecting doctor	Veneto
B7	25.05.2022	Dr. Enzo	Nonobjecting doctor	Lombardia
B8	30.05.2022	Dr. Del Gatto	Nonobjecting doctor	Lombardia
B9	30.05.2022	Dr. Natale	Nonobjecting doctor	Lombardia
B10	30.05.2022	Dr. Zappa	Nonobjecting doctor	Emilia-Romagna
B11	07.06.2022	Dr. Tocci	Nonobjecting doctor	Lombardia
B12	08.06.2022	Dr. Davide	Nonobjecting doctor	Veneto
B13	13.06.2022	Dr. Capone	Nonobjecting doctor	Lombardia
B14	17.06.2022	Dr. Fabbri	Nonobjecting doctor	Lombardia
B15	30.06.2022	Dr. Minelli	Nonobjecting doctor	Lombardia
B16	08.07.2022	Dr. Galtieri	Nonobjecting doctor	Lombardia
B17	20.07.2022	Dr. Reviello	Nonobjecting doctor	Lombardia

Interview #	Date	Interviewee Pseudonym	Professional Role	Region working in at time of interview
B18	02.08.2022	Dr. Avolio	Nonobjecting doctor	Liguria

RESEARCH ARTICLE

Policing Abortion in Poland

The Role of Street-Level Law Enforcement Bureaucrats in Shaping Anti-Abortion Policy

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Abstract

The criminalization of abortion inevitably involves law enforcement agencies in the implementation of reproductive health policy. It entails the policing of certain aspects of abortion care services, their providers, and their clients. Frontline law enforcement officials involved in policing illegal abortions (*i.e.*, police officers and prosecutors), as any other street-level bureaucrats (SLBs), possess discretionary power which can be used with either beneficial or detrimental outcomes to policy clients. As several reported incidents in Poland indicate, law enforcement SLBs may use their discretion to impose restrictions and sanctions on abortion that go beyond the provisions contained in the anti-abortion policy's design. This paper presents a qualitative case study of two real-life examples of the use of discretion by law enforcement SLBs in implementing anti-abortion policy in Poland. Drawing on theoretical frameworks of street-level bureaucracy and reproductive justice, it aims to demonstrate that law enforcement SLBs' use of discretion may not only enforce anti-abortion policies, but also reinforce their restrictiveness and punitiveness. The research contributes to the scholarship advocating the decriminalization of abortion.

Keywords: Discretion; Implementation; Reproductive justice; Street-level bureaucracy; Human rights

Introduction

In the aftermath of the 2020 Constitutional Tribunal ruling that led to the tightening of Polish abortion law, several contentious incidents involving street-level law enforcement bureaucrats (law enforcement SLBs) have occurred. These included the use of unjustified and disproportionate measures, unsubstantiated investigations, and possible violations of fundamental rights. During the protests against the Tribunal's decision, numerous instances of police brutality were reported. Subsequently, in several high-profile cases, law enforcement SLBs showed a notable disregard for legal, procedural, and ethical standards in policing alleged abortion-related crimes. These cases raise questions about the role of law enforcement SLBs in implementing policies that criminalize abortion.

Extensive research has been conducted on physicians, particularly obstetrician-gynecologists (*ob-gyns*), as primary implementers of abortion policy (Aniteye & Mayhew, 2013; Jibat et al., 2024; Krajewska, 2022; Meredith, 2005; De Zordo & Mishtal, 2011; Mishtal, 2009; Pullan, forthcoming). By contrast, the role of law enforcement SLBs in implementing anti-abortion policy remains understudied. This paper addresses this gap through a case study from Poland.

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Utilizing Michael Lipsky's (1980) concept of bureaucratic discretion at the street level, the paper argues that the discretionary actions of law enforcement SLBs may serve not only to enforce, but also to reinforce, anti-abortion policies. To center the lived experiences of individuals affected by such regulations, the study also draws on the reproductive justice framework, which provides critical insights into the discriminatory nature of these policies (Roberts, 2015; Ross & Solinger, 2017), often overlooked by alternative theoretical approaches.

This study adopts a qualitative research strategy, using an illustrative case study based on document analysis. The considerable media attention and public scrutiny surrounding both incidents ensured the availability of relevant data and documents for examination.

The case study comprises two incidents from 2023. The first concerns an ob-gyn in Szczecin whose private medical office was raided by a specialized government agency in pursuit of alleged abortion-related crimes. The second involves a female patient in Krakow who reported a recent abortion and was mistreated by police during a medical intervention. These incidents raise questions about how law enforcement SLBs exercise discretion in implementing anti-abortion regulations, their accountability, the consequences of their actions for abortion seekers and providers, and their impact on how restrictive and punitive policies function on the ground.

This work contributes to existing knowledge in several ways. First, it examines law enforcement SLBs' discretion in implementing anti-abortion policy, broadening the policy implementation research field. Second, it contributes to feminist scholarship on abortion and pregnancy policing by highlighting the significance of individual SLBs' decisions. Third, it explores abortion policing in Poland, which remains understudied despite extensive scholarship on other aspects of Polish abortion policy. Finally, this study is intended as a scholarly contribution to debates in support of abortion decriminalization.

The paper consists of five parts. Following the introduction, the first section provides a literature review on abortion policing and street-level bureaucratic discretion. The second outlines the methodology. The third presents the cases within their legal and political contexts. The fourth offers results and discussion, and the final section draws conclusions.

Literature review

The problem of restricting access to abortion through its criminalization—and the involvement of criminal justice institutions such as the police, prosecution service, and courts—has received considerable attention from feminist scholars across a variety of disciplines and approaches (Berer, 2017; Casas et al., 2019; Chesney-Lind & Hadi, 2017; Cosgrove & Vaswani, 2020; Dellinger & Pell, 2024; Flavin, 2009; Grzyb, 2023; Meredith, 2005). Although Poland has had one of the most restrictive abortion laws in the world, with some significant regression in recent years (Ertan & Yaman, 2025), the enforcement of these laws—particularly through the policing of illegal abortions—remains an underexplored area in the otherwise extensive Polish scholarship on reproductive rights. This may be due, in part, to the relatively infrequent prosecution of abortion-related offenses, with anywhere from several dozen to several hundred cases per year (Więcek-Durańska, 2023).

From a global perspective, a restrictive approach to regulating pregnancy termination—including the criminalization of illegal abortions—remains widespread (Berer, 2017; Singh et al., 2018), despite evidence showing that such policies are counterproductive and irrational from both legal and public health perspectives (Berer, 2017, p. 24). There are at least three main reasons for their persistence.

First, restrictive abortion regulations are designed to gain and maintain state control over reproduction and fertility, as these matters are of vital interest to the state. Since such laws disproportionately affect women (and other persons with the capacity for pregnancy), they

are inherently discriminatory (Douglas, 1991). The tension between the state's interest and the pregnant individual's autonomy gives rise to a conflict that involves various actors, including politicians, policymakers, advocates, and medical personnel—with physicians playing a crucial role as gatekeepers to abortion access (Aniteye & Mayhew, 2013; De Zordo & Mishtal, 2011; Douglas, 1991; Gannon & Pullan, 2025; Jibat et al., 2024; Krajewska, 2022; Meredith, 2005; Mishtal, 2009).

Second, these regulations aim to protect fetal life, effectively prioritizing it over women's lives (Berer, 2017). In the United States, this legal logic has paved the way for prosecuting pregnant people not only for having abortions, but also for causing any actual or potential harm to the fetus gestating in their bodies (Cosgrove & Vaswani, 2020; Howard, 2020; Meredith, 2005). It has also enabled the use of preventive state measures such as surveillance, control, and coercion of pregnant people (Dellinger & Pell, 2024; Flavin, 2009). Howard (2020) refers to this phenomenon as “pregnancy exceptionalism”, which she defines as policies that “legally define pregnant people as a class with diminished rights relative to other, similarly situated people” (p. 350).

Third, as Berer (2017) states, restrictive abortion laws are enacted to serve “punitive and deterrent purposes” (p. 14). They are designed to punish transgressors and discourage others from violating the law for fear of legal sanctions, which can result in a so-called “chilling effect” (Canes-Wrone & Dorf, 2015; Grzyb, 2023; Krajewska, 2022). Significantly, this chilling effect can extend beyond unlawful behavior. It may deter individuals from exercising their abortion rights and hinder institutions or professional communities—such as ob-gyns—from facilitating access to those rights (Canes-Wrone & Dorf, 2015). Additionally, the criminalization of abortion contributes to the stigma that surrounds it (Kwiatkowska et al., 2024; Norris et al., 2011). Abortion stigma positions individuals who have terminated their pregnancies as having made poor moral, personal, or medical choices (Kumar et al., 2009). It portrays them as irresponsible and promiscuous, as criminals, or even as “murderers” who killed an “unborn child”, engendering feelings of guilt and shame (Cockrill & Nack, 2013; Norris et al., 2011). Its punitive and deterrent effects extend beyond those who have terminated their pregnancies and also affect their supporters—including partners, friends, family members, and pro-choice advocates—as well as abortion care providers (Norris et al., 2011).

Systemic factors such as social inequality can further exacerbate the discriminatory nature of restrictive abortion regulations. The reproductive justice approach addresses this phenomenon. Drawing on the human rights framework, it offers a more comprehensive and intersectional perspective on reproductive rights. It examines how the interplay of social identities—such as race, gender, sexuality, and class—conditions individuals' ability to exercise these rights and shapes the attitudes of various institutional actors toward the recipients of reproductive policies (Roberts, 2015; Ross & Solinger, 2017).

While abortion policing has been the subject of considerable feminist research, only a limited number of studies have adopted the street-level bureaucracy approach (for exceptions, see Aniteye & Mayhew, 2013; Jibat et al., 2024; Tønnessen & Al-Nagar, 2019). Notably, none of the identified studies have examined the role of law enforcement SLBs in implementing abortion policy.

The concept of street-level bureaucrats refers to public employees whose work involves direct interaction with policy recipients (Brodkin, 2012; Lipsky, 1980; Musheno & Maynard-Moody, 2015) and who apply policy rewards and sanctions to individuals (Keiser, 2010; Stensöta, 2012). This category includes frontline law enforcement officials, such as police officers (Holmberg, 2000; Koven, 2019; Lipsky, 1980; Maynard-Moody & Musheno, 2010). Like other SLBs, law enforcement officials possess significant discretionary power, which enables them to adapt formal policy to the realities of day-to-day work and perform their duties

more efficiently (Koven, 2019; Lipsky, 1980; Maynard-Moody & Musheno, 2010; Musheno & Maynard-Moody, 2015; Tummers & Bekkers, 2014). Consequently, they are not only policy implementers but also policy makers (Koven, 2019; Lipsky, 1980; Musheno & Maynard-Moody, 2015; Wagenaar et al., 2017).

Although discretion is indispensable, as Lipsky (1980) argued, it can occasionally extend to the point where SLBs act contrary to policy intentions. Numerous studies show that discretion may result in policy divergence, impediment, or outright failure (Koven, 2019; Parashar et al., 2021; Wagenaar et al., 2017). The use of discretion against policy intentions may have twofold consequences. On the one hand, discretionary non-compliance can be used to the advantage of citizens (Lipsky, 1980; Tummers & Bekkers, 2014). In the context of restrictive abortion policy, the study by Tønnessen and Al-Nagar (2019) on doctors' civil disobedience in Islamist Sudan illustrates this phenomenon. The researchers found that although Sudanese doctors are legally obliged to report terminations of pregnancy outside marriage to the authorities, they often refrain from doing so in order to protect their patients' interests, invoking the Hippocratic oath.

On the other hand, SLBs may possess biases and preconceptions that impact their decisions and interactions with the individuals they serve. SLBs may favor some clients or, in contrast, limit access to public services or even refuse their provision (Koven, 2019; Prendergast, 2007; Trochymiak, 2018). The motivations behind such conduct include weak monetary incentives (Prendergast, 2007) and personal worldviews, such as beliefs, values, and political preferences (Parashar et al., 2021). Additionally, decisions made by SLBs can be influenced by client assessment and attitudes toward a given policy's goals (Keiser, 2010), as well as external factors, including supervisors' expectations (Musheno & Maynard-Moody, 2015; Prendergast, 2007), institutional culture (Alcadipani et al., 2024; Brown & van Eijk, 2021), recruitment policy (Prendergast, 2007), and political and social context (Keiser, 2010; Stensöta, 2012). For instance, evidence shows that the motivations of ob-gyns to restrict or block access to abortion can range from the financial benefits of underground abortions (Chelstowska, 2011), to religious beliefs (Mishtal, 2009), to more favourable working conditions (Pullan, forthcoming), to conformity driven by fear of ostracism and stigma (De Zordo & Mishtal, 2011; Gannon & Pullan, 2025; Mishtal, 2009), or legal sanctions (Casas et al., 2019; De Zordo & Mishtal, 2011).

Although all SLBs have considerable power over citizens (Stensöta, 2012), this is especially true of law enforcement SLBs, who have the legal right to stop, search, and identify individuals (Brown & van Eijk, 2021). They can also detain and use force against citizens (Alcadipani et al., 2024; Rahr & Rice, 2015; Wright & Headley, 2020), making their discretionary decisions especially consequential. Research on SLBs in policing identifies several influencing factors, including race, gender, institutional norms, situational dynamics, individual predispositions (such as acting out of spite), and a lack of accountability (Alcadipani et al., 2024; Koven, 2019; Wagenaar et al., 2017). As Prendergast (2007) notes, law enforcement agencies are among bureaucracies marked by notoriously indifferent or hostile attitudes toward clients' expectations (p. 180). Holmberg's (2000) study on proactive policing strategies, such as stop-and-search, shows that such practices are shaped by stereotypes and often result in unequal, harsher treatment of certain demographic groups.

In the Polish context, Żuk (2024) examined prejudice against pro-choice protesters among police after the 2020 Constitutional Tribunal ruling, focusing on gender and sexual orientation. He asserts that misogyny is "a permanent element of the police subculture directed against women in general" (p. 296). Szczepaniak's (2022) interviews with police officers showed that most were critical of the Tribunal's decision and supportive of the protests, yet notably lenient toward police brutality against demonstrators.

Discussions in the broader fields of criminology and legal studies point to the prevalence of the notion that police officers should be “warriors” fighting crime (McLean et al., 2020; Rahr & Rice, 2015). This culture promotes aggressive policing, fosters public distrust, and encourages the use of force even when it is not necessary (Alcadipani et al., 2024; Rahr & Rice, 2015). It also leads to abuses of authority and violations of procedural justice, which encompasses a set of procedures and standards that law enforcement SLBs may or may not meet, as well as rectification mechanisms (Rahr & Rice, 2015). As Rahr and Rice (2015) define it, procedural justice “focuses on perceived impartiality during interactions between police and the communities they serve... fairness, and consistency of treatment. Fairness relates to the protection of human rights... equal treatment, nondiscrimination, and nonpartisanship” (p. 3).

Method

This study employed a qualitative, multiple-case study, design, guided by selected theoretical frameworks and aimed at corroborating their key concepts (Yin, 2018). The focus was on understanding how street-level bureaucrats (SLBs) exercise discretion in the implementation of anti-abortion policy in Poland.

The following research questions structured the inquiry:

1. What discretionary decisions were made by law enforcement SLBs in the studied cases of anti-abortion policy implementation in Poland?
2. Were these decisions consistent with current abortion laws?
3. Did these decisions comply with procedural law and other relevant legal standards?
4. What was the context in which these decisions were made?

To address these questions, the study relied on document analysis (Bowen, 2009; Rapley, 2013) as its primary method. Each case was reconstructed through detailed examination of available sources, with a focus on the SLBs’ decisions, their contexts, and their legal or procedural justifications. The within-case analysis was followed by a cross-case comparison (Yin, 2018), enabling broader insights into patterns of discretionary decision-making and policy implementation.

Case selection followed a purposeful sampling strategy. Cases were chosen based on:

1. their extreme or paradigmatic nature, clearly illustrating the issue under discussion (Flyvbjerg, 2004);
2. the availability of diverse and triangulable documentary materials; and
3. institutional confirmation of SLB misconduct.

Data collection occurred in two stages. The first stage (July–December 2023) focused on gathering documents contemporaneous with the events. The second stage (2024–2025) included assessments of SLB actions produced by oversight institutions. Sources included media reports, legal documents, and audiovisual materials. The use of multiple source types enabled data triangulation, enhancing the reliability and credibility of the findings.

Data analysis was conducted through thematic coding conducted manually. Key analytical themes included:

1. legal (non)compliance,
2. on-the-spot decision-making,
3. professional and ethical standards,
4. accountability and oversight, and
5. rights violations affecting policy clients.

Cases and Contexts

Poland’s abortion legislation has not always been restrictive. For most of the communist era, it was relatively liberal compared to Western liberal democracies. Termination of

pregnancy was legal on broad social grounds, effectively allowing elective abortions. The political transition of 1989 brought significant changes to Polish abortion law, despite strong public opposition (Kocemba & Stambulski, 2023). The *Act of 7 January 1993 on Family Planning, Protection of the Human Fetus and Conditions for Permissibility of Abortion* delegialized abortion except in three cases: threats to the woman's life or health, severe fetal impairment, or pregnancy resulting from a criminal act. Any abortion performed or assisted outside these exceptions became criminal under Article 152 §§1–3 of the *Penal Code* (1997). The law provides penalties of up to three years' imprisonment, or up to eight years if the fetus is viable. Notably, self-induced abortion is not criminalized.

Poland's anti-abortion policy in the postcommunist era proved resilient, despite several attempts to either tighten or liberalize the law. Between 1993 and 2020, it was significantly modified only once through parliamentary means: in 1996, a left-wing government briefly introduced a social indication for legal abortion. However, the Constitutional Tribunal (TK), dominated by right-leaning justices, overturned the amendment within months (Kocemba & Stambulski, 2023).

Prior to 2020, the constitutionality of various abortion-related laws had been challenged multiple times, with the TK's rulings consistently detrimental to women's rights (Kocemba, 2023; Kocemba & Stambulski, 2023). Nonetheless, the 2020 ruling marked a significant change in abortion legislation.

The law was brought before the TK after the ruling coalition, led by the Law and Justice Party (PiS), failed to tighten it through parliament. On October 22, 2020, the TK ruled the "embryopathological" indication (i.e., abortion in cases of fetal defect or disease) unconstitutional (*Trybunał Konstytucyjny*, 2020), significantly narrowing the legal grounds for abortion—from a three-indication to a two-indication model. The impact of this decision became evident when several women died in Polish hospitals due to the lack of necessary, life-saving abortion care (Ogólnopolski Strajk Kobiet, 2023).

The legislative shift was accompanied by an increasingly hostile political climate toward abortion. Political rhetoric from both ruling coalition politicians and anti-choice advocates became particularly aggressive during the mass protests that erupted immediately after the TK's ruling. The police brutality used to suppress demonstrations became emblematic of the PiS state's disregard for human and civil rights. This atmosphere may also have contributed to law enforcement's leniency toward potential offences against pro-choice advocacy groups and its zeal in pursuing alleged abortion-related crimes, as illustrated by the incidents examined in the present study.

This case study includes two incidents. In both, law enforcement SLBs have invoked Article 152 §2 of the *Penal Code* (aiding and abetting abortion). Case A involves an ob-gyn eventually charged with six counts of the crime. Case B concerns a patient who allegedly witnessed this crime and another offense under Article 124 of the *Pharmaceutical Law* (2001), regarding the distribution of unauthorized medical substances. In Case A, special agents and a prosecutor were involved; in Case B, a private citizen interacted with the police.

Case A

On January 9, 2023, officers of the Central Anti-Corruption Bureau (CBA) searched a private gynecological office in Szczecin. A group of armed agents entered the office while patients were in the waiting room and an ob-gyn who practiced there was performing her professional duties. The CBA agents were acting on a prosecutor's warrant, but they did not inform the ob-gyn as to the specific legal grounds for this operation. They requested records for a patient whom the ob-gyn stated she had never treated. They searched the premises and seized the ob-gyn's electronic devices, notebooks, and the complete medical records

of 5999 patients treated between 1996 and 2023. At the time, the ob-gyn was not a suspect in any criminal case.

The medical records were held by the prosecutor's office for almost two months before being returned; the electronic devices and notebooks were held for an extended period with no justification from the prosecutor's office; the ob-gyn's phone was retained for ten months. Nine months following the raid, the ob-gyn's patients began to be called for questioning by the prosecutor's office, and in November 2023, the first formal charges were filed against the ob-gyn. The ob-gyn was not once interviewed during this period. By January 2024, she has been charged with six counts of aiding and abetting abortion under Article 152 §2 of the Polish *Penal Code* (Janik, 2024; Kowalewska, 2023a, 2023b, 2023d, 2024a, 2024b; Kraśnicki, 2023; Rzekiecki, 2023; Theus, 2023a; TVN24, 2023a, 2024a; TVN, 2023; TVP Info Szczecin, 2024).

Case B

On April 27, 2023, a patient from Krakow consulted a psychiatrist due to a mental health crisis. The psychiatrist informed the emergency services that the patient was at risk of suicide following a recent abortion. The emergency dispatch operator notified the police so they would assist the medical emergency team in preventing a potential suicide attempt. An ambulance and a police patrol were sent to the patient's home for an intervention. While the medical team assessed the patient's condition, police officers began interrogating her about the details of her abortion. They also searched her home and demanded access to her electronic devices. Despite the patient's assurances that she posed no threat to herself, she was pressured to go to the hospital. She was transported in an ambulance accompanied by a police vehicle. During her admission and examination, police officers continued the proceedings and seized the patient's laptop. The attending physicians determined that she was not suicidal and did not require hospitalization. She was subsequently transferred to another hospital for a gynecological examination despite no request from her or the attending physicians for such an intervention. Immediately after an ob-gyn at the second hospital examined the patient, female police officers entered the gynecological office and conducted a strip search in the presence of the ob-gyn and demanded that the patient squat and cough (Kijowska, 2023; Rojek-Socha et al., 2023; Theus, 2023b, 2023c; Fakty po Faktach, 2023; TVN24, 2023d; TVP Info, 2023; Wantuch, 2023).

Results

The case study analysis focused on the discretionary aspects of law enforcement SLBs' decision-making in the two examined incidents. Both were evaluated for compliance with Polish law, impact on individual rights, and potential abuse of discretion, as outlined in Tables 1 and 2.

Case A concerns an ob-gyn whose private practice was raided by CBA agents, resulting in the seizure of both her possessions and her patients' medical records without a clear legal basis. Two distinct categories of citizens were implicated: a healthcare provider, whose role as an implementer of anti-abortion policy stemmed from her profession, and patients, as potential recipients of that policy. However, once the ob-gyn became a suspect, she also occupied the position of policy recipient, subject to its criminal enforcement. Two types of street-level bureaucrats were also involved: the CBA agents who conducted the search and the prosecutor¹ overseeing the investigation.

¹ Although he was employed at a regional-level office—a higher tier within the organizational structure—the nature of prosecutorial work involving direct interaction with citizens and decision-making that directly affects them, aligns with the concept of street-level bureaucrats (Lipsky, 1980, Maynard-Moody & Musheno, 2003).

Table 1. CASE A: Potential Abuse of Discretion by Street-Level Bureaucrats

Law Enforcement Action	High-Risk Situation	On-the-spot Decision	Compliant with Law	Individual Rights Potentially Affected ²	Potential Abuse of Discretion
1. Initiation of criminal proceedings.	No	No	Yes	NA	No
2. Office search.	No	No	Yes	NA	No
3. Seizure of all medical records.	No	Yes	No	Privacy; medical confidentiality; due process and fair trial.	Yes: exceeded scope
4. Seizure of original patient documentation.			Partial	Access to medical records and continuity of care.	Yes: no copies provided
5. Detaining personal or evidentiary items	No	ND	Partial	Property; due process and fair trial.	Yes: no justification
6. Handling of private or sensitive information	No	No	No	Privacy; data protection.	Yes: of 5999 uninvolved patients
7. Not specifying legal basis for action.	No	No	No	Liberty and security; fair trial and due process.	Yes
8. Including unlawfully obtained evidence.	NA	No	Yes	Privacy; medical confidentiality; data protection; fair trial and due process.	Q

Note. Law enforcement SLBs' actions were assessed for the presence of high-risk conditions, on-the-spot decision-making, legal compliance, individual rights concerned, and potential abuse of discretion. Partial = Not fully compliant with the law; NA = Not applicable; Q = Questionable.

The SLBs' interactions with the ob-gyn differed from those with the patients. She had direct contact with the CBA agents during the search, while the patients in the waiting room were

² The rights protected under the *Constitution of the Republic of Poland* (1997) (Const.), the *European Convention on Human Rights* (1950) (ECHR), the *Charter of Fundamental Rights of the European Union* (2012) (EU Charter), the *International Covenant on Civil and Political Rights* (1966) (ICCPR), the *General Data Protection Regulation* (2016) (GDPR), and the *Act of 6 November 2008 on Patients' Rights and Patients' Rights Ombudsman* (2008) (*Act on Patients' Rights*) that may have been affected by the actions analyzed: Right to dignity (Const., Art. 30); privacy (Const., Art. 47; ECHR, Art. 8; EU Charter, Art. 7); property (Const., Art. 64; ECHR, Protocol No. 1, Art. 1); liberty and security (ECHR, Art. 5); fair trial and due process (Const., Art. 45; ECHR, Art. 6; ICCPR, Art. 14); bodily autonomy and protection from degrading treatment (ECHR, Art. 3; EU Charter, Art. 3); informed consent and dignified medical care (*Act on Patients' Rights*, Arts. 6, 20, 22); medical confidentiality (*Act on Patients' Rights*, Art. 13); access one's medical records and continuity of care (*Act on Patients' Rights*, Art. 23; EU Charter, Art., 35); freedom from arbitrary interference and discrimination (Const., Art. 32; ICCPR, Art. 17; ECHR, Art. 14); data protection (GDPR; EU Charter, Art. 8).

asked to leave. Later, the prosecutor's office contacted nine patients as potential witnesses. Nonetheless, nearly six thousand were indirectly affected by the seizure and review of their medical records. As shown in Table 1, neither category of law enforcement SLBs involved in Case A was placed in a high-risk situation during their interactions with the ob-gyn or the patients. Since this was not the CBA's first visit to the ob-gyn's office (Rogowska, 2023, Staszak, 2023), they could assess any potential risks in advance. The agents carried out a planned search, and no aggressive behavior was reported from citizens. There was no indication that the ob-gyn posed a flight risk or intended to destroy evidence that would justify urgent action.

Neither the decision to initiate criminal proceedings nor the decision to conduct the search was made on the spot; both were taken in advance by the overseeing prosecutor and were within his authority, as confirmed by the court ruling (Kowalewska, 2023c; TVN24, 2023e). According to a statement from the spokesperson for the Regional Prosecutor's Office in Szczecin, the seizure of documents was related to an investigation into aiding an abortion and assisting in obtaining an unapproved abortion drug, uncovered during a separate, undisclosed investigation conducted by the CBA (TVN24, 2023a). Nonetheless, the decision to deploy CBA agents instead of conventional police may be regarded as an extraordinary measure. Notably, the ob-gyn's office had been under the scrutiny of various law enforcement agencies for some time (Staszak, 2023), and at the time of the proceedings, the prosecutor's office in question was known to be used for "special tasks"—politically sensitive cases redirected there from across Poland under the PiS government (Kowalewska, 2023b, 2024b).

In several instances, the law enforcement SLBs—namely the CBA agents—did not comply with Polish law or procedural standards. They failed to provide specific legal grounds for their actions and exceeded the scope of the warrant by seizing medical records of patients unrelated to the investigation (Kowalewska, 2023c). The agents also violated patient rights regulations by removing original records without providing the required copies (*Act of 6 November 2008 on Patients' Rights and Patients' Rights Ombudsman*, 2008). The overseeing prosecutor—also a law enforcement SLB in this context—held and accessed the unlawfully obtained records to build a case against the ob-gyn. In doing so, he violated provisions of the Personal Data Protection Act by processing personal and sensitive data, including health information and intimate photographs, without authorization, as confirmed by the Personal Data Protection Office (2024).

The criminal proceedings conducted by law enforcement SLBs in Case A potentially affected multiple civil, human, and patient rights of the individuals involved, as protected under both Polish and international legal frameworks (see Table 1). The lack of a clear legal basis for the proceedings may have compromised the ob-gyn's rights to liberty, security, a fair trial, and due process. Although the inclusion of unlawfully obtained evidence is not prohibited under Polish law (Lewandowski, 2013), the prosecutor's decision to use such evidence in this case, given the sensitive nature of the information involved, might be questioned in terms of ethical standards and human rights protections.

As for the patients, the CBA agents may have violated their rights to privacy and medical confidentiality, with some violations confirmed by legal authorities (Michałowski, 2023; Personal Data Protection Office, 2024; Kowalewska, 2023c). The two-month seizure of medical records without providing legally required copies also impeded patients' access to their medical information and continuity of care, in violation of protections guaranteed by the *Act on Patients' Rights* (Art. 23) and the *EU Charter* (Art. 35). The prosecutor's office maintained that the search was legal, as confirmed by the court ruling; however, notably, they admitted that the proceedings were carried out incorrectly and without due restraint (TVN24, 2023e).

In Case B, a female patient came into contact with law enforcement SLBs—specifically, police officers—after emergency services were alerted to a possible suicide risk following a self-managed medication abortion. Within the anti-abortion policy context, she was positioned as a patient and policy recipient, while the police officers acted as its implementers.

Table 2. CASE B: Potential Abuse of Discretion by Street-Level Bureaucrats

Law Enforcement Action	High-Risk Situation	On-the-spot Decision	Compliance with Law	Individual Rights Potentially Affected ²	Potential Abuse of Discretion
1. Initiation of criminal proceedings.	Yes	ND	Partial	Liberty and security; fair trial and due process; freedom from arbitrary action.	Yes: no reasonable grounds
2. Home search.	Q	ND	Q	Privacy; property; fair trial and due process.	Yes: no probable cause
3. Seizure of electronic devices.	No	ND	No	Privacy; property; fair trial and due process.	Yes: no formal procedure
4. Criminal proceedings during medical examination.	No	ND	No ³	Multiple patient rights.	Yes: no suspect status
5. Gynecological examination.	Q	ND	ND	ND	Q
6. Strip-search.	No	ND	No	Privacy; dignity, bodily autonomy and freedom from degrading treatment; equal treatment; patient rights.	Yes: no probable cause
7. Not specifying legal basis for action.	No	ND	No	Liberty and security; fair trial and due process.	Yes
8. Detaining personal items.	No	ND	No	Property; fair trial and due process; protection from arbitrary interference.	Yes: no legal basis (provided)

Note. Law enforcement SLBs' actions were assessed for the presence of high-risk conditions, on-the-spot decision-making, legal compliance, individual rights concerned, and potential abuse of discretion. Partial = Not fully compliant with the law; ND = Not determined; Q = Questionable.

The initial action, initiated by the police dispatcher, who sent a patrol to the patient's home to assist medical personnel in preventing a potential suicide attempt, was lawful as a result

³ Violation of patient rights (Act of 6 November 2008 on Patients' Rights and Patients' Rights Ombudsman, 2008, Arts. 5, 6, 20-22); procedural protections under Art. 192 (Code of Criminal Procedure, 1997).

of the attending psychiatrist's alert (Sitnicka, 2023). However, once the officers arrived, the intervention resembled a criminal investigation. As shown in Table 2, the law enforcement SLBs initially operated in a high-risk situation due to the suicide alert, but as the intervention progressed, it became evident that the patient did not pose a self-harm risk, and further police involvement was no longer necessary.

Most decisions in Case B appear to have been made on the spot by the SLBs present at the scene. However, a press conference held by the chief of police (TVP Info, 2023) following the patient's media interviews (Kijowska, 2023, Theus, 2023c, TVN24, 2023b) suggested otherwise. A published recording of the police dispatcher's call to the attending psychiatrist, presented at the conference (TVP Info, 2023), and police statements (TVN24, 2023c), indicated the dispatcher's involvement in the decision-making process.

This circumstance does not render the SLB discretion framework inapplicable, as direct contact with citizens is not a prerequisite (Keiser, 2010; Stensöta, 2012). Therefore, it is irrelevant whether the decisions analyzed were made by the SLBs at the scene or by the dispatcher. However, as shown in Table 2, whether any of them were made on the spot remains unclear.

Multiple rights of the patient were potentially affected in Case B. First, the initiation of criminal proceedings raises concern, as there was no indication that any crime had been committed in connection with the patient's abortion. Police reportedly acted under Article 152 §2 of the *Penal Code* (aiding and abetting abortion) and Article 124 of the *Pharmaceutical Law* (2001) (unauthorized distribution of substances), yet no probable cause for initiating proceedings existed. The patient had not broken the law, as self-managed abortion is not criminalized in Poland. While police initially stated that she might be a witness to an unspecified abortion-related crime, the patient consistently claimed that no one had assisted her in obtaining abortion pills (Kijowska, 2023; Theus, 2023c; TVN24, 2023b), undermining the rationale for conducting a home search and seizing her belongings.

Officers obstructed a medical examination at the first hospital, possibly violating the patient's right to access medical care. They seized her laptop in her absence and without informing her, violating criminal procedure law under Article 229 §§1–2 of the *Code of Criminal Procedure* (1997). In a subsequent attempt to access her phone and check for unauthorized substances or objects allegedly hidden in her body, officers conducted an invasive strip-search—again, without probable cause or a specified legal basis.

Table 3. CASE A vs CASE B: SLB Conduct in Relation to Anti-Abortion Policy Enforcement

Category	Case A: CBA Raid	Case B: Police Intervention	Procedural Patterns
1. Proceedings based on probable cause	Yes	No	Discrepancy
2. Compliance with abortion law	Yes	No	Discrepancy
3. Compliance with procedural law	No	No	Consistency
4. Discriminatory/unequal treatment	Yes	Yes	Consistency
5. Individual rights affected	Yes	Yes	Consistency

Note. Comparison of SLBs' conduct in terms of alignment with legal norms and principles of procedural justice. Consistency = Similar conduct or outcomes in both cases. Discrepancy = Clear difference in conduct or outcomes.

Although the police claimed that the patient's condition was serious at the time (TVN24, 2023b, TVP Info, 2023), they did not refrain from continuously intrusive proceedings that

possibly increased her distress. These actions also indicate several instances of discretionary authority abuse, which resulted in violations of fundamental human rights, such as the right to privacy, dignity, bodily autonomy, and protection from degrading treatment, and numerous others, as listed in Table 2.

In both cases, multiple discretionary decisions were inconsistent with Polish law—including abortion-related criminal provisions, procedural regulations, and protections under data and patient rights legislation—as well as with ethical and professional standards. Despite these similarities, there are noteworthy discrepancies between the cases in terms of the parties involved, the dynamics of their interactions, and the sequencing of events.

Most notably, Case A involved two categories of law enforcement SLBs and two categories of citizens subject to anti-abortion policy measures. In contrast, Case B involved a single category of SLBs engaging with a single individual. Since the 5,999 patients indirectly affected in Case A had no direct contact with SLBs and their socio-demographic characteristics are unknown, it can only be assumed that the majority identified as female.

The citizens who directly interacted with SLBs during the initial proceedings in both cases are women, but differ in relative age, with the ob-gyn being older. They also differ substantially in profession and in the institutional authority that comes with it. Importantly, the ob-gyn engaged with SLBs enforcing anti-abortion policy in a dual role: as both an implementer and a recipient under its criminal provisions. The patient in Case B was situated solely as a recipient.

Finally, their legal status differs significantly. The patient is not subject to criminal liability, as self-managed abortion is not criminalized. The ob-gyn, however, may be held criminally liable if it is proven that she aided abortions in the cases cited in the charges against her.

A comparative analysis of the SLBs' conduct during the implementation of the Polish anti-abortion policy reveals areas of consistency, as well as two significant differences in their actions (see Table 3). In both cases, law enforcement SLBs demonstrated a disregard for procedural safeguards and the individual rights of the persons involved. Their actions reflected discriminatory and unequal treatment, as the involvement of the patients appears to have been based primarily on their gender—or, more precisely, on their capacity for pregnancy.

The two key discrepancies identified were: the absence of probable cause or a clear legal basis for initiating criminal proceedings, and non-compliance with abortion law in Case B, where SLBs attempted to apply legal provisions that were not applicable.

Discussion

The present study's findings corroborate several assumptions of the street-level bureaucracy framework. First, SLBs' discretion, when diverging from the legal provisions directly expressed in policy design, can be used to the detriment of policy recipients (Koven, 2019), especially in the absence of rectification mechanisms that ensure accountability on their part (Koven, 2019). Second, several factors—including the institutional culture of organizations employing SLBs, personal biases, their assessments of recipients, and the expectations of their political and administrative supervisors—may influence whether and which sanctions (or rewards) are applied to policy recipients (Brown & van Eijk, 2021; Keiser, 2010; Koven, 2019; Musheno & Maynard-Moody, 2015; Parashar et al., 2021; Prendergast, 2007; Wright & Headley, 2020). Third, SLBs may shape policy in a significant way through their implementation practices (Lipsky, 1980).

The findings also align with key assumptions of the reproductive justice framework, demonstrating how the social identities of reproductive policy recipients, on the one hand, and both personally and institutionally held biases and stereotypes about those identities, on the other, influence how individuals are affected by such policies (Roberts, 2015; Ross &

Solinger, 2017). Furthermore, they are consistent with Berer's (2020) claim that regulations criminalizing abortion serve both punitive and deterrent purposes. The analyzed cases illustrate the relevance of this argument even when individuals did not commit an abortion-related offense under the law and thus could not be legally prosecuted. This dynamic may significantly contribute to the chilling effect generated by anti-abortion policy.

Finally, the results highlight a vicious cycle of abortion stigma: one of the reasons for abortion stigmatization is its criminalization (Norris et al., 2011). The stigma, in turn, intensifies the oppressive nature of abortion-related prosecutions.

Of the two incidents analyzed, SLBs' actions were compliant with abortion law only in Case A. The ob-gyn, if proven guilty, could be held criminally liable under Article 152 §2 of the Polish *Penal Code*. In contrast, the patient in Case B, despite admitting to a self-managed abortion, could not have been prosecuted for it, as it is not a crime under Polish law. Consequently, it can be argued that the police officers who initiated criminal proceedings against her diverged from the provisions directly expressed in the Polish anti-abortion policy design. However, the question remains whether they diverged from the policy in terms of its intent.

Apart from the question of policy divergence, in both cases, law enforcement SLBs failed to comply with several other legal obligations. They violated Polish procedural law and protections guaranteed by national and international legal frameworks. Their actions also contradicted the principles of procedural justice as defined by Rahr and Rice (2015). The SLBs' conduct during the proceedings did not meet the criteria of fairness, impartiality, or consistency of treatment. The principle of fairness requires respect for civil and human rights (Rahr & Rice, 2015), which was not upheld in either case; Polish ombudsman institutions (Commissioner for Human Rights, 2023, Commissioner for Patients' Rights, 2023; 2024, Starzewski, 2023; 2024) and other legal authorities (Ferenc, 2025; Kowalewska, 2023c; Personal Data Protection Office, 2024) confirmed multiple rights violations.

In addition, the SLBs' actions in both of the analyzed cases cannot be regarded as impartial or consistent in their treatment of citizens. For instance, the unprecedented decision of the overseeing prosecutor to involve employees of an agency mandated to combat corruption and protect the state's economic interests in the pursuit of an abortion-related crime in Case A can be viewed as unjustified and arbitrary. Similarly, the use of invasive and harsh measures toward a citizen who was not a suspect during the investigation of an alleged abortion-related crime in Case B also appears arbitrary, unjustified, and excessive, as confirmed by the court ruling (Ferenc, 2025).

Due to the arbitrary nature of SLBs' decision-making in the two cases, the actions analyzed did not comply with the principle of transparency—another dimension of procedural justice (Rahr & Rice, 2015)—since clear legal grounds for the proceedings were not provided in either case. In Case A, the prosecutor's direct refusal to justify his decision to retain the ob-gyn's belongings for an extended period (Kraśnicki, 2023) illustrates this issue. In Case B, the police officers conducting the proceedings repeatedly used the term "offence" when interacting with the patient, but they did not specify either the alleged crime or the potential suspect (Theus, 2023a). Notably, neither she nor any other person was ever charged with any crime in connection with these events (Theus, 2023b).

The institutional culture of law enforcement agencies may have also played a detrimental role in both cases (Alcadipani et al., 2024). Several aspects of this culture likely shaped the dynamics during SLBs' interaction with the patient in Case B. First, as Prendergast (2007) noted, law enforcement SLBs often display indifference or hostility toward policy recipients. Second, police culture frequently embraces the notion that officers should act as "warriors" fighting crime rather than "guardians" protecting citizens, fostering general distrust toward the public, acceptance of aggressive policing, and disregard for procedural justice

(Alcadipani et al., 2024; Rahr & Rice, 2015). Szczepaniak's (2022) findings on the leniency toward police brutality against pro-choice protesters, as acknowledged by the interviewed officers, corroborate the existence of this dynamic in the Polish context. Third, sexist and misogynistic attitudes—described by Żuk (2024) as embedded in the institutional culture of the Polish police—may have reinforced distrust and hostility toward recipients of anti-abortion policy, contributing to their harsh and discriminatory treatment (Holmberg, 2000).

Additionally, the systemic reluctance to hold SLBs accountable for abuses of authority, non-compliance with procedural norms, and human rights violations is deeply rooted in the law enforcement institutional culture. As statistics show, up to 88% of complaints about police actions in Poland are dismissed as unfounded. The negligible number of cases that are pursued are usually resolved in favor of the police (Jędrzejczyk, 2023; Wentkowska, 2017). In Case B, this phenomenon is illustrated by the chief of police's conference (TVP Info, 2023) and the conclusions of the police internal investigation, which did not find any misconduct on the part of the officers. Instead, all responsibility for the course of events during the intervention was placed on the patient in mental crisis. The prosecutor's office and the court also did not find any misconduct on the part of the police (TVN24, 2024b). This systemic leniency fosters a sense of impunity, where SLBs believe they can misuse their authority without facing repercussions.

In both cases, as discussed by numerous scholars (Koven, 2019; Musheno & Maynard-Moody, 2015; Prendergast, 2007; Stensöta, 2012), the impact of political pressure and supervisors' expectations should not be underestimated. The hostile political climate surrounding abortion in Poland—prevalent during the PiS government and further intensified following the Constitutional Tribunal's 2020 ruling—may have exerted pressure on law enforcement SLBs to investigate cases involving suspected abortion-related offenses rigorously. In Case A, it is also important to consider the changes to the justice system introduced by the PiS government, which undermined the independence of prosecutors from political influence within an already hierarchical prosecution system. In this context, it may be argued that the investigation of the ob-gyn, conducted by a prosecutor from an office known for handling politically sensitive cases, was initiated not at his own discretion but on direct orders from superiors. The available sources are unclear on this point. However, this study does not focus on the initiation of the proceedings in Case A, but rather on the actions of the CBA agents deployed to conduct the search and the subsequent decisions of the prosecutor following the unlawful confiscation of medical records by those agents.

Building on the influence of recipient assessment on SLBs discretionary decisions (Keiser, 2010; Parashar et al., 2021), it is notable that the patient was treated more harshly than the ob-gyn during her direct interaction with SLBs. Since both individuals are female, gender alone is unlikely to explain the difference in treatment. Other intersecting factors—age, perceived class differences, and power dynamics—may have shaped SLBs' attitudes. The ob-gyn, a highly trained professional, encountered CBA agents in her workplace while performing her duties. The patient in Case B, by contrast, was a private individual in a state of mental crisis at the time of the police intervention.

If the SLBs' more restrained approach toward the ob-gyn stemmed from such contextual assessments, this would be consistent with findings by Keiser (2010) and Parashar et al. (2021), who argue that SLBs' perceptions of policy recipients influence their discretionary decisions—whether to impose sanctions or extend leniency. However, the available evidence from official documents reflects only a degrading assessment of the patient in Case B (TVN24, 2023d; TVP Info, 2023).

The SLBs' assessment of the patient in Case B may also have been shaped by abortion stigma (Cockrill & Nack, 2013; Kumar et al., 2009; Kwiatkowska et al., 2024; Norris et al., 2011).

While abortion stigma also affects providers (Norris et al., 2011), it is typically the individual who undergoes an abortion who is stigmatized as irresponsible, promiscuous, or incapable of making “good” choices (Kumar et al., 2009). In this case, abortion stigma may have intersected with ableistic bias against individuals with mental health issues, consequently, reinforcing misogynistic tropes, such as the perception of women as irrational, emotionally unstable, and morally suspect. These stereotypes were reflected in public statements by the police spokesperson and later by the chief of police, who emphasized the patient’s “serious condition” and susceptibility to manipulation (TVN24, 2023b, 2023c, 2023d; TVP Info, 2023).

This observation aligns with reproductive justice theory, highlighting how multiple social identities—including mental health status—shape how individuals experience reproductive policy (Ross & Solinger, 2017). Furthermore, the mere existence of laws criminalizing unlawful abortions, even if not applicable to the patient in Case B, may have rendered her, if not legally, then morally, suspect in the eyes of law enforcement SLBs.

In both cases, the patients’ capacity for pregnancy—whether actual or potential—appeared to be a key factor enabling state intervention. This finding aligns with Howard’s (2020) concept of “pregnancy exceptionalism”, as the individuals representing this category of citizens were treated by state agents as if they had diminished rights compared to other groups, particularly cisgender men. Moreover, regardless of legal efficacy, the proceedings in both cases could function as disciplinary tools and intimidation tactics. They not only reinforced the punitive and deterrent dimensions of anti-abortion policy by inducing a chilling effect among both potential abortion providers and seekers (Canes-Wrone & Dorf, 2015) but also expanded the policy’s reach and severity by affecting individuals to whom its criminal provisions do not formally apply.

The results presented herein underscore how the implementation of anti-abortion policy extends beyond legal boundaries, operating through discriminatory mechanisms embedded in its criminalizing regulations and discretionary authority possessed by law enforcement SLBs in the role of its implementers.

Conclusions

The appropriate conduct of law enforcement SLBs is particularly crucial when enforcing restrictive and punitive policies concerning matters as sensitive as reproductive health and rights. As the Polish examples show, the prosecution of abortion may lead to human, civil, and patient rights violations. However, the ways law enforcement SLBs exercised discretion in the analyzed incidents cannot be regarded merely as discriminatory practices resulting from an inherently discriminatory policy. In both cases, the law enforcement SLBs demonstrated a disregard for ethical and professional standards and principles of procedural justice (Rahr & Rice, 2015).

The involvement of law enforcement agencies in implementing the criminal aspects of an otherwise health-oriented policy raises concerns for the well-being and safety of citizens—particularly in light of their institutional culture, which is often characterized by distrust, a deficiency in empathy toward citizens (Prendergast, 2007), aggressive tactics (Alcadipani et al., 2024; Rahr & Rice, 2015), and embedded biases (Žuk, 2024).

Abortion policing may intensify the discriminatory character of the policy and further suppress individual rights. It may also contribute to the existing stigma surrounding abortion (Norris et al., 2011) as well as to the chilling effect among both abortion providers and abortion seekers (Canes-Wrone & Dorf, 2015). As such, it serves not only to enforce but also to reinforce the existing policy.

Building on the reproductive justice framework (Roberts, 2015; Ross & Solinger, 2017), the involvement of law enforcement SLBs in enforcing anti-abortion policies not only restricts one’s right to not have a child but also limits access to other reproductive services. This is

illustrated by Case A, where the ob-gyn's patients were temporarily denied access to their medical records, potentially affecting their gynecological care.

Due to a lack of accountability, law enforcement SLBs who abuse their power are rarely subject to disciplinary measures or dismissal, as confirmed by the fact that, at the time of this writing, none of the SLBs involved in either case had been held accountable. This creates a situation where the only way to assert one's rights may be to pursue them in court.

While this study provides insights into the role of individual law enforcement SLBs and their discretion in implementing anti-abortion policies, it is limited by its reliance on publicly available sources, which may not fully capture the complexity of discretionary decision-making. Future research should explore first-hand perspectives of SLBs and affected individuals, and examine how the discretion of ob-gyns and law enforcement officers intersects in shaping the implementation of abortion policy.

This paper was conceived in support of urgent anti-abortion policy reform, beginning with the decriminalization of pregnancy termination, to prevent further abuse of power and invasive state intervention in matters of health, self-determination, bodily autonomy, and dignity.

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RESEARCH ARTICLE

Feminist Responses to Anti-Abortion Attacks in Italy and Slovenia

Building Democratic Innovations in Contexts of De-Democratization

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Abstract

This paper examines contemporary feminist movements' repertoires of action in Italy and Slovenia in response to informal challenges to abortion rights amidst the rise of anti-gender mobilizations and processes of de-democratization. While legal frameworks protecting abortion remain intact in both countries, informal barriers, forms of boycott and hijack of existing laws, such as misinformation, conscientious objection, and judgmental discourses undermine access to reproductive rights. Through qualitative analysis of interviews with feminist activists, the study identifies innovative grassroots practices – such as mapping conscientious objectors, accompaniment services, and public education campaigns – as key “democratic innovations.” These actions not only address gaps left by institutional frameworks but also promote self-determination, solidarity, and care-based peer support. By analyzing these feminist repertoires, the paper highlights how grassroots strategies counteract anti-abortion threats and stimulate democratic resilience in contexts of de-democratization. It contributes to the literature on feminist democratic innovations by expanding the understanding of how movements engage in transformative practices beyond formal political arenas to safeguard reproductive autonomy.

Keywords: Democratic innovations; De-Democratization; Feminist movements; Abortion; Reproductive rights

Introduction

In recent years, feminist movements in Europe and beyond have encountered escalating challenges from anti-gender mobilizations seeking to restrict equality politics. These mobilizations initiated by diverse network of actors – including religious groups, “pro-life” movements, anti-gender organizations, and far-right political parties – unite to counter and dismantle existing feminist achievements while promoting conservative views on family, kinship, sexuality, and intimate citizenship more broadly (Kuhar & Paternotte, 2018). Key equality politics areas in which this conflict has been most evident include opposition to LGBTQ+ rights (Kuhar & Paternotte, 2018), resistance to the ratification and withdrawal from

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the Istanbul Convention (Krizsán & Roggeband, 2021b; Verloo & Paternotte, 2018), as well as sexual and reproductive rights (Renner & Kralj, 2021). However, as Paternotte (2023) points out, anti-gender mobilizations are not merely directed against particular equality politics but represent a broader attempt to establish a novel neoconservative social order that is less democratic and more authoritarian. In this sense, contemporary anti-gender mobilizations accelerate contemporary processes of de-democratization, positioning gender equality at the heart of an intensely polarized context (Lombardo et al., 2021; Verloo, 2018).

In the process of de-democratization, anti-gender actors and their organizations seek to shape not only formal legislative institutions but also informal social landscape beyond legal reach. They employ strategies such as boycotting and hijacking existing laws to create a broader social climate aimed at reducing public support for specific rights by engaging in populist dialogue and applying subtle pressures to make these rights appear undesirable. De-democratization, therefore, can unfold in various ways and with differing degrees of strength and visibility, and often takes place without an explicit alteration of the legal framework. This is particularly true in those contexts in which gender-related policies have large consensus, thus pushing oppositional initiatives to take more indirect channels to reach their goals (Ahrens, 2018).

One such area of equality policies with a relatively high level of public acceptance and consensus is reproductive rights in Italy and Slovenia, particularly the right to abortion, which has been legally protected in these two countries for a relatively long time. Thus, in both Slovenia and Italy, opposition to abortion rights is not primarily pursued through direct legal challenges but rather through more or less successful attempts to create informal and indirect obstacles that can be framed as forms of boycott and hijack of existing legal frameworks.

Since access to legal and safe abortion is a fundamental aspect of democracy, and feminist social movements have historically prioritized it on their political agenda, the key question arises: how do feminist actors respond to these informal attacks and pressures from anti-gender actors? What “repertoires of action” (Tilly, 1978, 1986) they develop in response to these de-democratic processes? This paper argues that the repertoires of action developed by feminist actors in Italy and Slovenia represent “democratic innovations” (Caravantes & Lombardo, 2024; della Porta, 2020) aimed specifically at countering the de-democratizing influence of anti-gender actors in the field of reproductive rights.

To examine the repertoires of action that contemporary feminist movements have adopted in response to challenges to the right to abortion, this paper draws on interviews with feminist activists in Italy and Slovenia. The two countries serve as illustrative cases of broader dynamics unfolding across the European Union, where formal legal protection for abortion coexists with growing informal restrictions. In both Italy and Slovenia, indeed, the right to abortion is legal and has formally remained intact, and nevertheless, access to abortion is limited due to informal challenges enacted by anti-abortion actors. Studying these cases sheds light on a wider European trend in which feminist movements are compelled to defend established rights not only against formal legal reforms, but also against more subtle and diffuse forms of resistance that operate through cultural, institutional, and discursive means.

Our findings highlight that through grassroots initiatives such as direct social action and knowledge production, feminist movements in the two countries do not limit themselves to resisting threats posed by anti-abortion actors but enact and prefigure alternative approaches to reproductive healthcare. Overall, the paper shows that feminist movements elaborate essential democratic innovations in contexts of de-democratization, since they

protect and facilitate access to abortion, while at the same time promoting and embodying community-based approaches to care and self-determination.

In the following sections, we first outline the theoretical framework of our research. Subsequently, we contextualize the socio-historical background and current landscape of reproductive rights in both countries. Then, we detail our research methodology and present the main findings of our comparative analysis. In the concluding discussion, we critically examine these findings and present key insights drawn from our analysis.

Feminist Movements and Democracy: Between De-democratization and Democratic Innovations

The paper draws on the field of research exploring the relationship between feminist movements and democracy (e.g., Eschle, 2019; Krizsán & Roggeband, 2021a, 2021b). Building on studies that examine the processes of de-democratization and the central role of opposition to gender politics, it aims to understand how feminist actors respond to the de-democratizing practices of anti-abortion movements (Kuhar & Paternotte, 2018; Lombardo et al., 2021; Verloo, 2018). In outlining feminist actors and organizations as part of broader efforts to resist de-democratization and deepen democracy, we build upon social movement studies to analyze feminist repertoires of action (Tarrow, 1989; Tilly, 1978, 1986) as democratic innovations, in as much as they contribute to protect and deepening democracy (Caravantes & Lombardo, 2024; della Porta, 2020).

De-democratization process refers to the erosion of democratic values and practices, such as equality, inclusion, participation, and human rights (Lombardo et al., 2021). This process creates political polarization, targeting feminist and social justice movements, and highlights the fragility of democratic institutions. At the same time, it provokes resistance from civil society and political actors who defend equality and social justice. As scholars have argued, de-democratization is not solely the result of formal legal changes, since “policy termination is rare and we need more gradual measurements of change towards erosion or dismantling” (Krizsán & Roggeband, 2018, p. 92). In the context of abortion rights, de-democratization takes place through the presence and expansion of a range of formal and informal obstacles, such as forms of boycott and hijack of existing laws. In many European countries, despite legalization and even constitutional protection, the right to abortion is hindered by procedural and regulatory barriers, such as mandatory waiting periods, time limits, obligatory counselling, conscience clause misuse, and financial costs (Marques-Pereira, 2023), as well as by the instrumental exploitation of the weaknesses of the law and the persisting social stigma. Given that these obstacles contribute to hinder access to a legally recognized right, that of abortion, we consider them as part of a process of de-democratization.

As a counterpoint to the erosion of democratic practices, movements develop democratic innovations. These refer to novel practices and institutional mechanisms that aim to improve the quality of democracy, often by increasing citizen participation, enhancing accountability, and promoting greater inclusion (della Porta, 2020; della Porta & Felicetti, 2022a, 2022b; Fominaya, 2022). These include participatory budgeting, citizens’ assemblies, and other deliberative forums designed to make democratic systems more inclusive (Goodin & Dryzek, 2006; Niessen, 2019). These practices are meant to enlarge citizens’ engagement with policy-making (Dryzek, 2002; Goodin & Dryzek, 2006; Pateman, 1975).

However, one of the main gaps in the literature on democratic innovations is that it tends to focus exclusively on the institutional arena, often neglecting the role that social movements play in fostering democratic innovation (della Porta, 2013, 2020) outside of institutional politics. As della Porta (2013) argues, “case studies have indicated that democratization is often linked to contentious dynamics, such as pro-democratic cycles of

protest, and waves of strikes” (p. 133). Feminist movements have been instrumental in developing new forms of democratic engagement, particularly through deliberative processes that prioritize inclusion, participation, and direct social action (Ciccia et al., 2021; Lépinard, 2014; Taylor & Van Dyke, 2004). These innovations challenge the traditional boundaries of democracy by emphasizing that democracy should not only be about participation in formal institutions but also about transforming everyday practices of power and resistance (della Porta, 2020).

While studies of democratic innovations are generally grounded in contexts where political opportunities are open and movements can engage with institutional arenas, our study is situated in the context of de-democratization led by anti-gender mobilizations. In doing so, it contributes to the growing body of literature on feminist responses to anti-gender mobilizations. Scholars in this field have shown that feminist resistance in the last decade has evolved from passive or defensive reactions to increasingly proactive and strategic forms of resistance (Smrdelj & Kuhar, forthcoming, 2025). Studies also show that feminist actors engage in both contentious public actions (like protests and humor) and institutional strategies (such as counter-framing, litigation, and parliamentary rule-making) to counteract delegitimization, misinformation, and anti-gender backlash (Caravantes et al., 2024; Cullen, 2021;). Moreover, scholars have explored how feminist responses vary across national and institutional contexts – from grassroots actions in Croatia due to generational and political changes (Böhmová, 2024), to embodied feminist counter-populist performances in Poland (Kurylo, 2021), and the development of feminist institutional categories in the EU and Catalonia (Caravantes et al., 2024; Kantola & Lombardo, 2024).

Bridging studies on feminist responses to anti-gender mobilizations and democratic innovations, this paper offers a deeper understanding of how democratic innovations emerge in contexts of de-democratization. Our analysis centers on the repertoires of action developed by feminist movements in Italy and Slovenia that facilitate and strengthen access to abortion rights through grassroots initiatives. These actions occur outside the formal institutional sphere, yet they are crucial in ensuring that abortion rights are upheld. Their significance is heightened by the fact that legal protections for abortion do not necessarily shield abortion seekers from encountering obstacles that, at times, undermine the right itself. In fact, there may be a notable gap between formal rights and actual access to those rights. We argue that the initiatives carried out by feminist movements to guarantee abortion access represent democratic innovations, as they not only effectively enact the right to abortion beyond the confines of the law but also enact and embody alternative approaches to abortion care. By focusing on grassroots democratic innovations, the paper proposes a more comprehensive understanding of how feminist principles and practices can challenge, expand, and redefine democracy in contexts of de-democratization. In doing so, we also suggest the fight for gender equality is not limited to legal battles or policy reforms but is also waged in everyday practices of resistance, solidarity, and care.

To examine how feminist movements engage with the context of de-democratization and how their activism innovates democracy, we draw on social movements’ literature on repertoires of action (Tilly, 1978, 1986), understanding democratic innovations as a form of repertoire that seeks to enhance democratic practices through novel and inclusive strategies. As scholars have widely shown, the choice of repertoires of action is influenced by many different factors. Movements choose specific repertoires based on their collective identity, collective memory, and ideological stances (Taylor & Van Dyke, 2004; Traugott, 1993). However, the context in which they operate is a critical factor in determining their choices: the selection of forms of action is influenced by various political opportunities and economic contexts (Bosi & Zamponi, 2015; Tarrow, 1989; Tilly, 1978, 1986).

The paper considers the existing legal frameworks that ensure access to abortion in the two countries as part of the context that shapes both feminist movement repertoires and the ability to resist democratic backsliding.

Reproductive Rights as Battleground: The Context of Italy and Slovenia

In both Italy and Slovenia, abortion is legal due to legislation implemented in the 1970s. In Italy, Law 194 was instituted in 1978, while in Slovenia (then part of former Yugoslavia), the right to abortion has been included in the constitution since 1974. While these legal frameworks have remained unaltered over the decades, both countries have experienced significant challenges to the right to abortion, which have come from anti-abortion actors intervening through informal means, such as through forms of boycott and hijack¹. In fact, over the past decade, both Italy and Slovenia have become a key battleground in the global struggle over reproductive rights, gender, and sexuality, with the rise of both anti-gender movements and feminist resistance (Garbagnoli, 2014; Lavizzari, 2019; Lavizzari et al., forthcoming, 2025; Mencin Čepelak, 2016; Prearo, 2024a, Renner & Kralj, 2021). In both countries, the right to abortion is hindered by the initiatives of anti-abortion actors who “erode” the legal protection without challenging existing legislations. Additionally, both countries experienced a resurgence of massive feminist mobilization which have responded to the rise of anti-gender actors and elaborated innovative repertoires (Bonu Rosenkranz & della Porta, 2025; Markelj & Pajnik, 2025). While in this regard Italy and Slovenia share many similarities, they also present significant differences, which allow for a comparative exploration. In particular, in this article we take into consideration the different degree of protection that legislation about abortion in the two countries provides, as well as the extent to which anti-abortion politics has been institutionalized.

In Italy, abortion was decriminalized in 1978 with the approval of Law 194. Since then, Italy’s legal framework has remained highly contested (Caruso, 2020; Cozzi et al., 2025; Gannon & Pullan, 2025). Law 194/1978 allows abortion within the first 12 weeks of pregnancy under specific conditions, including considerations on the woman’s health, economic status, and family circumstances, assessed by a doctor, who must authorize the abortion. Additionally, the law allows healthcare professionals to refuse to perform abortions on the grounds of conscientious objection (Caruso, 2020). This provision has significant repercussions for women seeking to interrupt a pregnancy. Nearly 70% of Italy’s gynecologists, anesthesiologists, and other healthcare professionals claim conscientious objection, which means many women face severe difficulties in accessing abortion services. In some regions, the percentage of objecting doctors is even higher, forcing women to travel long distances or encounter bureaucratic hurdles in their search for available services. This process is coupled with the ongoing dismantling of the public health sectors, which have experienced numerous reductions in resources and services over the past decade. This has further exacerbated the challenges associated with accessing abortion services, as a result of the general shortage of doctors and resources.

¹ We use the term “informal” to identify those challenges to the right to abortion that do not directly aim to modify or overturn the law. We define informal means as both the discourses and practices that obstruct the right to abortion through “social” initiatives – such as reinforcing stigma against abortion seekers, pro-life actors attempting to dissuade individuals outside healthcare clinics, or medical professionals’ judgmental attitudes towards abortion seekers – as well as those that strategically exploit legal loopholes to restrict access. The latter strategy is particularly evident in the Italian context, where, despite not directly challenging the law, anti-abortion politics has leveraged the conscientious objection clause – included in the law – in a way that has effectively undermined abortion rights in practice. In this regard, informal obstacles to access to abortion may be connected to formalized limitations included in the law, which nevertheless become real threats to the right to abortion only to the extent that anti-abortion actors exploit them instrumentally.

The high prevalence of conscientious objection undermines the intent of Law 194, rendering the right to abortion increasingly precarious. Women are often left without sufficient information or access to the necessary services, and grassroots feminist organizations are stepping in to fill these gaps (Barone, 2024; Barone, forthcoming; Caruso, 2020; Giovannelli et al., 2023). Informal networks, often led by feminist activists, have emerged to provide information, support, and resources for women seeking abortion, especially in areas where access is severely limited.

Additionally, starting from 2022, when Giorgia Meloni, leader of the far-right party Fratelli d'Italia (Brothers of Italy), became Italy's prime minister, anti-abortion politics has been increasingly institutionalized. Meloni's ascent to power has cemented a symbiotic relationship between radical right politics and anti-gender movements (Lavizzari, 2024). These actors, already mobilized around issues of traditional family values, national identity, and opposition to LGBTQ+ rights, have found an influential ally in Meloni's administration (De Giorgi et al., 2023; Donà, 2023b, 2023a; Prearo, 2024b). Concerning abortion, the Prime Minister has openly stated that she did not wish to challenge the existing legal regulation as recognized by Law 194. At the same time, the government has intensified the use of indirect means to further obstruct the right to abortion. For example, state resources have been directed toward anti-abortion, allowing them to operate in healthcare centers and hospitals, often discouraging women from seeking abortions or intrusively questioning their decision to perform an abortion. Furthermore, the government's rhetoric has increasingly masked its anti-abortion policies as supporting motherhood and women in economic hardship. This strategy has allowed the government to challenge the right to abortion while maintaining its legal protection untouched. Conservative policy proposals have been repeatedly put forward by right wing parties to make abortion illegal, as a consequence of the significant influence in the public sphere and the government of anti-gender movements. The main anti gender actors, as the umbrella organization Pro Vita & Famiglia (Pro Life and Family) recurrently refer to abortion as part of the "gender ideology" project, that supposedly seeks to dismantle the traditional family and the natural gender order. In the timeframe of our analysis, several protests promoted by anti-gender movements, such as the demonstration related to the World Congress of Families in March 2019 in Verona, took place, witnessing an ongoing cycle of anti-gender contention.

Concurrently, Italy has witnessed a resurgence of feminist activism, particularly embodied by the grassroots movement Non Una Di Meno (Not One [Woman] Less) (Barone & Bonu, 2022; Chironi, 2019). From 2016, this feminist coalition has mobilized in response to the growing attacks on women's rights and has organized public protests and direct social actions to defend reproductive rights, LGBTQ+ rights, and combat gender-based violence. Since its inception, Non Una Di Meno has consistently advocated for a broader feminist agenda, linking gender justice with economic, social, and political equality, challenging not only the reactionary politics of the far right but also the structural inequalities that make marginalized groups vulnerable to these attacks. One crucial characteristic of Non Una Di Meno is its autonomous and grassroots character as well as its conflictual engagement with institutions and institutional actors (Barone & Bonu Rosenkranz, forthcoming). The movement is largely organized through horizontal assemblies and adopts a prevalent strategy of protesting.

While in Italy the grassroots feminist movement has been confronted with an already weak legal framework for abortion rights, as well as with the increasing erosion of the right, Slovenia stands out with one of the most liberal legal reproductive rights frameworks in Europe. This framework emerged from feminist struggles, particularly during the socialist era, which led to Yugoslavia becoming the first country in the world to enshrine a constitutional right to freely decide on childbearing, with abortion restricted only on

medical grounds, as early as in 1974 (Mencin Čeplak, 2016). The consequent 1977 Health Measures in Exercising Freedom of Choice in Childbearing Act, still in force today, includes abortion as a family planning method, alongside contraceptives, sterilization, infertility treatments, and in vitro fertilization (Rener & Kralj, 2021). Following the breakup of Yugoslavia, Slovenia faced attempts to weaken these rights during the early 1990s, when a center-right coalition was in power. At the time, there was opposition to preserving abortion rights in the new constitution, framing abortion as being a threat to the Slovenian nation (Mencin Čeplak, 2016). However, strong feminist coalitions succeeded in maintaining this right, securing its protection under Article 55 of the 1991 Constitution.

While Slovenia has a legacy of constitutional protection of reproductive rights, these rights have been repeatedly contested throughout the country's history, both in terms of conservative policy proposals to remove abortion from health insurance coverage under the austerity measures, as well as discriminatory practices in health care institutions (Markelj & Pajnik, 2025). These forms of boycott and hijack range from providing inadequate information about abortion procedures to applying subtle pressure on women through intrusive questioning about their decisions. Women may also face a lack of psychological support or post-abortion counselling, and some even undergo the procedure in the same rooms as pregnant women or those undergoing in vitro fertilization, creating distressing situations.

The most recent threats to reproductive rights have emerged with the rise of the anti-gender movement, which targets abortion as a key project of "gender theory" (Kuhar, 2017; Smrdelj & Kuhar, 2024). Recently, the anti-gender movement, consisting of a diverse network of actors, including family associations, religious groups, nationalist organizations, "pro-life" groups and far-right parties (Kuhar & Paternotte, 2018), shifted focus to influencing public discourse on abortion rather than pursuing policy changes. Public events, such as the 40 Days for Life rallies in front of a Gynecological clinic in Ljubljana in 2016, were organized by Zavod Božji otroci (God's Children Institute), one of the main "pro-life" actors and involved participants praying for the end of abortion and engaging with women visiting the clinic to persuade them against undergoing the procedure (Mencin Čeplak, 2016). Anti-abortion discourse has also been prominently displayed in the annual anti-abortion March for Life, held continuously since 2019 and organized in collaboration with two prominent anti-gender actors, Zavod Živ!m (I'm Alive) and the March for Life Organizing Committee.

Over the past decade, the feminist movement has actively resisted neoconservative mobilizations, primarily adopting a reactive stance to safeguard the existing reproductive rights. The contemporary feminist movement has shifted from centralized structures to diverse, decentralized forms of resistance. Spanning from NGOs with structured and formalized frameworks to informal grassroots groups grounded in self-organization, autonomy, and horizontality, the movement has embraced trans-thematic action, linking gender issues to broader economic and social shifts under late capitalism. The diversity of the movement is reflected in varied repertoires of action, with some using legal means and direct engagement with state institutions, while others transcend and challenge institutionalism in favor of participatory methods such as protests, events, and direct social action (Markelj & Pajnik, 2025). Advocating for the preservation of free abortion access (Rener & Kralj, 2021), the movement has engaged in both institutional and informal arenas to advance its demands. One of the most recent feminist mobilizations emerged in 2023 after feminist activists uncovered a rather secluded policy according to which individuals not paying supplementary health insurance faced additional costs for abortion (The 8th of March Institute, n.d.). While feminists successfully called for full state funding, anti-gender groups issued public opposition, labelling abortion as murder. These actions have generated considerable public and media attention, highlighting the ongoing struggle

between maintaining progressive reproductive laws and addressing the pressures from anti-gender mobilizations.

Ongoing struggle in both Italy and Slovenia highlights the critical role of feminist movements in ensuring reproductive rights, despite the differing historical and legal contexts in which they operate. Both countries face informal attacks, such as the obstruction of abortion access through conscientious objection in Italy and anti-abortion rallies or covert policy changes in Slovenia, which undermine these rights without directly altering the legal frameworks.

Methodological Framework

To examine contemporary feminist movements' responses to anti-abortion attacks, with a particular focus on informal settings, we employed a qualitative research approach. This included conducting in-depth, semi-structured interviews with feminist actors in Italy and Slovenia between December 2023 and February 2024, which provided the foundation for our comparative analysis. The focus of our research was on the period unfolding from 2010 onward, with the aim of exploring the most recent wave of feminist mobilizations. Semi-structured interviews were chosen as the primary method because they allowed for capturing nuanced insights into feminist movements' responses to de-democratization processes, which might not be fully accessible through other methods, like quantitative approaches or secondary data.

Our sample included 43 feminist activists, 20 from Italy and 23 from Slovenia, selected to capture the diversity of feminist actors in each country. Interviews aimed to cover the internal variety of the movement in both countries. In Italy, most of the interviewees are part of horizontal and grassroots groups, while in Slovenia, given the nature of the movement, interviews also included representatives of more formal groups such as NGOs.

Each interview, lasting between one and two hours, followed a semi-structured format and explored a range of topics, including organizational structures of the movement, the main issues they tackle, repertoires and strategies they adopt and responses to anti-gender mobilizations. We also captured networking practices, outcomes of feminist actions, and future visions for the movement. All interviews were audio-recorded and transcribed verbatim. Furthermore, all interviews have been anonymized. Informed consent was obtained from all participants prior to the interviews.

The data analysis was conducted in two steps. First, using the qualitative data analysis software MAXQDA, we identified the main themes in our interviews based on the topics outlined above. In the second step, we extracted all repertoires of action related to feminist democratic innovations in informal settings. To ensure confidentiality, quotes are attributed using the following labels: FAI, number of the interview (Feminist Activist Italy) and FAS, number of the interview (Feminist Activist Slovenia).

The Analysis of Results

The following section examines the main repertoires of action within feminist movements in Italy and Slovenia as they resist efforts to restrict reproductive rights. Our analysis demonstrates that feminist activists in both countries intervene against the erosion of the right to abortion through two key strategic approaches: (1) *direct social action*, including peer-to-peer mutual support and solidarity initiatives, and (2) *repertoires of knowledge production* aimed at countering anti-abortion narratives, disseminating accurate information, and providing tools for informed decision-making about abortion.

Direct social action as a form of solidarity: Assisting and supporting women in accessing abortion

Activists in both countries have increasingly articulated the struggle for abortion rights through direct social action (Bosi & Zamponi, 2015; Zamponi, 2019; Zamponi & Bosi, 2018). With this term, scholars refer to mutualistic and peer-to-peer practices that do not target the state or other stakeholders but act immediately and concretely. By reshaping everyday routines, these practices actively prefigure an alternative society, expand democratic agency, and promote solidarity and shared responsibility (Butzlaff & Deflorian, 2021). In the case under scrutiny, solidarity initiatives respond to the systematic erosion of the right to abortion enacted through indirect attacks, such as boycott and hijack. Direct social actions act as powerful examples of democratic innovation: through these initiatives, feminist actors not only offer practical support to those facing barriers to abortion access, but also attempt to enact alternative forms of case-based support, redefining the boundaries between users and experts, enhancing individual agency and promoting an alternative infrastructure of reproductive healthcare access.

In doing so, feminist collectives serve as democratic garrisons, standing as a barrier against forces of de-democratization that seek to erode hard-won rights, such as the continuous challenges to abortion access. As an Italian activist argues:

Institutions, the law, constitute props. Sometimes they are much further back than you would like, sometimes they become the foothold so that we don't get swept away by the drifts, because we are in formal democracies. [...] In addition to the struggles and the building of this better world we want, this different world, there is the management of the everyday, there are answers that need to be there, in the 'here and now', because if one wants to do a voluntary termination of pregnancy one has to do it on time, without all the stumbling blocks that this entails. (FAI5)

As the above quote shows, feminist activists believe that their everyday practices of peer-to-peer support and resistance constitute a fundamental tool in the "here and now" that takes places outside the institutional arena.

In Italy, for example, feminist activists actively support individuals in need of abortion by practicing accompaniment. With this term activists identify all those practices that are meant to actively support the person who needs an abortion. This may involve physically accompanying the person to the hospital, staying by their side to address any potential difficulties they may encounter, as well as more generally providing social and moral support. As an activist reported:

When we say accompaniment, we don't mean just physical accompaniment, like accompanying someone to the healthcare center or the hospital, but we mean a more comprehensive approach. [...] There is this whole part of the support that we do that is at a distance. It is related to giving clear information, helping people contact healthcare providers, and making appointments. (FAI5)

Thus, accompaniment aims at ensuring that the persons do not feel isolated as well as to support them in facing any obstacles they may encounter. Indeed, beyond the tangible obstacles posed by hostile doctors or conscientious objectors, one of the primary challenges individuals face when accessing abortion is a pervasive judgmental climate. Thus, activists have expanded their focus beyond merely publicly denouncing inefficiencies and obstacles to include "accompanying people who find themselves in need of abortion or need of contraceptives and who find themselves in a situation of difficulty" (FAI5). In this regard, the practices that feminist activists develop as responses to existing obstacles and threats to the right to abortion represent crucial enactments of alternative ways of

practicing reproductive healthcare. Accompaniment, in particular, while responding to the obstacles that abortion-seekers may encounter due to the presence of conscientious objectors or broader judgmental and stigmatizing attitudes, also represents a way of embodying mutual support based on care and trust, which innovates the existing approaches within the healthcare system.

While direct support for women seeking abortion has been particularly prominent in Italy, the feminist movement in Slovenia has also embraced direct social action to secure abortion rights. However, direct support has not been as central at the national level, as informal barriers such as conscientious objection clauses are less problematic than in Italy. This is partly due to Slovenia's legal framework, which does not explicitly enable conscientious objection but instead emphasizes the state's role in ensuring conditions that support reproductive decision-making, including access to abortion.

However, in recent years, anarcho-feminist groups have fostered transnational solidarity rooted in the concept of "commoning," which highlights collective community responsibility in supporting marginalized women. In 2022, these groups collaborated with feminist collectives from Ukraine and Poland to address the urgent lack of abortion access for women affected by the Russo-Ukrainian war. Slovenian feminist collectives organized fundraising efforts to supply "Plan B" pills and coordinate their transportation to women in Ukraine and neighboring countries.

At that time, it was identified that women could not access abortion because of the war. [...] There was a coordinated effort to obtain and send Plan B pills to Ukrainian women, either within Ukraine or to bordering countries. (FAS17)

Thus, in the Slovenian case, direct social action to grant the right to abortion for women in other countries has offered the opportunity to challenge national borders and foster transnational solidarity. While offering practical support to abortion seekers, these efforts also prefigure radical alternatives in the context of de-democratization.

Overall, both cases offer the opportunity to rethink the role of practices of resistance in contexts of de-democratization, showing how forms of practical support may turn into prefigurative politics that promote alternative visions of caring community and reproductive justice.

Repertoires of knowledge production: Countering anti-gender narratives and providing information on abortion

Feminist movements in both Italy and Slovenia have been significantly engaged in producing and sharing knowledge about abortion. In both countries, this approach primarily aims to counter anti-gender narratives surrounding abortion in the public sphere. By generating and sharing knowledge, feminist movements work to educate the public, advocate for abortion rights, provide accurate information to improve access to abortion services, and offer tools for informed decision-making about abortion. Additionally, feminist movements promote alternative narratives about abortion, countering the idea that it necessarily represents a traumatic experience. In this sense, they can be considered as forms of action that democratize knowledge and redistribute epistemic power.

In Italy, a key strategy in this regard has been that of mapping and monitoring healthcare facilities and providers. During the last decade, the adoption of this practice has increased: feminist groups in Italy have put intense efforts in gathering and sharing information about healthcare facilities that are relevant for abortion procedures (such as hospitals and family health centers), creating independent maps that serve as guides to help others avoid negative experiences. For instance, feminist activists have initiated projects to

systematically track the presence of conscientious objectors. In Italy, the government and public hospitals do not officially disclose the names of conscientious objectors, making it difficult for individuals seeking abortions to find non-objecting doctors. The collective *Obiezione Respinta* (Objection Rejected) began creating a digital map in 2016. As an activist explained, this is ...

... a map in which to report the cases of conscientious objection throughout the country, which is a practice that began as a very simple form of grassroots activation at almost no cost in the sense that users simply send a message. Then it has gradually transformed also into a much stronger tool to denounce conditions of access to abortion and collect data. (FAI5)

The map identifies those healthcare structures where abortion services are readily available and those where conscientious objectors work. Pins on the map are based on personal experiences shared anonymously by users. This community-driven map serves as a practical tool for bypassing the challenges individuals might face when seeking to terminate a pregnancy. While in most cases, users themselves spontaneously share their experience, in some cases, activists purposefully go undercover as patients, asking staff about the abortion procedure and personally assessing whether the facility is safe and supportive. This knowledge is then used to help guide others in safely accessing abortion services.

Activists in Slovenia have also intervened against the limited accessibility of accurate information about abortion. While this problem is particularly evident online, it also stems from inadequate explanations from healthcare personnel; as one activist noted, “you have to have a lot of personal capital in the sense that you are educated, and you know Slovenian language” (FAS17). To address this gap, a feminist collective collaborated with several gynecologists to launch a comprehensive website providing clear information on women’s rights, abortion procedures, and contraception. This initiative empowers women by giving them accessible, reliable information, while also aiming to educate the public on reproductive rights.

One of the problems is that access to information is somehow restricted, and at the same time, if you google ‘how to have an abortion’, you will first of all get websites that want to discourage you from having an abortion, and that’s why we made website, which basically explains these procedures in a very neutral way, and doesn’t encourage anyone to have an abortion, and doesn’t discourage anyone not to have an abortion either. (FAS8)

In Slovenia, despite broad public support for abortion rights, a significant challenge persists in the form of anti-gender movements attempting to influence public opinion. As a result, activists emphasize the need to build a compelling feminist counter-narrative, presenting well-founded arguments to protect abortion rights and communicate effectively with the broader public:

We don’t react with moral indignation, we analyze what it means, why it happened, and what we need to do to prevent it from happening again. We are actually doing with the arguments. We focus less on the anti-gender movement’s actions and more on the content we believe is important to explain to the public. (FAS1)

In response to misinformation spread by anti-gender groups, activists highlight the importance of presenting feminist arguments in a clear, non-patronizing, and accessible manner. This means using straightforward language free from specialized jargon, which can risk alienating the general public. Their counter-narratives incorporate core concepts of

bodily autonomy and self-determination, highlighting the adverse effects of restrictive abortion policies on women and children.

In Italy, anti-abortion discourse has fostered a pervasive judgmental climate within healthcare institutions, creating additional barriers for women seeking abortion. As a reaction, activists promote grassroots campaigns aimed at disseminating information and counter narratives about abortion. Thus, for example, several online projects have emerged recently such as IVG Ho Abortito e Sto Benissimo (VIP I had an abortion and feel perfectly fine) and Libera di Abortire (Free to abort), aiming at deconstructing stigmatizing narratives about abortion and fostering positive accounts of women's self-determination, challenging the notion that abortion is inherently traumatic, violent, and painful. The stigma on those who decide to terminate a pregnancy is indeed one of the most powerful – yet informal – obstacles to the right to abortion in the country.

Similarly, in Slovenia, efforts to inform and educate the public about abortion rights extends to online spaces, where social media campaigns play a crucial role. Activists emphasize that feminist responses should avoid amplifying anti-gender discourse by sharing or reposting anti-gender messages, as this can legitimize their narratives. Instead, activists focus on launching independent campaigns that assert the feminist perspective. For example, when graffiti reading "Abortion is murder!" appeared on a LGBTQ+ organization's office, activists responded with a social media campaign that highlighted information about abortion, aiming to counter misinformation directly and reinforce public understanding of reproductive rights. As an activist explained:

We have tried to find innovative ways to respond without repeating false information. [...] We posted a longer text and visually crossed out 'murder' and added things like 'Abortion is a decision, abortion is a right'. We basically took the message and tried to correct it so that it was factually accurate. (FAS13)

Thus, in both countries, knowledge production stands out as a key repertoire that has aimed to counter cultural and logistical obstacles to access to abortion. Indeed, lack of information, misinformation, and stigmatizing narratives represent crucial barriers to the right to abortion. Feminist movements' initiatives, in this regard, fill a crucial gap and facilitate and grant access to a legally recognized right. At the same time, activists also enact alternatives to top-down communication and promote a community-driven practice of knowledge sharing that innovates the healthcare field. Additionally, by diffusing information that is essential for abortion seekers, activists enact the practice of informed decision-making, promoting innovative approaches that healthcare institutions do not employ. For these reasons, these actions not only democratize knowledge but also redistribute epistemic power.

Discussion and conclusions

This study has examined how feminist movements in Italy and Slovenia respond to the peculiar challenges posed by anti-abortion actors' de-democratizing threats in the field of reproductive health. De-democratization processes are understood as eroding democratic values and practices, such as equality, inclusion, participation, and human rights (Lombardo, Kantola & Rubio-Marin, 2021). This dynamic is not solely the result of formal legal changes: beside policy termination or change, more subtle and gradual mechanisms may impact on democratic systems, such as forms of boycott and hijack of existing laws (Krizsán & Roggeband, 2018). In this paper we argued that in Italy and Slovenia, with regard to abortion rights, de-democratization takes place through a range of informal obstacles, including misinformation, social stigma, judgmental discourses and practices and the

proliferation of conscientious objectors. In fact, while the legal framework protecting the right to abortion in the two countries has not been altered, access to abortion is systematically threatened and hindered through forms of boycott and hijack.

Our analysis has examined feminist responses to this complex scenario, drawing on the concept of democratic innovations. While the latter has generally been used to analyze phases of democratic expansion (Caravantes & Lombardo, 2024; della Porta, 2020; della Porta & Felicetti, 2022a, 2022b; Fominaya, 2022), our analysis has explored how movements enact democratic innovations in contexts of de-democratization. Our examination of feminist responses indicates that grassroots repertoires of action aimed at supporting the right to abortion constitute crucial democratic innovations, in as much as they enact and prefigure alternative forms of community-based care and promote informed decision-making and self-determination.

Our analysis has identified two key repertoires of action: direct social action and knowledge production. Through the adoption of these repertoires, feminist activists aim to effect changes in informal arenas, beyond official institutions, the state, and other holders of social power. Our analysis demonstrates that feminist responses to informal barriers to abortion access can be considered forms of democratic innovation not merely because they step in where institutions fail, but because they reconfigure the very meaning and practice of democratic participation and care. These grassroots initiatives do not simply fill institutional voids; rather, they challenge dominant, exclusionary forms of governance by creating alternative infrastructures of access to an existing right. In doing so, they enact a prefigurative politics that puts into practice more inclusive and participatory models of democracy. More specifically, these practices are innovative in at least three ways. First, they expand democratic agency, in the sense that by centering women's and marginalized people's autonomy over their own bodies, feminist responses reclaim a form of political subjectivity that is often denied in institutional settings. This reclaims reproductive rights as a matter not only of health but of democratic self-determination. Second, they democratize knowledge and care, that means that through peer-to-peer support, shared information, and community-based infrastructures, these practices subvert the arbitrary and discretionary system that regulates access to abortion. In this sense, they redistribute epistemic power, challenging who gets to define what is legitimate knowledge. Finally, they stimulate collective responsibility and solidarity, because rather than framing abortion as an individual and often stigmatized decision, these practices build communal spaces of solidarity that counteract the isolation, fear, and disempowerment produced by informal barriers. This shift from individual to collective action constitutes a democratic reimagining of responsibility and care. Thus, feminist responses to abortion barriers qualify as democratic innovations because they not only respond to democratic deficits but actively reimagine and enact more inclusive, participatory, and caring forms of democracy, particularly in contexts marked by backlash and erosion of rights.

Our examination of feminist repertoires of action in Italy and Slovenia indicate that movements in both countries engage with practices of direct social action to varying degrees. While this type of action is present in Slovenia mainly in a form of transnational solidarity such as sending of Plan B pills to Ukraine, it is more prominent in Italy, where the practice of accompanying constitutes a crucial response to the often-complicated dynamics that women willing to interrupt a pregnancy may face. This goes from the convoluted procedure for obtaining the certificate, to the difficulties of finding a non-objecting doctor, to the often-judgmental attitude of healthcare professionals. The practice of accompanying in this regard represents the grassroots enactment of both a response to the existing obstacles and an innovative way of conceiving and practicing health, ensuring women feel

supported, can express doubts, fears, and concerns, and find reassurance in shared experiences. Similarly, in Slovenia, direct social action has constituted the enactment of an innovative form of transnational solidarity, aiming at overcoming borders and barriers in access to abortion. In both cases, direct social action practices aim to secure universal access to reproductive health “as commons,” even amid crises like the Russo-Ukrainian war, striving to achieve change in the “here and now” as a way of constituting new forms of prefigurative politics.

The difference in practicing direct social action between country cases can be partly explained by the institutionalization of the anti-abortion politics, allowing the government to take up indirect means to further restrict the right to abortion. In Slovenia, while anti-abortion discourse has permeated the political sphere and fostered strategic alliances with right-wing parties that mainstream its rhetoric, constitutional protections for reproductive rights pose significant challenges to overturning these provisions. As a result, political decision-makers remain cautious in their approach. Differently, in Italy, the symbiotic relationship between anti-abortion actors and far-right political parties has provided broader opportunities for infiltrating the institutional system (Lavizzari, 2024). Thus, the prominence of feminist direct social action in Italy is reflecting the structural conditions provided by the existing legal framework, which introduces specific structure of informal restrictions to abortion rights such as specific conditions to perform abortion and use of conscientious objection by healthcare professionals. In response, grassroots feminist organizations have stepped in to address these gaps through direct social action. Meanwhile, in Slovenia, the state is constitutionally obligated to guarantee the exercise of reproductive rights, creating a legal safeguard against restrictive measures.

Our analysis has also disclosed the centrality of the diffusion of information and knowledge production around abortion. The “repertoires of knowledge production,” which tend to become particularly relevant for social movements’ in times of perceived crisis “as old structures are challenged and new ones envisaged and proved feasible” (della Porta & Pavan, 2017, p. 297), emerge as crucial strategies in both countries. While activists in Italy are focusing mainly on providing information to avoid obstacles in accessing the right to abortion, activists in Slovenia are mainly aiming at debunking misinformation and enhancing awareness about existing rights. This category includes, for instance, repertoires of action focused on informing and educating the public about abortion by providing accessible, clear, and scientifically grounded information. These efforts dispel misconceptions and false claims about abortion – such as the belief that abortion always leads to trauma or regret – and promote the understanding of abortion as a legitimate healthcare service and a right essential for gender equality and women’s reproductive autonomy.

In Slovenia, a particularly notable example is the creation of a website about abortion that provides women with comprehensive information about this right, addressing the lack of guarantee that healthcare professionals will inform women about all their rights and the details of the procedure. The website represents an independent campaign in the sense that it is not tied to any specific anti-abortion event or situation. However, in repertoires of action that prioritize educating and informing the public about abortion rights, it is not only essential to provide accurate and relevant information but also to ensure that this information is presented in a way that does not legitimize moral panic, pressure on women, or other anti-abortion discourses.

In Italy, the creation of maps of conscientious objectors represents a unique form of feminist democratic innovation in the field of knowledge production, developed as a response to significant informal barriers. We can understand these maps as parallel social structures at an informal level, providing women with information about clinics, thereby

facilitating access to abortion. Without such democratic innovations, many individuals would face significantly greater challenges in exercising this legally guaranteed right. Importantly, by creating these maps, feminist actors not only ensure access to abortion rights but also establish and reinforce patterns of participation rooted in solidarity and direct action between activists and service users. In doing so, they directly counteract processes of de-democratization and build a community that, through its innovative approaches, creates more transparent and equitable conditions for realizing abortion rights, promotes self-determination, and fosters informed decision-making. Similarly, the promotion of de-stigmatizing narratives about abortion represents a way to facilitate access to abortion while at the same time challenging the definition of abortion itself.

From this viewpoint, these repertoires of action represent an effort to realize a broader feminist social vision with the long-term goal of creating a social climate that protects and expands abortion rights and actively supports it through normalization, destigmatization, and the provision of accurate information.

Through direct social action and knowledge production, feminist actors respond to the gap between formal and actual access to rights. Indeed, it is precisely by intervening in the space between formal and actual rights that anti-abortion actors propagate misinformation and obstruct access. At the same time, the implementation of these grassroots practices represent more than a simple attempt to cover the empty spot of the institutions: feminist actors embody an alternative way of practicing health that foster self-determination, aim at empowering women's decision-making, and promote a sense of community-based peer-to-peer support that counter the feeling of loneliness as well as the lack of information, both central in the context of the increasing erosion of the right to abortion.

In conclusion, our study shows that feminist movement initiatives in contexts of de-democratization are not merely reactive nor solely focused on resilience and the preservation of existing rights. Rather, they are also transformative and generative. In the case of abortion activism, feminist responses to anti-abortion attacks challenge traditional notions of care and solidarity by experimenting with alternative ways of practicing reproductive autonomy. By addressing informal threats, feminist movements not only resist democratic erosion but actively foster innovation, even under conditions of vulnerability and backlash.

This study contributes to broader debates on democracy and social movements by suggesting that grassroots feminist activism can serve as a site of democratic innovations in contexts of de-democratization. By focusing on abortion activism in Italy and Slovenia, we explore how feminist actors develop new forms of agency, solidarity, and participation that reimagine democratic engagement. As such, our findings have implications not only for understanding reproductive politics in Europe but also for theorizing how democratic renewal may emerge through grassroots practices that respond to anti-gender and anti-abortion trends.

Building on our research, future studies could investigate similar dynamics in other social movements, exploring how grassroots initiatives may evolve into essential democratic practices in contexts of de-democratization, democratic backsliding, and backlash. Such an exploration would help illuminate whether and how different movements across various domains develop innovative forms of participation and care in response to de-democratization. Additionally, a longitudinal analysis of how repertoires of action shift in response to the growing influence of anti-gender and anti-abortion actors could offer deeper insight into the ways in which de-democratization reshapes both the strategies and capacities of social movements over time. Ultimately, understanding how democratic innovation unfolds in contexts of de-democratization is key to grasping how democracy can be not only defended, but reimaged and revitalized in moments of crisis.

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Transparency on the use of generative Artificial Intelligence

Generative AI tools have not been used to enhance the quality and readability of the article.

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RESEARCH ARTICLE

Women Make Waves

A Pendulum Swing between Dutch transnational and domestic abortion activism¹

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Abstract

The article explores how and why the activism of the Dutch initiative Women on Waves (WoW) represents a distinctive mode of feminist organizing for abortion and women's reproductive rights. The analysis focuses on the organizational characteristics, strategies, action repertoire and dynamics of WoW, as a women's movement-supporting organization founded by an entrepreneurial activist physician. By revisiting (feminist) social movement theories and concepts, including typologies of social movement organizations and their roles, NGO-ization, the boomerang effect of leveraging international political opportunities through and for domestic activism, shopping for receptive political venues and the cyclical pattern of contentious activism, I highlight several distinct features of WoW's activism. Drawing on WoW, I propose three concepts relevant for analyzing the dynamics of (feminist) social movement organizations: the "ignition effect" of transnational activism that exposes the need for domestic activism and strategies that involve "level switching" and "geographic venue shopping" to leverage and effect changes in political opportunities and threats and anticipate chances of success.

Keywords: Abortion; Women on Waves; Entrepreneurial Activism; Multilevel Engagement; Venue Shopping

Introduction

Unrestricted access to abortion is a feminist demand for women's bodily autonomy that has yet to be met in most parts of the world. To date, no human rights court has issued a ruling requiring full decriminalization of abortion (Smyth, 2024). In the Netherlands to this day, women's right to decide on terminating an unwanted pregnancy requires the consent of a physician. The legal status of abortion does not match the common perception that abortion was legalized in 1981 with the passage of the Termination of Pregnancy Act, popularly called the abortion act, which came into force in 1984. Under the act, abortion is a criminal offence unless performed by a physician in a licensed clinic or hospital.

The struggle to decriminalize abortion has been an important rallying point for new feminist protest groups that emerged from 1968 onwards. The national abortion campaign *Wij Vrouwen Eisen* (We Women Demand), launched in 1974, united the women's movement on abortion. In addition to domestic advocacy, abortion activists provided incidental solidarity support to women in Europe prosecuted for performing, assisting with or having an abortion. Domestic abortion activism more or less stalled after 1984. At the same time, Dutch transnational solidarity activism on abortion and reproductive rights steadily

¹ Translations from text and interviews in Dutch are mine.

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increased because of new opportunities for transnational networking and the challenges posed to abortion advocacy at the UN. In 1999, the new initiative WoW unexpectedly appeared on the scene. It had no connections to earlier domestic abortion activism and Dutch transnational abortion activism at the time.

In this article, I aim to clarify how specific features of WoW's ways of organizing, including its entrepreneurial leadership, strategies and action repertoire have contributed to the outcomes and longevity of WoW. I position WoW as a movement-supporting organization with somewhat hybrid movement organization characteristics and an ambivalent relationship with women's reproductive rights organizations, drawing on literature on forms of mobilization by (feminist) social movements and actors (Batliwala, 2012; Ewig & Ferree, 2013; Ferree & McClurg Mueller, 2004; Outshoorn, 2000, 2010; Poldervaart, 2006; Tarrow, 2011). I will argue that WoW's entrepreneurial leadership and strategies have contributed to the evolvement of transnational movements for telemedical and self-managed abortion, but, despite the longevity of WoW's activism, without strategies for institutionalizing WoW's contribution to these movements.

I note the significance of WoW leveraging political opportunities at multiple levels – global, transnational and national – and deploying the urgency of abortion access in different geographic locations. I will argue that WoW's transnational engagement has had an “ignition effect” for engagement at the domestic level, and that both switching between levels and between locations has contributed to WoW's ability to innovate and diversify its action repertoire, anticipate chances for successful advocacy and sustain its activism. These insights are relevant to debates on the agency of (feminist) social movements and actors to open, expand, seize or create political opportunities and anticipate changes in political threats to advance feminist agendas at multiple levels and locations.

The analysis of WoW's abortion activism is part of a larger research, focused on the history, politics and dynamics of the transnational feminist solidarity movement in the Netherlands that engaged with Global South feminist movements and activists.² In this research and this article, I use the term transnational for Dutch activism targeting transnational spaces and policies. I draw on (feminist) social movement literature (Batliwala, 2012; Beckwith, 2007; Ewig & Ferree, 2013; Ferree & McClurg Mueller, 2004; Roggeband, 2002; Outshoorn, 2010; Tarrow, 2011) for examining the mode of organizing, strategies and dynamics of WoW's transnational solidarity activism for abortion access. For understanding the significance of WoW's engagement that has leveraged political opportunity structures at multiple levels and locations, used different discursive venues and targeted multiple institutional spaces, I draw on notions from scholars who have used multilevel, multi-institutional politics and discursive approaches to social movement analysis (Armstrong & Bernstein, 2008; Keck & Sikkink, 1998; Krizsán & Roggeband, 2018; Vleuten et al., 2014). From this literature, I use the notions of the “boomerang effect”, which refers to the use of international political opportunities to effect changes in opportunities at the national level (Keck and Sikkink, 1998, p. 18), and “venue shopping”, defined as “the search for a more receptive political venue” (Keck & Sikkink, 1998, p. 18) or “shop around for the most vulnerable targets” (Armstrong & Bernstein, 2008, p. 87) to propose three complementary concepts for capturing (feminist) social movement strategies.

The article begins with briefly depicting the historical context of Dutch domestic and transnational abortion advocacy prior to the launch of WoW in 1999. I then discuss the

² The terminology of Global North and Global South has been criticized for the “coloniality of North-South divides” and the embedding in Northern superiority and a related narrative of growth and development (Carty & Mohanty, 2015, p. 83; Nair, 2022, p. xv). In the absence of better terminology, I use the terms (Global) North and South for denoting geopolitical and unequal power relations.

evolution of WoW's transnational activism and its contribution to the emergence of movements for telemedical and self-managed abortion. I zoom in on the swing from transnational to domestic advocacy for the de-medicalization of abortion and reproductive health care through the ignition effect of WoW's transnational activism. I conclude with highlighting the significance of WoW's multilevel leveraging of opportunities and constraints, targeting of different geographic locations and institutional spaces, organizational features and entrepreneurial strategies for the analysis of the dynamics of (feminist) social movements and movement organizations more broadly.

Method

I use a qualitative, historical, feminist analysis of WoW's abortion activism and put it in the perspective of prior Dutch domestic and transnational abortion activism. The research has involved (auto)biographical, case study, discursive, institutional and textual gender analysis of primary and secondary sources. Primary sources have included interviews and correspondence with former Dutch abortion activists engaged with domestic advocacy, government officials, politicians and (NGO) advocates concerned with UN policy on women's reproductive rights and abortion, and WoW staff, board and organizational advisors. Primary sources have also included organizational and personal archival collections and online parliamentary records. Analysis of secondary literature has complemented that of primary data. I have used the process tracing method for mapping and tracing the sequence of particular events related to abortion advocacy for identifying a process of changes in mobilization, utilization of opportunities, strategies and action repertoire. I have used methods of oral history to collect narratives and biographic memories of key actors. The article considers a feminist history that I have been part of and, in a small way, contributed to shape. As a researcher, I acknowledge the situatedness of the knowledge generated by the research because of my involvement in the Dutch feminist transnational solidarity movement and in transnational solidarity advocacy and support for abortion access, including financial and political support for international and Southern women's reproductive rights organizations. In these various capacities, I have professionally engaged with interviewees at different times.

History of Dutch abortion advocacy

Domestic abortion advocacy

In 1984, after twenty years of feminist organizing for abortion access, the Dutch abortion struggle was 'pacified' when a compromise abortion bill, which had been passed in the Dutch Parliament in 1981, took effect (Outshoorn, 1986). For a century, different definitions of abortion had followed one another, often in competition: from a crime against life in the 1881 penal code, to a sinful act in the 1911 Morality Act, propagated by theologians and confessional parties, to a medical definition as an emergency intervention in the 1960s. From 1970, feminist groups' 'lay' claim to women's right to self-determination and bodily integrity began to compete with medical definitions of abortion. Meanwhile, general practitioners started clinics to perform medically responsible abortions to end unsafe, for-profit practices (Dehue, 2023). Despite criminalization, these initiatives were politically condoned because there was no parliamentary majority for active prosecution (Outshoorn, 1986). In 1974, Wij Vrouwen Eisen put forward three demands: decriminalization of abortion, inclusion of abortion in national health insurance and a woman's right to decide. At the heart of the demand to legalize abortion was its definition as "a normal medical procedure" and the question of who decides, the woman, on which no compromise was possible (Outshoorn, 1986, p. 212; Outshoorn & Soest, 1977). The various competing definitions have left their mark on current abortion legislation, policy and politics.

In the 1981 abortion act, abortion remained in the penal code. Unlike before, women who had abortions were no longer punishable. *Overtijdbehandeling*, known in English as menstrual regulation, a treatment within sixteen days after the missed period or six-and-a-half weeks of pregnancy, was not covered by the act and thus excluded from the penal code. Left parties and social-liberal party D'66 (D66 since 1985) voted against the act. Feminists opposed the act because of the criminalization and a patronizing mandatory five-day waiting period before an abortion request could be granted. After the act took effect in 1984, parties in favor of full decriminalization did not want to risk exclusion from (future) coalition cabinets. As a result, amending the abortion act could not count on a parliamentary majority for decades. At the same time, Christian parties contested the exclusion of menstrual regulation from the abortion act. During the many years that WoW was denied a license for its abortion clinic, menstrual regulation enabled early provision of the abortion pill. To date, Dutch law does not provide the right to abortion.

Evolution of transnational abortion and reproductive rights advocacy

Dutch abortion activists' involvement in transnational solidarity activism accelerated in the 1980s. In 1984, they hosted the fourth international women's health meeting, the ICASC Women's International Tribunal and Meeting on Reproductive Rights in Amsterdam (Women's Global Network on Reproductive Rights, 1986). Earlier, in 1981, the West European International Campaign on Abortion had adopted the new name International Contraception, Abortion & Sterilisation Campaign (ICASC) in response to criticism by Latin American women refugees in Europe of the narrow and Western focus on legalizing abortion (Reinalda & Verhaaren, 1989). With the frame "Population Control No – Women Decide!", the ICASC Tribunal exposed the "reproductive wrongs" caused by abusive Western family planning incentives and coercive population programmes (Hartmann, 1987) and denounced family planning as the solution to address 'overpopulation' in the then "Third World".³

After the meeting, ICASC adopted the name Women's Global Network on Reproductive Rights (WGNRR) to more appropriately encompass the women's health agenda for the Global South (Dubel, 2023). ICASC has been given the credits of formalizing the concept of reproductive rights in feminist discourse (Corrêa & Reichmann, 1994). Until then, the frame "reproductive rights" was not widely used.⁴ WGNRR's conceptualization of women's right to decide included the social, economic and political conditions in which women live to enable this right.⁵ *Avant la lettre*, WGNRR used a reproductive justice notion (Ross & Solinger, 2017), which included a pro-choice perspective, including the right to have or not to have a child and the conditions of parenthood and caring for a child. The 1984 International Population Conference in Mexico City, and in conjunction, Dutch development cooperation policy, provided a political opportunity to advocate ICASC's new reproductive rights frame and criticize coercive population policies and the instrumentalist framing of women's development as a means of population control in the Global South.⁶

³ The "Third World" designated the embattled territory between the two superpowers and their allies in the West, the "First World", and the East, the "Second World" (Sachs, 1993, p. 3). After the end of the Cold War in 1991, the terminology of Global North and Global South replaced these terms.

⁴ In the Netherlands at the time, reproductive rights were associated with the right to reproduce texts. Stemerding, correspondence with the author, Jun 7, 2022. Wij Vrouwen Eisen activist Stemerding was one of the organizers of the 1984 ICASC Meeting and subsequently joined the WGNRR coordination team.

⁵ Lynn P. Freedman & Jan Reynders (1995), Evaluation of WGNRR The Women's Global Network of Reproductive Rights, in Archive Ireen Dubel (not inventoried), Amsterdam.

⁶ ICASC, Our statement to the Mexico Conference on Population in August 1984, embargoed until Aug 6, 1984, in Ibid.

Abortion advocacy at the UN

In 1984, Dutch transnational abortion advocacy extended into the uncharted territory of the UN in recommending the Dutch delegation to Mexico City to adopt the principle “the woman decides”, without success. At the population conference, the delegation confirmed the position that abortion was not a family planning method and only an emergency option (Ministerie van Buitenlandse Zaken, 1984), in line with the Dutch abortion act. The conference has been remembered for its most contentious issue, abortion, and the US imposition of the Global Gag Rule (Landelijk Platform Bevolkingspolitiek, 1984).⁷ This measure blocked any US government funding to private organizations that performed or promoted abortion, even when it was done with non-US government funding. At the UN women’s conference in Nairobi in 1985, no policy progress was achieved on abortion. Despite the recognition that maternal mortality in many developing countries was unacceptably high, the cause of unsafe abortion was not mentioned (UN, 1986).

After the end of the Cold War in 1991, a series of UN conferences provided unprecedented opportunities for international gender norm-setting (Antrobus, 2004; Friedman, 2003; Jain, 2005; Pietilä, 2007), including on reproductive rights. Global shifts, including easing of North-South divisions among women’s rights advocates (Bunch, 2012; Friedman, 2003; Joachim, 1999; Postel-Coster, 2000), the contestation of the North’s prioritization of civil and political rights (Miller, 2004), and the shaping of American debates on feminism and reproductive rights by women of color (Basu, 2000; Luna, 2009), contributed to an expansion of human rights in areas of reproductive and sexual health.

In 1994, in the run-up to the International Conference on Population and Development in Cairo, the coordinated advocacy by Dutch NGOs for the decriminalization of abortion (Platform Cairo ‘94, 1994) had domestic success. In Cairo, Labor party (PvdA) Minister for Development Cooperation and Dutch delegation leader Jan Pronk deviated from the European Union (EU) position that abortion should not be promoted as a birth control method (*Kamerstukken II*, 1994/95, 23900 V, no. 5). Pronk stated that the Netherlands “could support the draft document “unbracketed””, including the most controversial paragraph on abortion that was entirely in brackets.⁸ Women’s reproductive health and rights advocacy, among others by WGNRR in which several Dutch women played an important role, contributed to a shift away from demographic targets (Keysers, 1996) and the adoption of a full chapter on reproductive health and rights, but without the right to safe, legal abortion and sexual rights (UN, 1995). In 1995, the Fourth World Conference on Women in Beijing confirmed the Cairo agreements, in which Minister Pronk played a prominent role.⁹ The *Beijing Platform for Action* recommended reviewing laws with punitive measures against women who had illegal abortions (UN, 1996).

Following Beijing, Pronk selected reproductive health as a priority for Dutch development cooperation (*Kamerstukken II*, 1996/97, 25000 V, no. 59; *Kamerstukken II*, 1997/98, 25600 V, no. 2). This prioritization has remained to date, also because of the focus of development cooperation policies on population and environmental issues, poverty and the HIV/AIDS pandemic in the South. Through unprecedented coalition building between advocates from the Global North and South for Cairo and Beijing, the international women’s reproductive

⁷ Laetitia van den Assum, conversation with the author, Apr 30, 2019. Van den Assum was a diplomat and member of the government delegation to the 1984 population conference.

⁸ Address by the Minister for Development Cooperation of the Kingdom of the Netherlands Jan Pronk to the International Conference on Population and Development, Cairo, Sep 8, 1994, p. 2, in Archive Dubel.

⁹ Fineke van der Veen, conversation with the author, Jul 11, 2017; Jan Pronk, conversation with the author, Oct 16, 2017. In 1995, Van der Veen was development cooperation spokesperson at the Ministry of Foreign Affairs and a delegate to Beijing. Pronk was head of the Dutch delegation to Cairo and deputy head of the delegation to Beijing.

rights movement was able to expand and seize transnational and global political opportunities (Keyzers, 1996). However, governments that stood up at the UN for universal access to safe, legal abortion remained a tiny minority.

In the 1980s and 1990s, Dutch transnational pro-abortion advocacy was enabled by the increased involvement of feminist advocates in development NGOs and by ministers for Development Cooperation who took an interest in the recommendations and expertise of external (NGO) advocates and internal advocates, femocrats in the state bureaucracy. The favorable political opportunities to advocate transnational reproductive rights and, to a much lesser extent, abortion, did not last long due to the attacks on the US on 11 September 2001 and the assassination of the Dutch populist politician Pim Fortuyn in May 2002. Both events negatively affected the enforcement of women's (reproductive) rights and the opportunities for successful pro-abortion advocacy, internationally and in the Netherlands, due to the mobilization of religiously and politically conservative and fundamentalist actors. On the eve of these political junctures, WoW made its appearance as an initiative offering transnational abortion solidarity from the Netherlands.

Women on Waves – a feminist movement-supporting organization

In analyzing the evolution of WoW as the first organization in the world to provide telemedical access to abortion, I characterize WoW as a feminist organization because of its contribution to “challenging and changing gender relations” (Ferree, 2006; Ferree & Tripp, 2006, vii). In this section, I will discuss WoW's organizational characteristics and its relationship to women's movement organizations as a “movement-supporting organization” (Batliwala, 2012, 15) that, unlike the organizations that it supports, has not been founded by women's movements' constituents. Before doing so, I will highlight the early years of WoW's activism.

Too young to have been part of the abortion movement in the 1970s, Rebecca Gomperts had never given abortion much thought because it was legal and accessible in the Netherlands, she thought (Kennedy, 2001/2002). In Mexico, she was confronted with the consequences of illegal abortion (Theunissen, 1999). As a doctor aboard the Greenpeace ship *Rainbow Warrior II*, she learned about the legislative loopholes of extraterritorial waters.¹⁰ In March 1999, certified abortion physician and conceptual art graduate Gomperts went public with WoW (Linden, 1999). She hoped that the publicity would generate support and donations to buy a Dutch-registered ship to sail to countries where abortion was illegal and unsafe. In extraterritorial waters, where the law of the country of the ship's registration applied, she wanted to provide access to safe abortion.

As a movement entrepreneur (Tarrow, 2011), she investigated the feasibility of this plan and seized the opportunity. She studied international and maritime law and obtained certification to sail up to 40 miles off the coast. Gynecologist Gunilla Kleiverda was one of the first to join the crew and has been part of WoW ever since, as a volunteer and later as a board member.¹¹ Not familiar with the international women's reproductive rights movement, Gomperts received advice and support from the Dutch feminist fund Mama Cash, the WGNRR coordination team and Catholics for a Free Choice in the US to establish contacts with international and local reproductive rights and health organizations (Wij Vrouwen Eisen, 2020).¹² In retrospect, Gomperts stated, “I had not thought about working with local

¹⁰ Rebecca Gomperts & Gunilla Kleiverda, conversation with the author, Oct 4, 2024.

¹¹ Besides her job as a gynecologist, Kleiverda worked with female rape survivors during the war in former Yugoslavia in the 1990s.

¹² Gomperts & Kleiverda, conversation with the author, Oct 4, 2024.

organizations before. To be honest, I didn't know what an NGO was. You don't learn that when studying medicine".¹³

As a non-profit foundation, WoW pursued women's right to self-determination over their own bodies without endangering their lives (Gomperts, 2002). To visit and work in specific countries, WoW collaborated with local women's rights activists and reproductive rights organizations (Gomperts, 1999), heeding the advice by women's (reproductive) rights organizations. Although the focus was transnational, WoW soon had to deal with domestic politics, bureaucracy and legislation when planning to sail to Ireland in 2001 with a mobile abortion clinic aboard a ship. WoW intended to use medical technology developed in the late 1980s, known as the abortion pill, for medical abortion for early pregnancies. This did not require a license because it could be considered menstrual regulation. Medical abortion consisted of the combined use of the drugs mifepristone and misoprostol (Gomperts, 2014), but misoprostol alone could also be used to induce abortion.¹⁴ Dutch abortion providers judged that women did not need the abortion pill, given their satisfaction with the surgical vacuum aspiration method (Alblas, 1996), without citing reasons of financial self-interest and fear of competition. Much later, these reasons would play a role in abortion clinics' opposition to general practitioners prescribing medical abortion.

In June 2001, while at sea, WoW's maiden voyage to Ireland led to a heated debate in the House of Representatives. The Christian-democratic party (CDA) denounced the initiative as "a demonstration of Dutch moral missionary zeal" without respect for the Irish law, which could lead to careless abortions (*Handelingen II*, 2000/01, no. 85, p. 5374). After arrival in Dublin, WoW had to refrain from providing the abortion pill due to new Irish bureaucratic obstacles and Irish activists' fear to proceed because of the outcry in the Dutch media and Parliament about WoW not having a license (Hulshof, 2001).¹⁵ Irish activists thought this would backfire and that no women would come forward to seek help from WoW in full view of the media (Manschot, 2002). Nevertheless, the ship's presence drew overwhelming attention to the plight of Irish women who reported to WoW in large numbers for abortions. WoW was front-page news around the world and well received, especially by the Irish press (Hall, 2001; O'Connor, 2001; O'Reilly, 2001). WoW reignited the abortion debate in Ireland.

In contrast, reactions were nowhere as negative as in the Dutch press (Liempt, 2001).¹⁶ Gomperts and her team had hoped that Dutch journalists would put pressure on the government to grant the license for its mobile clinic (Manschot, 2002). The accusation of colonialism, incensed Gomperts:

We do not force anyone to have abortions, we are only offering women a free choice. Moreover, we only go to countries where women's groups have invited us. [...] As soon as it comes to women's issues, respect for another culture, even if it oppresses women, suddenly becomes more important than women's rights (Manschot, 2002, p. 76, quote in original).

¹³ Ibid.

¹⁴ Misoprostol was widely registered because it was approved for the treatment and prevention of gastric ulcers. In 2000, the US Food and Drug Administration approved mifepristone, the "early-abortion pill" (US Approves Mifepristone, 2000). The drug was already available and authorized in the EU, except in Ireland, Italy and Portugal. In 2005, the World Health Organization (WHO) listed both mifepristone and misoprostol as essential medicines for countries where abortion was not against the law (Shah & Weinberger, 2012). The revised WHO guidelines (2012) recommended sole use of misoprostol, when mifepristone was not available, as a safe and effective medical abortion method.

¹⁵ Gomperts, conversation with the author, Aug 3, 2021.

¹⁶ Feminist journalists labelled the initiative "colonialism in a new guise" (Ritsema, 2001) and a "ship of fools" (Schutte, 2001). WoW was accused of "charitainment", luring journalists to Dublin with fake news and no abortions to report on (Huygen, 2001).

The negative reactions, especially among Dutch feminists, indicated that WoW had not invested enough in building knowledge and support for medical abortion. Upon returning to the Netherlands, Gomperts was charged with economic crime and violation of the drug supply act. Many legal trials would follow for Gomperts and her defense over the years. In Ireland, WoW's visit and the debates it triggered bore fruit. In February 2002, Gomperts was the first abortion physician to speak on an Irish talk show (Manschot, 2002). An Irish referendum proposing further restrictions on abortion was narrowly defeated in March 2002. The Irish free-choice group Doctors for Choice, established during WoW's visit, played a crucial role in the yes vote in the 2018 constitutional referendum in support of legalizing abortion (Bergen, 2022).¹⁷

In June 2003, WoW sailed to Poland, and in August 2004 to Portugal. Abortion was illegal in both countries. The Polish laws made it impossible for WoW to speak openly about its services.¹⁸ Due to WoW's presence, abortion was the main topic in all Polish media for more than two weeks (Gomperts, 2003). The voyage to Portugal became an EU scandal because of the Dutch EU Presidency at the time. Portugal was the only EU country that actively prosecuted women and doctors for illegal abortion (Gomperts et al., 2005). The Portuguese Minister of Defense prohibited the ship to enter the Portuguese territorial waters and sent two warships to monitor its movements. WoW fought the case in the European Court of Human Rights and ultimately won in 2009. Portugal was condemned for acting disproportionately to the objectives pursued and breaching Article 10 of the UN Convention on the Law of the Sea by violating the freedom of expression (Portugal mocht abortus boot, 2009).¹⁹ When the ship failed to sail in, Gomperts and Kleiverda were already in Portugal. During a popular talk show on Portuguese television, Gomperts explained how to use misoprostol for a self-induced abortion with pills bought from a local pharmacist (Gomperts et al., 2005). WoW's online protocol how to use misoprostol changed ideas about abortion. Women no longer had to depend on doctors for an abortion. Together with WoW, Portuguese women's organizations successfully brought the politics of abortion to the attention of the Portuguese public (Prata, 2015). In a referendum in February 2007, a majority voted in support of abortion up to ten weeks of pregnancy.²⁰ The new law came into force in June 2007.

As a feminist organization, I consider WoW to be part of the broader universe of women's organizations because of its focus on women's gendered experiences and identity in solidarity with other women, and because of the primacy of women's leadership and decision-making (Beckwith, 2007, 2013). Literature on forms of mobilization by women's movements tends to group different forms into delineated categories, while empirical research, such as on WoW, points to a continuum of related, partially overlapping forms of mobilization. I consider Batliwala's distinction (2012, pp. 15-20) between organizations that support women's movements and those created by women's movements relevant for capturing WoW's features, given the different roles Batliwala attributes to these two organizational categories. I have also drawn on Tarrow's distinction (2011, pp.123-139)

¹⁷ Gomperts, conversation with the author, Aug 3, 2021.

¹⁸ The 1993 Polish Law on Family Planning, Protection of Human Foetus, and the Conditions of Legal Pregnancy Termination criminalizes providing women with assistance to obtain an abortion outside of two categories not considered illegal, when a pregnancy places the life or health of the woman in danger and when a pregnancy is the result of a crime. See Committee on the Elimination of Discrimination against Women (2024).

¹⁹ See judgment by the European Court of Human Rights, *Arrêt Women on Waves et Autres c. Portugal*, Feb 3, 2009, last accessed 17 April 2025, <https://hudoc.echr.coe.int/eng?i=001-91046>.

²⁰ *Financial Statements 2007*, in Atria, Archive Women on Waves, box no. 4, collection IAV in Atria, Amsterdam (hereafter cited as Atria, Archive WoW).

between formal, hierarchical organizations, characteristic of many NGOs; grassroots organizations, often membership-based; networks; and organizational hybrids.

I qualify WoW as a movement-supporting organization because of its supportive role and its origin outside the women's movement. WoW's supportive role for women's movements, organizations and activists has included capacity-building, knowledge sharing, convening power, strategic advice on seizing political opportunities, service provision and advocacy. As a movement-supporting organization, WoW has catalyzed the emergence of transnational movements for telemedical and self-managed abortion and strengthened the wider women's reproductive rights movement by introducing innovative abortion access strategies. Unlike many organizations created by women's movements, WoW has not been involved in constituency-building and has not pursued goals of women's empowerment, collective interest representation and the promotion of participatory modes of organizing and democratizing accountability (Batliwala, 2012; Beckwith, 2007; Ferree & McClurg Mueller, 2004).

Movement-supporting organizations tend to have complex, at times contested, relationship with women's movements and organizations they support. The dominant role of founding member Gomperts, the reliance on specialized medical expertise, the risks of WoW's contentious activism, including the many trials that Gomperts faced over the years, have implied to some extent ambivalent relationships with the supported organizations. Gomperts' medical background, unfamiliarity with the Dutch abortion movement and a generation gap explain the initial hesitation among Dutch feminists, unfamiliar with medical advances and information and communication technologies, about WoW's sea voyages. In avoidance of relationships of dependence, WoW only engaged with local reproductive rights organizations and activists for short periods of time. Largely because of its own precarious financial situation, WoW did not engage in grantmaking and therefore did not have to deal with unequal (North-South) power relations with local organizations based on financial dependence (Jong, 2017).

As a formal, registered organization, WoW had to comply with Dutch legal and financial accountability regulations for NGOs and donor requirements for funds raised. During the early years, WoW basically functioned as a campaign-driven organization by its founding member, temporarily reinforced with teams of volunteers during ship campaigns. This changed from 2005, when Gomperts launched Women on Web, which affected the ways in which WoW organized and functioned, as I will explain in the next section.

Women on Web – Entrepreneurial feminist activism

In this section, I focus on the evolution of WoW's entrepreneurial activism and strategies, including the establishment of Women on Web's telemedical abortion care, and how these have contributed WoW's outcomes and sustainability.

Successive Dutch governments severely hampered WoW's transnational activism by obstructing the acquisition of a license for WoW's mobile clinic. Without a license, the exclusion of menstrual regulation from the abortion act was crucial for WoW. In July 2002, outgoing D66 Minister of Public Health Els Borst had affirmed in Parliament that WoW had the legal right to provide medical menstrual regulation under the supervision of a gynecologist on a ship without a license (*Handelingen II*, 2001/02, no. 90). From 2002, in an increasingly politically conservative Dutch context, the legal status of menstrual regulation became a contentious issue and subject to government coalition politics. Between 2002 and 2010, attempts by four successive CDA-led cabinets to include menstrual regulation in the abortion act failed, only because cabinets had to resign early. In November 2008, after

almost eight years going to court, the government granted WoW a first trimester abortion license for its mobile clinic.²¹

The struggle with the Dutch bureaucracy and legislation culminated in 2009, when PvdA junior Minister of Public Health Jet Bussemaker ordered to start criminal proceedings against WoW. She claimed that WoW had carried out unlicensed early medical abortions on a yacht in the extraterritorial waters off the Spanish coast in October 2008, arguing that these fell under the penal code.²² In the Balkenende IV cabinet (2007–2010), a coalition between CDA, PvdA and the culturally conservative Protestant party CU, the PvdA had succumbed to the pressure by the Christian parties to tighten the abortion regulations. The prosecutor decided not to take action against WoW because there was no proof that abortions had actually taken place. Gomperts interpreted it as a victory regarding the status of menstrual regulation (Vervolging Women on Waves, 2009).²³

The continued wrangling with the Dutch authorities and the promises of telemedicine inspired Gomperts to explore the feasibility of setting up an online medical abortion service for women in countries without access to safe abortion. It would expand outreach exponentially compared to the ship campaigns and make the abortion pill accessible to women in the Global South as well. A feasibility study clarified the need to establish several independent organizations in different countries to make the service legally possible.²⁴ In 2005, Gomperts founded Women on Web as a Canadian non-profit organization for medical abortion and contraception services in countries without access to safe abortion. Towards the end of 2005, Women on Web provided the first online medical abortions. Women's Wallet, founded in the Netherlands, was responsible for receiving donations for Women on Web and payments for ordered medicines and contraceptives. By the end of 2006, Women on Web was self-sustainable.²⁵

By 2024, Women on Web provides access to medical abortion in almost 200 countries.²⁶ It comprises a team of helpdesk workers, physicians and staff with backgrounds in human and reproductive rights advocacy and research who oversee the organization. It provides online consultations. After assessment by physicians, medication is dispensed by mail. The helpdesk accompanies persons throughout all stages of the process and responds to questions within 24 hours. To date, the helpdesk operates in nineteen languages. Verified research on its services has been published in various academic journals, strengthening trust in the medical reliability and safety of Women on Web's and WoW's work (Gomperts et al., 2008).²⁷ Gomperts' PhD thesis (2014) validated Women on Web's contribution to shifting tasks in the provision of abortion to healthcare professionals other than doctors and to women themselves with the same quality of care. Women on Web has been less prone to bureaucratic interventions than WoW, due to the registration in Canada and unavailability of its services in the Netherlands.

WoW continued with complimentary political activism, including policy advocacy by appealing to different international human rights frameworks and discourses and campaigns in collaboration with local activists and organizations. WoW deployed a diverse action repertoire and strategies that reflected WoW's entrepreneurial spirit. In addition to

²¹ *Financial Statement 2008*, in Ibid.

²² *Financial Statements 2009*, in Ibid.

²³ Gomperts, email correspondence with the author, Sep 19, 2021.

²⁴ *Financial Statements 2005*, in Atria, Archive WoW, box no. 4.

²⁵ *Financial Statements 2006*, in Ibid.

²⁶ See website WoW, last accessed 17 April 2025, <https://www.womenonweb.org/en/page/521/who-we-are> and <https://www.womenonweb.org/en/eoy-2023>.

²⁷ For more articles see website WoW, last accessed 17 April 2025, <https://www.womenonweb.org/en/page/6880/research>.

sea voyages, these included drones, robots, training, safe abortion hotlines, art initiatives, online freedom of expression protests, and litigation without jeopardizing Women on Web's services. WoW's activism has included locations and strategies for transnational activism that were less or not familiar and unconventional for many women's movement organizations. These have included ports, extraterritorial waters, digital activism, the use of technological innovations, and attracting pronounced media attention rather than mobilizing large numbers of people in public spaces.

As WoW and Women on Web evolved over the years, despite its formal separation for legal reasons, staff formed one unit, the organization began to display certain characteristics of "NGO-ization" (Alvarez, 2009; Batliwala, 2012; Ewig & Ferree, 2013) and the "founders' syndrome" (English & Peters, 2011). NGO-ization features of WoW have included specialized service provision, advocacy based on expert knowledge, highly-educated leadership and a degree of hierarchization of the organization as it expanded. The founders' syndrome refers to the influential power and privileges exercised by or accorded to the founder(s) of organizations (Block & Rosenberg, 2002). Gomperts clearly displayed founders' qualities of ambitious, creative, visionary and passionate leadership in setting and directing WoW's agenda, but which also led to sole decision-making, which created internal tensions as the organization became larger.

In 2013, organizational and leadership issues erupted when a new management and job structure was introduced.²⁸ Unresolved issues came to the fore and ultimately led to the departure of several freelance helpdesk workers and some core staff in 2014 (McDevitt-Pugh, 2015).²⁹ They established a new telehealth organization for abortion access, Women Help Women. The dispute did not concern the mission of the three collaborating foundations, WoW, Women on Web and Women's Wallet.³⁰ In retrospect, the split can be considered part of the evolution of the telemedical and self-managed abortion movements with a variety of telemedical and self-managed abortion providers (Berro Pizarossa & Nandagiri, 2021). WoW was not affected by aspects of NGO-ization, such as institutionalization, government subcontracting for expert advice and service delivery, co-optation and depoliticization, because its agenda was too radical for mainstream funders, government bureaucracies and most politicians.

I consider the launch of Women on Web entrepreneurial because Gomperts proactively created and seized political opportunities for telemedical abortion access and "demonstrate[d] their availability to others" (Tarrow, 2011, p. 12). WoW's goal and strategies, to de-medicalize abortion by placing self-induced abortion in the hands of women, are, in my view, feminist, radical, and entrepreneurial, given Gomperts' permanent drive to innovate. According to a popular, authoritative newspaper, Gomperts paved the way to an era of "Post-Clinic Abortion" (Bazelon, 2014). This perspective was unthinkable for Dutch abortion activists in the 1970s and 1980s. After Women on Web moved to Canada in 2021

²⁸ Leontine Bijleveld, conversation with the author, Mar 30, 2025. Bijleveld, a former Wij Vrouwen Eisen activist and an independent researcher and advisor on women's rights and labor relations, designed a new remuneration structure for WoW.

²⁹ Ibid. and Lin McDevitt-Pugh, conversation with the author, Apr 3, 2025. McDevitt-Pugh was co-chair of the board of Women's Wallet. The new management structure, job and salary system deviated from the prevailing situation of not well-defined leadership and lines of authority, job descriptions and justifications for salaries. A contentious issue concerned the physician's ultimate responsibility for writing prescriptions, and on that basis, the claim to principal authority. Due to numerous lawsuits, the founding physician was more or less permanently at risk of losing her license.

³⁰ Louise Boelens, conversation with the author, Apr 4, 2025. Boelens is an independent organizational advisor who mediated between the two parties in 2014. According to her, the dispute involved a well-known organizational phenomenon of tension between the drive of founding member(s) and issues related to organizational growth.

(Women on Waves, 2022), WoW as an organization consists of paid staff member Gomperts who, along with board member Kleiverda, takes charge of advocacy and designing new pilots.

For further reflection on the dynamics of women's movements and organizations, WoW's entrepreneurial activism raises questions about the (in)dispensability of ongoing founders' leadership and the (im)possibilities of institutionalizing activist entrepreneurship. In the final section, I return to these questions when discussing the significance of certain distinct features of WoW's activism for analyzing the dynamics of (feminist) social movement organizations.

WoW's swing to domestic abortion advocacy

In this section, I explain WoW's move from transnational to domestic advocacy and how this contributed to reinvigorating its action repertoire by piloting new strategies and moving targets in support of domestic de-medicalization of abortion and contraceptives. The strategy of "level switching" contributed to a new advocacy agenda and outcomes.

WoW's transnational activism exposed the dialectics of progress regarding abortion in the Netherlands. The legal wrangling over WoW's license and repeated attempts to incorporate menstrual regulation into the abortion act ignited WoW's advocacy in the Netherlands itself. Gomperts and Kleiverda: "The legal battle and inaccessibility of the abortion pill in the Netherlands made us realize how conservative and restrictive Dutch abortion regulations are."³¹ I call WoW's shift from transnational to domestic activism the "ignition effect" of engagement at the transnational level for awareness of the need for domestic advocacy and strategies to open and create political opportunities accordingly. This effect differs from Keck and Sikkink's (1998) boomerang effect, which refers to pre-existing advocacy at the domestic level that deliberately seeks to take advantage of international political opportunities to break a political deadlock at home.

WoW's first domestic advocacy effort was groundbreaking as it challenged doctors' monopoly and authority. In December 2007, Kleiverda (2007) published an article advocating over-the-counter access to the abortion pill. From 2016, other organizations joined WoW's advocacy, fuelled by the growing influence of international and domestic anti-abortion organizations and actors (Burgh et al., 2021; Heck, 2019). Thanks to these joint NGO efforts and robust coalition negotiations by D66 during the formation of the Rutte IV cabinet (2022-2024) (VVD-D66-CDA-CU), the Parliament approved two changes in the abortion act in 2022. The first concerned the abolition of the minimum number days for the waiting period, with effect from 1 January 2023 (*Kamerstukken II*, 2021/22, 35737, no. 29).³² The second, fifteen years after WoW's first plea, concerned the approval of general practitioners prescribing medical abortion till nine weeks of pregnancy (*Handelingen I*, 2022/23; Wet van 16 januari, 2023). A drawback of the new bill is the termination of the exemption of menstrual regulation from the abortion act. Actual prescribing took effect on 1 January 2025. Barriers to the abortion pill remain, with restrictive provisions in the 1981 abortion act in place, such as the obligation to discuss alternatives to abortion. The requirements that general practitioners must meet may deter them from prescribing the abortion pill. In 2022, a Citizens' Initiative, triggered by the rollback of abortion rights in Poland and the US, demanded the removal of abortion from the penal code. Under the right-wing Schoof cabinet (2024-) and a right-wing majority in the House of Representatives, a bill to this end is unlikely to be introduced, let

³¹ Gomperts & Kleiverda, conversation with the author, Oct 4, 2024.

³² The waiting period is still included in the abortion act, which leaves the length to the doctor's discretion and can range from zero to infinite days.

alone passed.³³ In February 2025, the Parliament passed three motions from parties seeking to rollback recent reforms to the abortion act (*Kamerstukken II*, 2024/25, 36600 XVI, no. 166, no. 168, no. 174). These attempts by right-wing parties to rollback access to abortion and reproductive rights, either through legislative changes or by creating obstacles such as misinformation and judgmental discourse, are not unique to the Netherlands and are an integral part of autocratization and de-democratization processes in both electoral autocracies in different parts of the world and in (recently) established democracies in Europe (Barone et al., 2025; Krizsán & Roggeband, 2024).

WoW's most recent initiative consists of a large clinical trial to confirm the efficacy and safety of mifepristone to be used as a weekly on-demand contraceptive. After a successful trial, mifepristone can be registered with the European Medicine Authority.³⁴ WoW will advocate for its distribution as a contraceptive in the Netherlands and transnationally. WoW's recent transnational advocacy has focused on the US. In 2018, Gomperts founded Aid Access to provide access to medical abortion in the US, anticipating restrictive measures in a number of US states (Women on Waves, 2023). Following the overruling of *Roe vs Wade* in June 2022, which ended the federal constitutional right to abortion, emails to Aid Access increased from 600 to 4,000 per day (Buncobe, 2022). Within 24 hours after Donald Trump's re-election as US President in November 2024, Gomperts noted that the demand for Aid Access abortion pills increased fifteenfold (Dungen, 2024). Ahead of Trump taking office in January 2025, women began to stockpile the abortion pill.

WoW's pendulum swing from transnational to domestic advocacy and back again is likely to continue given the adverse political contexts in so many parts of the world, including the Netherlands, for abortion rights. Switching levels has allowed advocacy at one level to provide inspiration and strategic significance for advocacy at another level.

Multilevel and multi-location activism – insights for (feminist) social movement organizations

In this final section, I reflect on the significance of certain distinctive strategies and organizational features of WoW and how these have affected chances for successful advocacy and sustainability of its activism. I propose three complementary concepts, “level switching”, the “ignition effect” and “geographic venue shopping”, that can be used to understand the dynamics and outcomes of (feminist) social movement organizations. I conclude with why, in my view, the substance of WoW's principled demand – women's right to decide – stands out from other feminist claims for autonomy.

WoW's sustained activism for more than 25 years challenges the cyclical pattern of social movements' dynamics according to classic social movement literature (Tarrow, 2011). Unlike Dutch domestic abortion activism in the 1970s and 1980s, WoW did not follow a cycle of rising mobilization, wider dissemination, partial or no accommodation of demands and institutionalization, and demobilization. WoW sustained its activism by changing and innovating its action repertoire, tactics, targets and goals over time.

Distinct in WoW's activism has been its *multilevel* engagement – domestic, transnational, international and global. *Switching levels* of political opportunity, similar to the notion “venue shopping” (Armstrong & Bernstein, 2008; Keck & Sikkink, 1998), has involved the

³³ The Schoof cabinet consists of the far-right parties Freedom Party (PVV) and Farmer-Citizen Movement (BBB) and center-right parties VVD and New Social Contract (NSC).

³⁴ Reclaim your rights! A New Post-Roe Strategy, last accessed 17 April 2025, https://www.gofundme.com/f/zxmvd-mifepristone-a-new-ondemand-contraceptive?viewupdates=1&rcid=r01-170316498167-15d94870a00411ee&utm_medium=email&utm_source=customer&utm_campaign=p_email%252B1137-update-supporters-v5b.

leveraging of a politically more receptive level to force a breakthrough at another level. Distinct from the “boomerang effect” (Keck & Sikkink, 1998), I identify the *ignition effect* of transnational activism for hitherto non-existent advocacy by WoW at the domestic level.

Besides the strategy of level switching, WoW has used a strategy of switching from one geographic location to another. This has been evident in the ship campaigns, abortion pill delivery by drones and robots, the launch of safe abortion hotlines, and training in using medical abortion. I call this strategy *geographic venue shopping*, which WoW has used to respond to the urgency of the need for safe abortion in different countries. The wider significance of geographic venue shopping points to the agency of (feminist) social movement organizations. By shopping geographically, organizations proactively open, expand, seize or create political opportunities in different countries, rather than passively waiting for such opportunities to arise (Gaventa, 2006; Gaventa & McGee, 2010; McClurg Mueller & McCarthy, 2003). In addition, advocacy campaigns in one country ignites activism in another country. By targeting multiple levels and locations, (feminist) social movement organizations sustain their activism and can increase chances for social change.

The significance of WoW’s multilevel and multi-location engagement has included the use of different discursive political opportunities as entry points to bring claims to the fore. Selecting more responsive discourses and framing of claims, rather than the principled demand “the woman decides”, represents “frame alignment” (Verloo, 2001) or what can be considered discursive venue shopping. The deployment of specific discursive frames and frame alignment in justifying abortion claims and mobilizing political actors plays a key role in various contexts and venues (Atay & Levrier, 2025). WoW deliberately used a medical frame by calling abortion “the most commonly performed medical procedure in the world”.³⁵ The expansion of its transnational activism to the Global South enabled WoW seeking discursive alignment with Dutch policy areas other than those of public health and justice, including development cooperation and international human rights policy. As a discursive opportunity structure (Ferree et al., 2002), Dutch development cooperation policy has enabled pro-abortion advocacy because of its status as the soft underbelly of foreign policy, at the bottom of the pecking order (Hoebink, 2007). This provided responsible ministers considerable freedom to pursue own views. Ministers’ personal convictions, their trust in the expertise of femocrats, and prevailing health concerns about the implications of unsafe, illegal abortions in the Global South have implied that domestic abortion policy and politics did not necessarily determine the government’s position on abortion at the UN and for the South, especially during the reign of PvdA and D66 ministers.³⁶ But WoW’s goal and strategies to de-medicalize access to abortion remained too radical to qualify for funding from the development cooperation budget.

At global and transnational policy venues, WoW could appeal to a variety of discourses and frames, including medical, health, safety and various human rights components, including access and sharing of information, freedom of opinion and expression, innocent passage and rights of civil society organizations in the maritime domain (Rocca, 2024), women’s rights and reproductive rights. Although abortion was not included when international and regional (human rights) treaties were adopted, abortion has been read into a number of treaties through subsequent interpretations. Various interpretations have established that a woman’s right to life takes precedence over a presumed right of the unborn child because

³⁵ Verslag van uitreiking van de Clara Meijer-Wichmann penning op de internationale dag voor de rechten van de mens, 10 December 2002, Amsterdam, p. 7, in Atria, Archive WoW, box no. 1, folder 2002.

³⁶ From 1973 to 2024, a majority of Ministers for Development Cooperation leaned toward a pro-abortion position. For more than half of the period, Labor Party and D66 ministers were in charge, followed by Christian-democratic ministers for a third of the time and conservative-liberal ministers for the remaining years.

fetal rights are considered incompatible with women's human rights (Copelon et al., 2005). However, the right to abortion remains qualified and not uniformly defined in UN legal instruments (Bisgaier, 2019). Recently, promising progress has been achieved under the Convention on the Elimination of All Forms of Discrimination against Women that recommended Poland to "recognize the right to abortion as a fundamental right" (Committee on the Elimination of Discrimination against Women, 2024, p. 21). Like WoW, by engaging at multiple levels, locations and policy venues, (feminist) social movement organizations can tap into a wider range of discursive opportunities that may increase their chances for successful advocacy.

I qualify WoW as a feminist, movement-supporting organization because of its goals and substance of activism that explicitly challenge male power, and because of the various roles it has played in supporting women's reproductive rights organizations and activists. WoW has contributed to certain, but not all, aspects of building women's reproductive rights organizations and movements. WoW's contribution has not entailed movement building strategies such as consciousness raising and self-help for empowerment, constituency-building and grassroots organizing for claim-making capacity, building new models of shared power and feminist leadership (Batliwala, 2012). These strategies are part of the mark that earlier feminist traditions of organizing and leadership have left on more contemporary ways of feminist organizing, unknown to Gomperts when she founded WoW.³⁷ WoW's leadership and strategies have pursued neither the more process-oriented and consensual ways of organizing of the 1970s nor the ambition of institutionalization that was dominant in the 1980s and 1990s.

Drawing on the dimensions identified by Karen Beckwith (2007) of women's movements' strategic engagements with the state, WoW has predominantly pursued strategies of autonomy from the state and positioned itself outside of the state. It has not engaged with strategies to enter the state and institutionalize pressure from within the state bureaucracy. For advocating liberalization of the abortion act, WoW pursued a strategy of coalition-building with other feminist organizations only after some time, as WoW mostly played a front-runner role. While I consider WoW's activism and strategies quite unconventional given its action repertoire, use of latest technological advances, targeting unusual venues and spaces, switching levels and locations, WoW's combination of service delivery with policy advocacy is rather conventional and similar to many other (feminist) women's movement organizations, as for example in the field of gender-based violence.

Given WoW's drive of continuous innovation and redefining its advocacy agenda, the entrepreneurial leadership of founder Gomperts, in my view, has been and will remain indispensable to sustaining activism based on moving targets because qualities of entrepreneurial, pioneering leadership tend to get lost in processes of institutionalization. However, the strong dependence on one or two individuals poses a challenge to the sustainability of the organization. WoW lacks strategies for institutionalization and leadership succession because Gomperts and Kleiverda do not consider it of strategic importance. They trust that after WoW achieves success, others will and can take over, such as other telemedical abortion providers, general practitioners prescribing medical abortion and future over-the-counter access to non-hormonal contraception. The strength of WoW's leadership has been the role of entrepreneurial trailblazers in taking risks, piloting strategies, changing action repertoire and moving goals and targets to accomplish results. WoW's lean organizational structure has provided the flexibility that entrepreneurial activism requires. However, the search for and use of international, transnational and

³⁷ See Saskia Poldervaart (2006) for an analysis of feminist strategies in the Netherlands in the 1970s and 1980s and Joyce Outshoorn (2000) for an analysis of the women's movement in the 1990s.

domestic legal loopholes has presented financial, organizational and personal security risks and dilemmas, including the threat of having to close down WoW's operations.

The strategies of level switching, geographic venue shopping and moving targets have been significant for the sustainability of WoW's activism. It has allowed WoW to respond to new urgencies, target different venues, deploy different discourses, policy areas and international human rights standards, and redefine advocacy priorities, rather than abandon efforts and demobilize when aspired outcomes failed to materialize. WoW's strategies have contributed to maximize the range of (potential) political opportunities, whether available or created, and to anticipate (potential) threats. Other (feminist) social movement organizations can also use these strategies to increase their chances of successful activism and advocacy.

WoW's research and advocacy to de-medicalize women's reproductive health care represent the most recent strategy for securing "women's right to decide". However, the condescending view that women themselves cannot or should not decide about abortion still prevails in political decision-making in the Netherlands, even among pro-abortion politicians (*Kamerstukken II*, 2023/24, 36317, no. 8). Dutch abortion clinics have opposed general practitioners prescribing medical abortion and over-the-counter access for fear of losing revenue. Moreover, self-managed abortion evokes not only religiously motivated opposition, intimidation and violence but also misogynist, anti-gender and anti-women's rights speech by extremist and far-right politicians and political parties. Excluding men from decisions concerning women's autonomy and control over their bodies, fertility, and sexuality instills a very deep fear and threat to patriarchal power, unrivalled by any other feminist claims for women's autonomy.

Conclusion

The decades-long restricted, unfree abortion practice in the Netherlands is an example of the dialectic of progress: condoning a liberal practice followed by partial legalization *and* continued criminalization. Party-political interests, coalition politics and a lack of political will have been responsible for abortion remaining legally unresolved. WoW's unconventional strategies for transnational abortion access in turn have ignited activism at home. WoW's activism has illustrated characteristics distinct from movements cycles of contentious mobilization according to classic social movement literature. Differences relate to mobilization patterns and sustainability over time, leveraging of multiple levels and geographic locations, entrepreneurial organizing and leadership, agency vis-à-vis political opportunity structures, moving targets and reframing feminist claims. WoW's case has illustrated dilemmas of the seemingly unbound political opportunities of medical advances and new technologies, the ambiguity of international and regional treaties for abortion rights, and the legal, policy and political constraints of nation-states' control over laws regulating abortion access. The demand for abortion and reproductive health care in the hands of women remains one of the most contested feminist claims for women's autonomy.

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RESEARCH ARTICLE

Evaluating the intersection of attitudes on foster care and abortion among US American evangelicals

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Abstract

Foster care is invoked by activists on both sides of the abortion debate. For abortion opponents, it represents a home and path to adoption. For abortion advocates, it is an already broken system that could be overwhelmed by abortion restrictions. These views are also deeply tied to religion in the United States, with some church communities being involved in both anti-abortion activism and foster care volunteering. We investigate the intersection of beliefs on abortion and child welfare among anti-abortion evangelical Christians in Tennessee against the backdrop of a total abortion ban at the state level. We find that these beliefs are shaped by a distrust of the secular state and a preference for family matters to be managed within Christian communities. By centering state skepticism, we can better understand the internal logic of supporting abortion bans but opposing increased funding for state-run child welfare, laying the groundwork for future research.

Keywords: Abortion attitudes; Foster care; Evangelical; USA; Family policies

Introduction

In the United States, topics related to families, sexuality, and morality have remained politically salient throughout the years. In an era of seemingly ever-increasing polarization and division, it is important to study how people draw connections between these policies. We investigate the beliefs and values at the intersection of abortion, foster care, adoption, and membership in a large evangelical church. All of these institutions center around the idea of building families. They embrace ideas of avoiding pregnancy and taking in a child without a safe home either temporarily or permanently. They pass on values that individuals hold about morality and families.

In this study, we examine the connection between these issues in a case study of an evangelical community in central Tennessee. Through 31 semi-structured interviews, we explore the interplay of experience with fostering or adoption, attitudes on abortion and homosexuality, and the motivation for these moral convictions. We aim to understand the internal logic of our interviewees' beliefs on these issues, particularly in a context where their church teaches the abortion is wrong and thus this value is shared across the

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interviews. By exploring the degree to which an interviewee is willing to personally and financially support foster children, we tease out what is most important to them about how the child welfare system operates and how this is coherent with their beliefs on abortion.

Our interviewees show great compassion for children in difficult situations, and many of them have personally involved themselves in care or social support for these children and their families. Rooted in their faith, adoption and fostering are seen as highly moral “callings,” and members of the community or institutions affiliated with Christianity are seen as “good people” who are trustworthy. There is, however, a sense of distrust, both of the state and of others outside the church community who might cause harm to children or mis-spend valuable resources that could be better devoted to children and families. The emphasis on individual responsibility, both for parents whose children are placed in foster care and for adults who spent time in foster care when they were children, parallels the general preference for private management of family-related policies over state involvement. Members of this community are generally optimistic that abortion bans will lead to more children being born and made available for adoption by loving Christian families.

Literature Review

Since the overturn of *Roe v. Wade* (*Roe v. Wade*, 1973) in the 2022 *Dobbs v. Jackson Women's Health Organization* decision (*Dobbs v. Jackson Women's Health Organization*, 2022), abortion has been an extremely hot topic in national and state policy in the US. In the first 18 months after the court decision, US states proposed 675 provisions that would restrict access to abortion (80 of which were enacted), along with 1098 to restrict other reproductive health rights (Forouzan & Guarnieri, 2023). On the other hand, foster care and adoption have not seen a proportionate increase in national political attention.

However, the child welfare system has also been subject to intense criticism for its poor outcomes and disproportionality on minority communities leading to several scholars and activists calling for its abolition (Dettlaff & Weber, 2022; Nourie, 2022; Roberts, 2022). The creation of the abolitionist upEND movement is a direct response to historical and ongoing failures of the child welfare system, which abolitionists more often refer to as the family surveillance system (Dettlaff et al., 2020).

Linking abortion, child welfare, and adoption

Only a handful of states have proposed laws linking abortion and adoption at various points in time, for instance requiring “adoption classes” before allowing a person to receive an abortion (Bassett, 2013). Anti-abortion advocacy groups also employ language that portrays adoption as the happy ending of a tragic foster care case, alongside promotion of adoption agencies that market themselves as a good alternative to abortion (Lurie, 2024; March for Life, 2023). Yet at the same time, media outlets tell tragic stories of families torn apart by a foster intervention gone wrong (Presser, 2021), or otherwise children who were justifiably removed from an unsafe situation, but then they did not find quite such a happy ending as advocates would lead us to expect (Philip et al., 2022). State Child Protective Services (CPS) and the corresponding foster care systems are tasked with an enormous responsibility to safeguard as many children as possible, with minimal staff and expenditures.

This rhetoric plays an important role in informing attitudes and values on abortion, adoption, and foster care, but it does not necessarily reflect the reality of how individuals and families engage with these topics. A group of researchers based at the University of

California, San Francisco conducted The Turnaway Study from 2008 through 2016.¹ In this study, a natural experiment design was leveraged to compare patients who sought an abortion shortly before a gestational age limit to those who sought care shortly past the limit and were thus denied their request for an abortion. The study then followed up with these women for five years after their abortion, gathering data on their personal lives, economic circumstances, and reproductive health. One crucial finding from this project was that women who are denied abortions are generally not interested in adoption (Sisson et al., 2017). One week after the denial, 14% of pregnant people were considering placing a child for adoption. Of those who ultimately gave birth (70% of those who were initially denied the abortion), only 9% placed their child for adoption.

Sisson (2024) then goes deeper into the perspective of those who place their child for adoption who she refers to as “relinquishing mothers” or “birth mothers”. By exploring the long-term impacts of the choice to relinquish, she reveals the many ways in which birth mothers feel unsupported and even coerced into adoption arrangements, which they often look back on with regret.

In the wake of the Dobbs decision, some social science and legal scholars have discussed the possible impacts and connections between abortion restrictions and foster care (Faulkner et al., 2024; Harvey, 2024). Several media stories have also suggested that the lack of access to abortion post Dobbs is causing some adoption care providers (Plummer, 2023; Sager, 2023) and foster care agencies (Dixon-Luinenburg, 2023) to see an increase in the number of children, but this not confirmed by raw data and is disputed by others (Kenen, 2023; Pflum, 2023). At the time of this writing, we are not aware of any studies that concretely demonstrate a relationship between the number of children (especially infants) entering foster care and the Dobbs decision or consequent state-level abortion restrictions. The closest investigation is by Adkins et al. (2024), where they examine this relationship in the context of pre-Dobbs abortion restrictions at the state level. These restrictions are, by definition, less extreme than those that have occurred since Dobbs, because *Roe* and subsequently *Planned Parenthood v. Casey* (*Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992) protected a minimum federal standard of abortion access that did not place an “undue burden” on the abortion seeker. Thus, we can imagine that the effects Adkins et al. (2024) observe are likely larger, now that states are no longer held to the “undue burden” standard. By examining foster care entries and abortion restrictions across the 50 states and District of Columbia, these authors find that 11% more children enter foster care in the wake of an abortion restriction, imputed based on comparison to states without such restrictions.

Likewise, Tobin-Tyler (2023) wrote that southern states with the most restrictive abortion laws, also have large populations of poor Black women and that these are the same women that are disproportionately targeted by the child welfare system. States with restrictive abortion policies also tend to be states with the least spending and fewest social services for families in need (Madden et al., 2024).

While abortion and adoption are often linked, it is important to understand that adoption is tightly entwined with the child welfare system. In fact, the National Council for Adoptions (NCFA) reported that between 2019 and 2022, adoptions out of the foster care system accounted for at least 66 percent of all adoptions in the U.S. (Drumm et al., 2025). Relatedly, the Dave Thomas Foundation for Adoption’s (2022) national survey of Americans’ attitudes and experiences with the child welfare system and adoption, 65 percent of the people who

¹ The study is summarized in the book *The Turnaway Study* by Diana Greene Foster, with more detailed results published in a wide variety of scientific articles. An annotated bibliography of the study can be found at <https://www.ansirh.org/sites/default/files/2022-12/turnawaystudyannotatedbibliography122122.pdf>

had adopted a child did so from the foster care system. Of those people considering adoption in the future, 82 percent said they were considering foster care adoption and 57 percent said they preferred to adopt a foster child under the age of five. However, Americans generally had a mistaken understanding of the child welfare and adoption systems. Most participants believed fewer children were available for adoption than there actually were. They also underestimated the amount of White children available for adoption and the amount of LGBTQ children in the child welfare system (Dave Thomas Foundation, 2022).

Authors from The Turnaway Study also contribute information that is relevant to the interconnection between abortion and foster care. Foster et al. (2019) examine the effects abortion denial has on a person's previously existing children by comparing children whose mothers were denied abortions to the children of women who received the abortion they requested. The children whose mothers were denied an abortion were more likely to be living below the federally-defined poverty level and also had lower mean child development scores. A similar article by Foster et al. (2018) additionally finds that parents who were denied an abortion were more likely to report not having enough money to pay for basic living expenses, and the children may not be as well bonded to their mothers. Child Welfare Information Gateway (2023) reports that children that come into care arrive from homes experiencing poverty at a rate of neglect seven times higher than their peers. The lack of affordable child care, the loss of employment and the loss of government benefits all are linked to a child being placed into care as is the additional monitoring of poor communities by CPS. However, other researchers have cautioned that linking abortion restrictions with increases in child maltreatment and foster care can be problematic as fluctuations in foster care numbers are more likely explained by state policy choices and that causality between the two is difficult given the number of possible overlapping variables (Faulkner et al., 2024).

Reproductive justice and the anti-gender movement

An important strand of literature that speaks to the interconnection of family policies is the theory of reproductive justice. This framework is used by both scholars and liberal activists as an alternative to the older emphasis on reproductive rights in mainstream white feminist movements. It emphasizes not only the right to not have children – the policies that were historically most important to white women, like contraception and abortion – but also the positive right to have children, and the right to parent children in safe environments. This movement was founded by Black women whose needs were not captured in the “rights” framing. They more often faced problems of forced sterilization and criminalization that resulted in their children being removed from their custody (Roberts, 1997, ch. 2). This framework draws together the theory that underpins the right to abortion and the right to have children and sets them in the same conversation, arguing that any moral judgments about who deserves to have access to reproductive care and under what circumstances undermines all reproductive choices, including those that support growing families and providing children with stable homes (Ross & Solinger, 2017, ch. 4).

Bakhru and Benson (2024) explicitly apply this theoretical framework to adoption and foster care in their 2024 book, building upon other literature in the subfield of critical adoption studies. They argue that family separation and the models of family-building created by the institutions of adoption and foster care is an under-discussed and under-studied arena of reproductive injustice. Those parents whose children end up in foster care against the parents' will are often marginalized either by their race, class, Indigenous heritage, disability, or multiple of these identities. Because of this lack of reflexivity on who participates in these institutions in which ways, the institutions support those aspiring

parents who belong to dominant social groups, channeling an increased “domestic supply of infants”² to relatively wealthy white parents who seek to adopt.

Philosopher Judith Butler (2024) builds upon discussions in reproductive justice and research about the global anti-gender movement in her book *Who’s Afraid of Gender?*. This movement spans many policy topics, and as suggested by the title, this book explores who the common actors are that oppose changes to traditional gender roles, reproductive rights, a social rather than biological definition of gender that includes trans people, and different cultural ideas about sex and gender that have largely been subsumed by Global North Anglo-American norms. Challenges to the order of who can or should have families, how men can or should relate to women, and what position society allows to people who do not follow prescribed rules about gender and sexuality ultimately become questions of power and control. Butler (2024) engages with the arguments advanced by opponents of what Butler terms the “gender phantasm” and uncovers a core of existential anxiety about what position remains in a changing world for those people who used to hold power on account of their sex and race. Ultimately, when our world allows for greater reproductive freedom and nontraditional family structures such as fostering and adoption, those who keep to traditional ways feel that their way of life is threatened, and thus they engage to prevent others from redefining what families and gender roles could or should look like.

Where Butler (2024) unpacks the philosophy that underlies such a movement, other scholars have contributed to our empirical understanding of it. Kuhar & Patternote (2017) draw the thread through historical and transnational social movements that link right-wing, populist, and anti-gender actors. This has been documented particularly across European institutions (Ayoub & Paternotte, 2014; Kantola & Lombardo, 2024; Verloo & Paternotte, 2018) national case studies (Lavizzari & Prearo, 2019; Lombardo et al., 2025 Reuterswärd, 2021), and transnationally on social media (Córdoba Vivas, 2024; Martin et al., 2024)

Religion and politics

This study also engages with the literature from religion and politics, as we investigate the way that membership in an evangelical church affects the individual and co-development of beliefs on family policy topics. White, evangelical conservatives are one of the most likely populations to be opposed to abortion and hold conservative positions on other cultural issues (Castle & Stepp, 2021; Filindra et al., 2022; Holman et al., 2020). Evangelicals are known to hold ideological positions that are generally aligned with the Republican Party and particularly Donald Trump (Margolis, 2020; Whitehead et al., 2018), and their religious identity informs their views on a variety of policy issues (McCarthy et al., 2019; Vegter & Den Dulk, 2021, Ertan & Yaman, 2025). There is not a simple linear relationship between religious affiliation or upbringing and any given political opinion, though – as Goodwin & Morgenstein Fuerst (2024) argue, the way that religion shapes people’s views and choices is complicated, but undeniably present.

Beyond simply describing associations between religious identity, policy positions, and other cultural identities, scholars have laid the groundwork for understanding how attitudes form at the intersection of these identities. We know that white evangelical Republicans are more receptive to policies that they believe will benefit Christians instead of Muslims (DeMora et al., 2021; 2024) and that messages aligned with the respondent’s moral values are effective motivators. On the other hand, Nossek et al. (2025) find that even among the most conservative demographics, abortion attitudes become more permissive when people are given more information about the life circumstances of the abortion seeker. We also

² This phrase is from the majority opinion in *Dobbs v. Jackson Women’s Health Organization*, (2022) and does not appear in the Bakhru & Benson (2024) text.

know from Guhin et al. (2023) that white evangelical pastors rarely address poverty and race in their sermons, two issues that are central to foster care. Goodwin (2011) calls for more critical scholarship at the intersection of religious conservatism and sex, challenging scholars to move beyond simplistic assumptions to interrogate the nuances of how religion relates to sex.

This leads us to our central research question and sub-questions: how do evangelical conservatives understand and explain their values related to abortion and foster care? The conservative evangelical position on abortion would be to oppose it strongly, but the conservative position on foster care is less obvious. Do they support increasing financial and social resources for the foster care system, rooted in their family values and Christian teachings, or do they oppose this, rooted in their conservative, small government values? If they do oppose expanding resources for the child welfare system, what alternate solutions does this community envision for children living in unsafe conditions? Does the community see abortion, adoption, foster care, and other family policies as connected, or do they treat these topics individually?

Case Selection and Background

In order to investigate the intersection of anti-abortion attitudes, foster care, and religion, we needed to identify a community where we could reliably find research participants that fit this description. We selected a case study approach in order to understand the interconnections of these ideological positions from a theoretical perspective. This exploratory design is deliberately open-ended, as the intersection of foster care and abortion attitudes is so understudied. In-depth understanding of a single case could be useful for future research that seeks to generalize and evaluate how widespread the co-occurrence of these beliefs is.

This study is grounded in central Tennessee, a state that consistently votes conservatively and where there is a large concentration of specifically religious evangelical conservatives. It is important to contextualize Tennessee as one state within the US federal system, as scholars have noted the importance of regional abortion politics (Cozzi et al. 2025) and the position of regions within broader systems (Gannon & Pullan 2025a, 2025b). Burge & Lewis (2018) recommend a simple strategy for identifying evangelicals in research, based on their comparison between various identification strategies that show almost no statistical difference; accordingly, we approached members of two evangelical church communities based solely on their affiliation.

We characterize this community in Tennessee as a typical case of a white, evangelical, conservative community, for purposes of future theoretical generalizability. In order to substantiate this claim, we present the following background on abortion and foster care in Tennessee:

Abortion Policy

Tennessee's abortion policy is very conservative, characterized as the "most restrictive" category by the Guttmacher Institute's comparison of US state abortion policies (2025). When Dobbs removed federal protections for abortion in 2022, Tennessee began enforcing a "trigger ban" law that had been passed in 2019, banning abortion at all gestational ages with limited exceptions for medical reasons (Center for Reproductive Rights, 2024). Tennessee actually has several overlapping bans that would remain in place if one ban were overturned by a court, including a six week ban, twenty week ban, viability ban, and bans related to the fetus' sex, race, or having Downs' syndrome. The state laws also require a mandatory 48-hour waiting period, counseling, an ultrasound appointment, and prohibits coverage by both public and private insurance plans. Minors also require parental consent

or a judge's approval in order to get an abortion (Center for Reproductive Rights, 2024). The Guttmacher Institute (2024) reports that 165 abortion-related legislative actions have been introduced in Tennessee just since 2023. In short, Tennessee state politicians have succeeded in many distinct efforts to restrict abortion access, and very few abortions now take place in Tennessee (DoCampo et al., 2024).

Tennesseans now access abortion care outside of their local healthcare service providers. The Guttmacher Institute (2024) estimates that about 10,570 patients traveled from Tennessee to another state for abortion care in 2023, of which 7,120 traveled to Illinois, a state which now serves abortion seekers from across the midwest due to many neighboring states with abortion restrictions (Gannon & Pullan, 2025a). Even before Dobbs was decided, Tennessee residents often had to travel to neighboring states for abortion care (Shapiro et al., 2020, pp. 301-302). Nationwide studies reveal a significant increase in the estimated numbers of self-managed abortions in the six months following the Dobbs decision (Aiken et al., 2024), some of which are "self-sourced" outside of mainstream medical establishments (Karlin & Joffe, 2023).

Foster Care System

The United States Department of Health and Human Services (HHS) (2024) which tracks national foster care data, reported that approximately 570,000 children were part of the child welfare system at some point in 2022, the most recent year for national data. Tennessee accounts for approximately 14,000 of those children (HHS, 2023a). On average about 200,000 enter and exit the system each year leaving about 370,000 in some form of foster, kinship or residential care in 2022. This number has been declining in recent years from a high of 437,000 in 2018 (HHS, 2024).

Out of this group, roughly 29 percent of 109,000 are categorized as waiting to be adopted (HHS, 2024). This percentage has been roughly the same for the past decade. The actual number of children adopted from foster care in 2022 was more than 53,000 and this represents 27 percent of all of the children that exited the foster care system that year. Since 2016, this percentage has also been relatively similar (HHS, 2024).

Nearly half of the children that come into care are 5 years old or less and 20 percent are infants (HHS, 2023b). Of the children waiting to be adopted, most come from this age range as well, with 43 percent being 5 or younger. Similarly, 55 percent of the children actually adopted from care are younger than 5 years old. The vast majority of foster children are adopted by their foster parents or a family member with only 10 percent being taken by a non-relative (HHS, 2023b).

Despite total federal and state spending of more than \$31 billion (Congressional Record Service, 2023), the child welfare system is notorious for overrepresentation and disproportionately affecting minority communities at every stage of the case (Child Welfare Information Gateway, 2021), for overrepresentation of disabled youth (Slayter, 2016), and for the host of poor education, career, health and criminal outcomes for youth who age out of the system (Annie E Casey Foundation, 2023).

The child welfare system itself has been in a long employee turnover crisis (Cull & Lindsey, 2023), with an acute shortage of foster homes that means more children are placed in congregate care settings (Font & Gershoff, 2020) and more are forced into inappropriate short stays in offices, hotels and even homeless shelters (Hughes et al., 2023). Because of these ongoing failures, multiple states have ongoing class action lawsuits aimed at reforming and monitoring the state's child welfare system (Casey Family Programs, 2022).

Tennessee has similarly poor outcomes for children that exited the care system. A recent study backed by the Tennessee governor's office surveyed care experienced adults and found that 25 percent had not completed high school, 37 percent lacked stable housing, 45

percent were unemployed, 54 percent had been in jail and 41 percent were already parents themselves by the age of 21 (Belmont Labs, 2024). Compared to national averages, Tennessee foster youth have more placement instability and are more likely to reenter foster care (Tennessee Commission on Children and Youth, 2024).

In Tennessee, with more than 14,000 children in care, the numbers are slightly different from the national averages (HHS, 2023b). With only 1,900 or about 13.5 percent waiting to be adopted and only 1,151 or about 24 percent actually adopted, Tennessee has lower numbers than the average. Tennessee has fewer young children than the average at only 32 percent 5 years old or younger. Like the rest of the country, 55 percent of Tennessee foster care adoptions are from children 5 and younger, with only 3 percent being adopted by non-relatives and 90 percent coming from adoptions by foster parents (HHS, 2023b).

In addition to public adoptions included in the national data, the National Council For Adoptions estimated that in 2022 nationally more than 79,000 children were privately adopted excluding step parent adoptions (Drumm et al., 2025). In Tennessee private adoptions accounted for 3,628 or nearly 70 percent of all the adoptions in the state in 2023, while foster care adoptions made up only 29 percent (Drumm et al., 2025). This is the reverse of the national averages where foster adoptions make up most of the adoption totals.

Christian churches and organizations have had significant ties to and influence over the U.S. child welfare system since its inception, steering legislation and policy (Katz, 2024; Schrieber, 2011). While many children have absolutely benefited from the help of this system, Katz (2024) argued that it also allows public money to be sent to private Christian organizations and that this is sometimes at the expense of minority children with different cultural backgrounds.

In addition, the child welfare system had a long history of removing Native American children from their homes, often with a view of re-educating them and providing them with a Christian upbringing (Lambert, 2022; Mann, 2016). Even today, nearly 50 years after the passage of the The Indian Child Welfare Act, which was intended to allow more tribal autonomy in removal and placement decisions, native children are still removed at higher rates (Richards et al., 2021) and less likely to be placed within their own ethnicity (Francis et al, 2023). Dorothy Roberts (2022) has also documented the systemic racism against Black families that is institutionalized in the US child welfare system. Both Indigenous (Akbari 2021) and Black (Roberts, 1997) women were historically sterilized against their will as a result of state policies. While race was not the focus of this study, it is important to acknowledge the ways that the child welfare system in the US has contributed to the marginalization of non-white families and children.

Methodology

This research is based on semi-structured personal interviews carried out between March and April 2023 in the central part of Tennessee with 31 subjects. Twenty-five of the interviews were conducted one-to-one, while three interviews were of married couples that preferred to be interviewed together. All of the interviews took place in a location chosen by the participant where they felt comfortable speaking. Most took place in the interviewee's home, at their church, or in their office. Audio of the interviews was recorded and ranged in length from 12 to 33 minutes.

All interviewees gave their written signature of informed consent to participate in the study after reading a description of the project and having the opportunity to ask questions. No identifying information was recorded in writing or on the audio, and participants were promised that their identity would be kept anonymous.

All interviews were conducted by the same interviewer, Matthew Trail. Initially participants were recruited from personal connections with Trail, which led to a snowballing strategy where interviewees recommended other friends and acquaintances who they knew would have opinions on foster care and abortion. All of the participants identified themselves as Christian and belonged to one of two large local evangelical churches.

Trail's positionality was crucial to securing these interviews, as he was likely perceived as a trustworthy member of the in-group, due to his personal background, local knowledge, and accent (Manohar et al., 2019). Trail came from this community and has a personal connection to members of these churches, though he is not a member of either church community. Knowledge of the local area and culture enabled him to build trust and invite candor in a way that would have been difficult for an outsider to accomplish. Participants were aware of Trail's personal connection to the community, and as part of their informed consent, they were also informed of the more positivist scientific approach to this project. He went to great lengths to maintain neutrality regarding his personal opinions on the research topics until after the interview had been completed, at which time he offered interviewees the chance to have a more social, less scientific conversation if they so desired. The effort to speak to interviewees using language that reflects their community beliefs was particularly important, given previous findings about the way that Christians who consider themselves to be "born again" react to different framings on abortion (Liebertz & Bunch, 2021).

Of the participants, all were members of one of the two churches, nine were men, and 22 were women, plus one interview with a pastor. All of the interviewees were white, which is not surprising given that most US church congregations are quite racially homogenous (Lipka 2014). All were also parents (through a mix of biological, adopted, and foster children), and almost all were older than 50, with many of them describing themselves as too old to become a parent to a young child at their current age. All interviewees identified themselves as opposing abortion, though there was some nuance to their positions, which we discuss below. Due to our purposive sampling strategy based on church membership and abortion attitudes, combined with the self-selecting effect common to snowballing, this sample is not representative of the entire local population or even the entire church community, because it was designed to uncover rich data on a specific subset of the population, not for probabilistic generalizability (Nathan et al., 2019).

The interviews were transcribed using Whisper AI and then checked for accuracy by both authors. This transcription technology is run entirely locally on one computer without the need to query an online server, which protected the sensitive interview data and ensured compliance with data privacy laws. We then loaded the transcripts into MaxQDA to code the interviews for analysis. To ensure inter-coder reliability, all transcripts were reviewed by both authors, with regular communication throughout the process.

Because the relationship between foster care and abortion attitudes has never been explored, we opted for a qualitative approach to this initial study. This is intended to be the first step of an ongoing project, with a quantitative study to follow. The qualitative, exploratory approach allowed us a more nuanced understanding of the interconnections between these topics and ultimately will allow us to create a more precise survey in the future. Had we begun with a quantitative approach, we would not have known to ask about some of the most interesting topics that came out of the interviews, including distrust of government and high in-group trust.

Findings

From the interviews we were able to identify several common themes and triangulate an answer to our research question: how do they understand foster care and abortion to be

connected, if at all, and what is the internal logic of their beliefs related to nontraditional family-building. Though the participants varied in experience and knowledge of the foster care system, the six themes below stood out across the interviews, as exemplified by several illustrative quotations.

Compassion for foster kids and praise for foster and adoptive parents

One of the most common ideas expressed by the participants was that being a foster child would be extremely difficult and traumatizing. Most interviewees explicitly used the word “trauma,” often repeatedly, or emphasized ideas like fear, loss, and confusion. The participant’s understanding of the trauma that foster children experience is also well found in the literature, with numerous studies describing foster youth with higher rates of trauma and adverse childhood experiences (Dorsey et al., 2012; Forkey et al., 2016; Stewart et al., 2023). One interviewee said,

“I think... the older a child is when they enter the foster care system, I think the more traumatic it is. Obviously for a baby, they may not know until they're adults whether they were even adopted, but for somebody who's maybe six years or older especially, there's going to be lasting psychological trauma from possibly being moved from home to home, not knowing when you're finally going to find a parent. It's my understanding that the older children have a harder time finding families and I think that, yeah, I think it could create lasting scars for them and like I said, wounds that people carry, you know.” (Interview 26).

Coupled with the recognition of the trauma that foster youth face was a positive view of all adoptive parents and generally of the adoption process itself. Many of the participants spoke of being religiously called by God to adopt or foster children. They saw caring for children as a morally worthy task.

“Like for me personally, at this time in my life, I don't feel called to adopt. I have two kids. I have two young kids. I wish that I had that want and that need to say ‘I really want to adopt right now,’ but I don't. But I think it's the most selfless thing that you can ever do.” (Interview 1).

Those participants who did not feel called to adoption or foster care still believed that they had a moral duty to care for children in some other way either financially donating to foster families or organizations or through volunteer efforts on their behalf. Several participants referenced the Christian duty of taking care of “widows and orphans” found in a passage from the Book of James 1:27.

“[James] says true religion is to take care of orphans and widows, and so I think it is the duty of the followers of Jesus to take care of both, both the widows and the orphans, because they're the most vulnerable part of our society.” (Interview 13).

Distrust of the state

The participants expressed a distrust of state government and state interventions that influenced many of their responses. The foster care system specifically was perceived as deeply flawed with many citing recent news stories about foster children sleeping in offices and the lack of adequate care provided to them. Some who had fostered children themselves had personal experiences of these systemic failings. One participant described confusion with the process of taking in a foster child.

“And also, it did seem to me that it was sort of like the right hand wasn't communicating with the left. The hospital wasn't communicating with the police. The police weren't communicating. Therefore, Mom shows up at my door, and I didn't even know she had been discharged... [and] it seemed like nobody else did either.” (Interview 28)

This was contrasted by their perception of two local Christian-run organizations that provided adoption and foster placement services. The participants viewed these Christian-affiliated nonprofits as positive examples of the community caring for children. Several of the participants mentioned these two nonprofits as places where their money and time would be put to the best use on behalf of foster children.

This distrust of government meant that while most of the participants expressed some tepid willingness to increase taxes to better support foster children, many preferred that the government reallocate funds from somewhere else. There was a general sense that the government spends money inappropriately, but there was not a consistent recommendation regarding which programs should be cut. One participant summed it up: “I'm not anti-tax. I'm anti-wasteful, you know?” (Interview 29).

Because of this deep skepticism, many of the participants believed that the state's abortion ban would also be ineffective. They explained that women who “really” needed abortions would find another way, including traveling to another state.

“I think, you know, there are places where people can go to get an abortion. So I think if they want one, they'll probably go get one.” (Interview 23).

This dual skepticism of both the state's ability to administer programs that take care of children *and* of the state's ability to prevent pregnant people from having abortions is crucial to understanding how interviewees think about topics related to family and the state in general, which we will discuss further below.

The importance of “good people” and in-group trust

Participants believe that good people are needed in the foster care system, both to become foster parents themselves and to provide support to foster families. This belief was tied to the idea that the in-group church community would be the best place to find good people for this work.

Relatedly, our interviewees believe that Christians need to volunteer as foster parents as a way of passing on the strong family values required to be successful later in life. There was a belief that if foster children could be raised by good people with the right values, then their lives could be improved.

“...you know, it could be the best thing that happens to a child or it could be a child's worst nightmare, it depends on how. I don't think a kid is born bad, but I think by being in a bad foster care situation, a child... can turn out to be a bad person. And the same goes the other way. If you've got good, loving foster parents, a foster child could turn out to be the best person in the world.” (Interview 30)

They also perceived a duty towards foster children as a result of their Christian beliefs and not as a secular duty derived from citizenship in the community. Christians as individuals and the Church as an institution are seen as critical for providing support to foster families and families in need.

“I do think that as Christians, we do have a responsibility to do what we can to help people like that, whatever it is, and not necessarily because of the laws that are being passed, but just because that's what we're called to do by Jesus Christ, is to help those that are the most in need...” (Interview 26).

Tied to this perception of in-group Christians, the participants had mixed reactions to the idea of gay couples adopting and raising families. Some participants had gay family members, but still expressed concern that the family environment was not appropriate for children.

“It's not that I'm an anti-gay person, because my niece is a lesbian. And, you know, I love her and I love her partner, but I don't think the two of them should bring a child into that environment.” (Interview 2).

However, about half of the participants were at least tolerant or actively accepting of gay adoption, citing the need for children to have families with a large minority being openly supportive of the process. This belief was often related to the interviewee's experience with same-gender couples who they judged to be good parents.

“I know gay people who have adopted children and have raised them, you know, and lovingly and those children have done well and thrived. I'm a teacher. I've had children in my classroom who have had gay parents who have adopted them and they've done fine. So I'm okay with gay adoption.” (Interview 27).

Emphasis on individual responsibility, for both birth parents and children

Participants also stressed the importance of the individual and the consequences of individual decisions. There was a common refrain that despite trauma and the potential for poor life outcomes, adults who had spent time as children in foster care (“care-experienced adults”) would be no different than adults from more traditional homes. The participants often acknowledged that care-experienced adults might face some hurdles, but they expressed a belief that individuals could overcome any obstacles through individual resilience. Care-experienced adults should be able to pull themselves up by their bootstraps into a stable life.

“I think you can be from a very poor family but have the motivation to go forward and become a millionaire and do good for other people. Or you could be just the opposite. There comes a point in time where no matter what your life is like, you can make changes you can make the decisions to better your life, or you can say ‘well poor little me, you know, I was raised in a foster care and I was abused so I'm never going to amount to anything.’” (Interview 30).

Ideas of individual responsibility also carried over into interviewees' views of sex, pregnancy, and women. Multiple participants noted that the consequences of sex are known and that women should be more responsible about who they sleep with and with bringing more children into the world. There was no acknowledgement of men's roles in sex and procreation nor did the participants mention any systemic structural issues such as poverty that would impact having children. One interviewee shared a longer story about how, many years after adopting his child, he decided to contact the child's birth father who the birth mother had not involved in her decision to place the child for adoption on the grounds that

she was raped. This adoptive father felt a sense of responsibility to inform his child's birth father about the situation and categorically did not believe that the birth mother had been raped. Through this and other stories, it was clear that several interviewees believe that women are responsible for pregnancy prevention unilaterally.

"I think there's parents who don't care and who say "I'm going to continue having babies and continue having babies and continue having babies because that's what I do." (Interview 1).

"You don't want to get pregnant? Don't have sex. That sounds very simplistic, but that's pretty much it." (Interview 30).

Connections between family policies and ideological consistency

The majority of the participants had not considered the possible connections between abortion policy and foster care, nor whether the Dobbs decision would have any effect on the numbers of children in foster care. When prompted by the question, the participants had mixed responses with some anticipating no change in the foster care system and others acknowledging that more children born could ultimately mean more of those children come into the care system.

"I think we're gonna have a lot more children born that are, have lower odds to get out of the situations that they may find themselves in, and whether it be even put in the foster care system, or even just being in single-parent homes where they're possibly not getting the love and attention they need from a parent, because there's only one parent that needs to be working constantly to afford that, to care for the child." (Interview 26)

Almost all of the participants however spoke of positive effects of more babies on the adoption system, noting that more babies meant more families would be able to adopt. There was a common perception that the adoption procedure was too long and complicated and that many families were prepared to adopt, but there were simply not children available. They expressed a hope that more children would be on the market for adoption, but lacked certainty that it would happen.

"I mean, you could have more children that don't ever get placed and are really raised not in a stable home environment, but then you have people who are dying to adopt children. That might give them more opportunities to have a family." (Interview 5)

One interviewee drew a direct connection from his experience as a foster-to-adoptive parent and his beliefs on abortion. He shared that his daughter experienced sexual violence while she was in the foster care system, before coming to his family's home. Her experience caused him to consider whether some exceptions for victims of sexual violence ought to be included in abortion laws. Ultimately, he concluded that his Christian faith taught him that even in such a case, abortion would be wrong. For him, the ideological consistency could be found in the way that his faith drove him to protect and help children: he adopted his daughter and wanted her to be safe and healthy, and he also felt a responsibility to protect unborn children from abortion.

Some interviewees, in response to our questions, drew the connection between abortion and foster care and became a bit withdrawn. It was not our intention to induce feelings of

hostility or “trick” them, but the tone of some responses suggests that they may have reluctantly expressed greater support for funding and involving themselves in the foster care system specifically because they were participating in this study.

In response to “would you be willing to become a foster parent yourself?": “Um, I should say yes, I should say yes. [laughter] Um, I think it would depend on the case, I will have to say it that way. I should say yes, but it would depend on the case.” (Interviewee 31, Pastor).

This conflicted response gets at the heart of the intersection between abortion, adoption, and fostering. The church officially teaches that abortion is wrong, but adoption is a “calling” that will only be required of some members. Without trust in the state, members feel pressure to become personally involved, or at least to support church-affiliated organizations and other members of the church who are involved in fostering, even when they do not feel such a “calling.” These non-state entities appeal because they solve a collective action problem and do not require the resolution of the cognitive dissonance between opposing all abortion but not personally wanting to take in children.

Proposed Solutions

Towards the end of each interview, we asked participants what changes they would propose to improve the foster care system, though many raised these proposals earlier in the interview as well. About one third of the interviewees did not feel as though they had enough knowledge about foster care to suggest any specific reforms. Some common solutions are discussed below.

As noted above, there was widespread agreement that more “good people” need to volunteer to become foster parents. Beyond simply convincing other people of strong morals, preferably from the same church community, to sign up, interviewees expressed significant concerns about the vetting that is currently done of foster parents. Some interviewees were concerned about the potential for foster parents to abuse children, but by far the most common concern was that some people are signing up to become foster parents as a source of income. Several interviewees told us that they had heard of someone, implicitly someone outside the church community of good people, who took the money paid to foster parents and spent the bare minimum in order to profit from the system. It is possible that this belief’s roots can be traced to a historical scandal in Tennessee where one woman pursued such a scheme a century ago (Hsiao, 2021), but we were not able to find any evidence of modern-day scandals of this nature in the area.

This is an instance where the participants’ perceptions and reality were not aligned. Nationally, most states are struggling to recruit foster parents for foster homes and have reported declining foster homes in recent years (Fostering Media Connections, 2023). More specifically to Tennessee, the Tennessee Department of Children’s Services (2024) reported that not only were the children coming into care with greater needs than in prior years, but the state experienced a 13% decline in the number of foster homes between 2022 and 2023. If there were a large number of people signing up to foster because it was profitable, we would not expect to see these shortfalls.

Despite the misperception, participants shared the widespread belief that the state cannot be trusted to spend money responsibly. About one third of interviewees would prefer some sort of privatized model for foster care instead of it being run by the state. The existing private foster care-adjacent organizations in this community are Christian, and there was significantly more support for providing more funding for these private organizations than for secular state offices. Some interviewees also emphasized their willingness to help

individual families or children, preferring a charity model over even a Christian-affiliated institution.

Additional less-common proposals included providing more training for foster parents, providing counseling for care-experienced children and adults, and providing more support for family reunification.

Discussion

This study was motivated by several exploratory research questions about how a conservative, evangelical community understands abortion, foster care, and generally family-related topics, and how they reconcile beliefs that sometimes appear not to fit together. The six findings described above come together to shed light on the internal logic of how our interviewees think about these topics separately and together in a way that does not feel cognitively dissonant to them.

Distrust of the state is the finding that seems to pervade all of the other discussions, and likewise, it is the crucial factor that reconciles interviewees' beliefs. Our interviewees broadly supported bans on abortion, despite not believing that the state would be effective in implementing these bans (e.g. that abortion seekers would simply leave the state of Tennessee to receive care elsewhere). They also believe that foster care would be better for children if it were run privately, preferably by Christian groups and well-vetted, values-aligned volunteer parents. By centering the interviewees' skepticism of the state's capacity to implement social values, these seemingly contradictory desires can make sense.

It is true that existing foster care programs have been linked to poorer educational and employment outcomes (Gypen et al., 2017), to higher rates of criminal activity among men (Lindquist & Santavirta, 2014; Yang et al., 2017), higher rates of imprisonment (Font et al., 2021), higher rates of mental illness (Zlotnick et al., 2012), higher rates of suicide and suicide attempts (McKenna et al., 2021), higher rates of chronic health conditions (Ahrens et al., 2014) and generally multiple forms of economic hardship (Nadon et al., 2024). It is also true that there are no known legal abortion providers currently working in Tennessee (Abortion Finder, n.d.). Nevertheless, many abortion seekers will find a way to access abortion despite state bans: 77% who were considering abortion had obtained it within one month, based on a study in nearby Indiana during the same time period), and more than half of those who did not obtain an abortion reported that they were still trying to raise money to pay for the procedure, travel, and related expenses (Smith et al., 2024; Wollum et al., 2025). Patients who were insured or who received support from an abortion fund were more able to obtain abortion care. It is important to note that abortion funds do not generally receive federal funding, nor can federally-provided insurance like Medicaid pay for abortion care (Nickerson et al., 2014; Weitz, 2024). So while interviewees were ultimately correct in their belief that abortion seekers would leave the state to obtain an abortion (Moseson et al., 2023), the state (meaning the US federal system holistically, not the state of Tennessee) neither stopped these abortions from occurring nor facilitated them.

Laws on abortion articulate society's principles and values. Laws on foster care are more administrative in nature, as there is not a serious debate within society about *whether* children ought to be taken care of, rather *how* they should be best cared for. Principle-focused laws are sometimes known as morality policies, and they are sometimes understood through the lens of expressive law theory (McAdams, 2000; Sunstein, 1996). This theory argues that there is a power to normalize a certain cultural value by enshrining it in law, without regard to how that law is implemented or interpreted. Under this logic, our interviewees support state action on abortion bans despite their skepticism of the state's capacity to implement them, because they hope that the norm expressed in this law will encourage pregnant people not to choose abortion. This came through in our interviewees'

responses summarized in the subsection “Connections between family policies and ideological consistency” above: interviewees regularly answered what they *hoped* would happen and how they *hoped* pregnant people would feel, rather than providing analytical predictions or solutions for the foster care system. The expressive component of the law allows interviewees to support state intervention in one morally salient arena and oppose it in another administrative and technical one, all based in their distrust of the state’s ability to follow through on any policy at all.

With regards to both foster care and abortion, individual responsibility plays a huge role for our interviewees. Firstly, they see an individual responsibility to support others directly, sometimes financially, sometimes by getting involved as a foster parent or adoptive parent themselves, and sometimes just emotionally in the context of their church community. They also center the notion of individual responsibility with regard to having children and raising children: individuals are prohibited from accessing potential solutions like abortion, because these are morally unacceptable in this community, using the logic that an individual must accept the consequences of their own actions, in this case having sex that resulted in a pregnancy.

Interviewees’ proposed solutions related to foster care also boil down to a fundamental distrust of the state. Most prefer private groups or individual “good people” over a centralized, state-sponsored solution. This is supported by several respondents’ willingness to literally personally provide money and/or time to support individuals and community groups, but their opposition to paying higher taxes to support a state-funded system. The compassion that our interviewees have for foster children should never be in doubt, but their answer to help these children find stable homes centers their religious values, rather than prioritizing reunion with the child’s family of origin when possible. They generally perceive a great desire among their fellow congregants to adopt, and they see policies that result in more children from outside the community being available for adoption inside the community as a net moral good. The in-group trust among fellow evangelicals is quite strong, and the distrust of the abstract “outsider” can be seen along the spectrum from micro-level “bad parents” to the macro-level fiscally irresponsible state.

Conclusion

This study set out to explain the ideological and attitudinal connections between family policies, particularly abortion and foster care, in a conservative, evangelical church community in central Tennessee. Building on the religion and politics and reproductive justice literatures, we chose a case study of one mid-sized city with two evangelical large churches where we conducted 31 semi-structured interviews. From these interviews, we found that a distrust of the state and emphasis on in-group trust shone through almost every answer. This unexpected finding suggests a fruitful area for future study, perhaps linking the literature on religion in political attitudes with that on far-right populism and the global anti-gender movement (Leidig, 2023; Lavizzari & Pirro, 2024; Och & Shames, 2018).

Members of this community are broadly compassionate towards foster children, but they do not see the state as the right way to help them. Privatized Christian-affiliated organizations and individual charity are preferred to state institutions, because these allow for greater “vetting” of the foster parents and, in our interviewees’ opinion, are more likely to spend money wisely on children. There was a general conclusion that abortion would remain possible via interstate travel, but a fervent hope that some abortion seekers would instead choose to carry their pregnancies to term and make their babies available to the many loving Christian households seeking to adopt. There were mixed views on the fitness of same-gender couples adopting, rooted in beliefs about what is best for the children. Birth

mothers were generally characterized as irresponsible, while adoptive parents were beatified and birth fathers were ignored.

This case study was exploratory by nature. Future research could profitably build upon these explorations and test the generalizability of some of these findings through a more quantitative design, such as a survey experiment. Another interesting question that remains unanswered is how different these beliefs might be in a majority Black evangelical church, where there is statistically likely to be more first-hand experience with the foster care system.

In conclusion, it is impossible to separate the role that religion, political ideology, and race play in the development of family policies. Conservative politics and Christian charity mutually support each other, leading members of this community to favor private support over policy reforms to protect children and families. Neoliberal beliefs in individual responsibility run deep, and great emphasis is placed on the character and moral rectitude of birth parents, foster parents, adoptive parents, and also foster children themselves.

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Transparency on the use of generative Artificial Intelligence

No generative AI tools were used to enhance the quality and readability of the article. A transcription AI tool, Whisper version 1.1.10 (OpenAI) was downloaded and run locally to assist with transcription of the interviews. Interview audio files were never uploaded to OpenAI servers.

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RESEARCH ARTICLE

Is Abortion Dividing Society?

Differentiated attitudes and contextual factors. A quantitative vignette study

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Abstract

We investigated in our quantitative study, based on a factorial survey, whether and how people change their skeptical attitude towards abortions when they are given a vignette and, thus, confronted with further information about the life situation of a person who has an unplanned pregnancy. Our target group was men over 41 years of age living in Western Germany, as this population group is the most critical of abortions, according to the ALLBUS, the German General Social Survey. A computer-assisted telephonic interview survey was conducted with 302 people from the target group. After general questions, such as whether abortion should remain a criminal offense under § 218 of the German Criminal Code and only be exempt from punishment under certain conditions, the participants were randomly assigned to three thematic vignettes: financial burden, eugenics or intimate partner violence. Our results show that, even in the target group, only 24.9% of respondents agree that abortion should remain criminalized. In the face of new information, comprehensibility of the decision to have an abortion increased in all three vignettes.

Keywords: Abortion; Change in attitude; Vignette survey; Quantitative study; ALLBUS

Introduction

A lot has been happening legally and politically in Germany in recent years regarding the issue of abortions: the so-called “advertising paragraph”, § 219a of the German Criminal Code (StGB), which prohibited doctors from publishing information about abortions, was repealed in 2021 and now greater freedom of information for both doctors and patients is facilitated. The German government’s “Commission on Reproductive Self-determination and Reproductive Medicine” published its results in April 2024 and is recommending a legal reform of abortion (Kommission zur reproduktiven Selbstbestimmung und Fortpflanzungsmedizin, 2024). In addition, a cross-party initiative aimed to remove abortion from the criminal code (§ 218 StGB) and instead regulate it in the Pregnancy Conflict Act

(SchKG). A possible revision of abortion laws has been discussed in the Bundestag in the winter of 2024 but has not been accepted.¹

Germany has a regulation regarding deadlines and counseling, therefore, the procedure is unlawful but without penalty if the abortion is performed by a physician and carried out in the first twelve weeks of pregnancy. In addition, the pregnant person must comply with the counseling requirement and a reflection period of three days. Otherwise, they face imprisonment for up to three years or a fine (Section 218a par. (1) StGB). In addition, there are the so-called medical and criminological indications as exceptions, each requiring a medical diagnosis. In the former case, an abortion is permitted “to avert a danger to the life of or the danger of grave impairment to the pregnant woman’s physical or mental health” (Section 218a, par. (2) StGB), and the latter refers to pregnancies resulting from rape (Section 218a, par. (3) StGB).

In Germany, there is often talk of a “split in society” (Deutschlandfunk.de, 2024; Phoenix vor ort, 2024) regarding the debate on abortion. The controversial debate is about fundamental and human rights, world views and religious beliefs, medical and ethical issues. Whether liberalizing or even abolishing Section 218 of the StGB would really contribute to that alleged split in society seems arguable. If the legal situation were to change, a broad consensus would be welcome in view of the often emotionally charged and moralizing debate (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth – *Bundesministerium für Familie, Senioren, Frauen und Jugend* (BMFSFJ), 2024).

In social sciences, a split in society is assumed when it falls into different groups “that have irreconcilable attitudes and values and also have different material circumstances and interests and, finally, have hardly any points of contact in their everyday lives and experiences” (Task Force FGZ-Datenzentrum, 2022, own translation). We focus on irreconcilable differences in our considerations. Does this apply to opponents and supporters of abortion, or are there situations in which attitudes and opinions change, i.e. positions converge?

In response to the notion, partially fueled by the media, that German society is divided on the issue of abortion, we explore whether people who, statistically speaking, have a particularly restrictive attitude towards the issue change their minds when confronted with a specific (fictional) scenario. Our hypothesis is that the widely assumed split in society on the issue of abortion does not exist. To be more specific, we assume that even those people who are most likely to take a restrictive view can, under certain conditions, understand the decision to have an abortion and, thus, do not take a hard-line approach toward the more liberal sections of the population.

The results of our vignette study suggest that this assumption is true. The results clearly indicate that people change their attitudes towards abortion depending on the situation and that additional information about the circumstances or reasons for a decision to terminate a pregnancy increases the comprehensibility of this decision.

¹ This debate happened between the collapse of the German federal government, consisting of the Social Democratic Party (SPD), the Green Party (Grüne) and the Free Democratic Party (FPD) in November 2024, and the early election in February 2025. The election winner is the Christian Democratic Union (CDU). As of now (June 2025) the CDU, their Bavarian sister party Christian Social Union (CSU) as well as the SPD have successfully negotiated a coalition agreement and formed a new government under chancellor Friedrich Merz. The coalition agreement includes a short section on abortion expressing the intent to improve the access to abortion and to extend the possibilities of cost coverage for abortions while pledging to support women who have an unwanted pregnancy in order to “protect the unborn life as best possible” (CDU et al., 2025, p. 102, own translation). Since CDU and CSU are against a decriminalisation of abortion, it is not to be expected that there will be a change in legislation for years to come (for more information see Ehl, 2024; Kinkartz, 2025; Zeier & Grün, 2025).

In line with psychological research, we use a broad rather than a more specified concept of attitude in our paper, as defined by Adewuyi:

Attitude refers to feelings, beliefs, and reactions of an individual towards an event, phenomenon, objects or person. Attitudes are not innate attributes of mankind. They are learnt, relatively stable but can be modified. Attitudes could be implicit or explicit, conscious or unconscious, rational or irrational; extraversion or introversion. Attitudes are evaluations people make about objects, ideas, events or other people. Attitudes can be positive or negative (Adewuyi, 2012, p. 61).

Previous research on the change of attitudes on abortion suggests that empathy (together with additional information about reasons for abortion) could be a crucial factor (see Cheng et al., 2024). We therefore address empathy as a possible reason for an attitude change in the discussion of our results.

We conducted a computer-assisted telephonic interview (CATI) survey of 302 people from the population group that, purely statistically, most frequently speaks out in favor of a ban on abortion. To determine this group, a secondary analysis of the 2021 General Social Survey (ALLBUS) was conducted. The ALLBUS is a series of studies in which “random samples of the German population have been surveyed on attitudes and behavior every two years since 1980 using a partly constant, partly variable survey program” (GESIS, n. d.).

This secondary analysis in order to determine our target group shows that the population group in Germany with the most restrictive attitudes towards abortion, statistically speaking, consists of men aged 41 and older in western Germany. These are purely sociostructural characteristics and not attitudinal clusters. Regarding the German population as a whole the following results can be shown: According to the ALLBUS 2021,² 23% of the German population supports a general ban on abortions, while 77% oppose such a ban (GESIS, 2023).³ There has been a significant liberalization of attitudes compared to previous surveys: in 1990, 46% were in favor of a ban, in 2000, the figure was 36%. This change is also evident across different age groups and points to a general change in values (GESIS, 2021).

Following the explanation of the data and methodology, the results of our study are presented. The discussion of the results and a conclusion complete the paper. In the discussion we interpret our results in light of previous research on attitudes on abortion. We forego, however, the framing of our study in a literature review because to our knowledge there are no other studies that are similar enough to this specific study design to gain sufficient knowledge. Table 1 gives an overview of the study design. The survey is displayed at the end of the manuscript.

² The following statements are based on our own calculations using the cumulated data from the ALLBUS 1980–2018 (GESIS, 2021) and ALLBUS 2021 (GESIS, 2023). These results refer to weighted analyses (personal east-west weighting) due to the disproportionate stratification of individuals from East Germany in the ALLBUS survey.

³ The wording of the item in question is as follows: “If it were up to you, should these actions be legally prohibited or should they not be legally prohibited? A woman has an abortion because she does not want to have children.” (own translation).

Table 1. Infobox on the study design.

Main research question:	To what extent is the opinion formation regarding abortion influenced by specific situative knowledge?
Target group:	People who are statistically most likely to oppose abortion, i.e. men above the age of 41 in Western Germany.
Hypotheses:	Even persons who generally oppose abortion can comprehend the decision to abort in certain circumstances. Specifically: By a majority they ... • can comprehend the decision to abort if they know more about the specific individual case. • can comprehend the decision to abort even if they generally support the criminalization of abortion.
Order of survey questions:	• Sociopolitical questions • Attitudinal questions • Vignette questions • Sociodemographic questions

Basis of Data Method

The CATI survey was designed along the lines of both a factorial survey and a framing experiment. In a factorial survey, “the advantages of survey research are combined with those of experimental designs” (Auspurg et al., 2009, p. 59, own translation).⁴ The total sample was divided into three subsamples (questionnaire versions). Hypothetical subject descriptions were evaluated instead of individual items. By varying the individual characteristics of the vignettes, “their influence on the judgments or decisions can be determined exactly and thus the weight of factors can be isolated that are often confounded in reality” (Auspurg et al., 2009, p. 59, own translation).

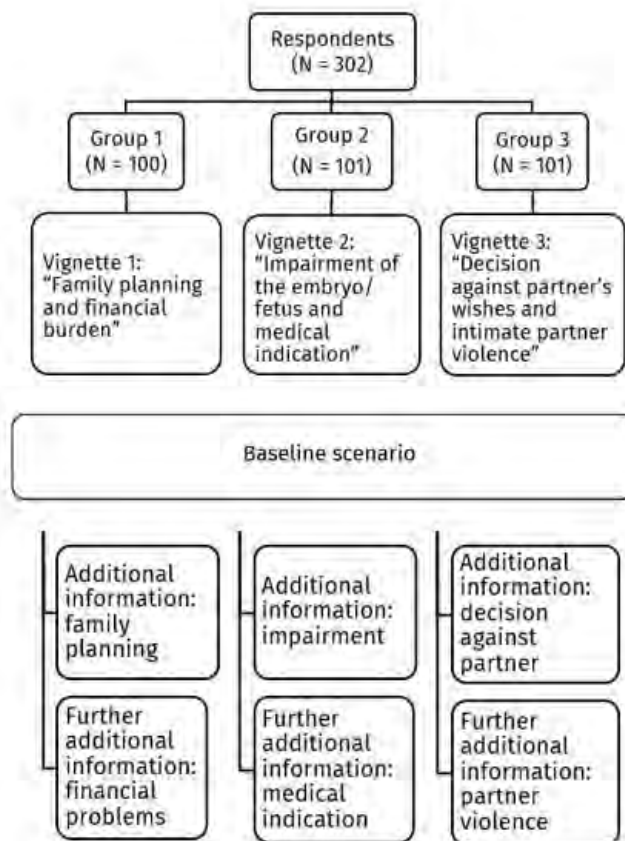
Reasons for the decision to abort were gradually presented in each vignette. The advantage of presenting only one vignette to each respondent is that learning effects and effects of social desirability can be reduced (Auspurg et al., 2009). Limiting the vignettes to the baseline scenario and two further questions helps to avoid learning and fatigue effects as well as carry-over effects, which are frequently mentioned in the criticism of the method of factorial surveys (Auspurg et al., 2009).

We selected the vignettes after preliminary theoretical considerations on the topics of “completed family planning and financial situation”, “disability and medical indication” and “involvement of the partner and intimate partner violence”. The first two vignettes refer to questions from the ALLBUS on abortion, while the last vignette was designed to supplement the aspect of intimate partner violence, which does not play a role in the ALLBUS.⁵ Figure 1 visualizes the vignette design.

⁴ For more information on the differences between traditional and vignette surveys and the various forms of vignette studies, see Atzmüller & Steiner (2010).

⁵ Although the ALLBUS asks about attitudes toward marital rape, it does not take intimate partner violence into account. For information on abortions in the context of intimate partner violence, see the ELSA Study (2024); Jung et al. (2023).

Figure 1. Visualization of the vignette design.



Source: authors' own elaboration.

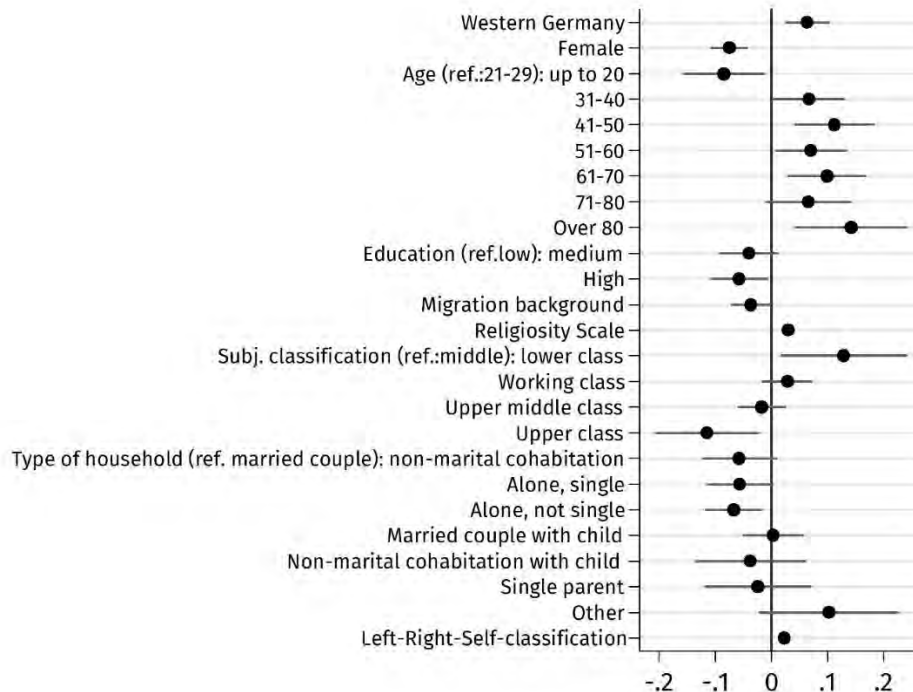
Sample

As mentioned above, the CATI survey was preceded by a secondary analysis of the ALLBUS to identify the groups that are particularly critical of abortion. The regression graph (Figure 2) shows the independent influences of the factors analyzed regarding the attitude toward the ban on abortion, with all other observable variables held constant. The regression results show that female individuals are more likely to reject a general ban on abortion than male individuals (the probability is 7 percentage points lower on average in the sample). Based on the regression graph, the following key results can also be derived: It becomes clear that the region in which the respondents live is crucial to their attitudes toward abortion bans. People living in western Germany, for example, are an average of 6 percentage points more likely to support the ban than people from eastern Germany.⁶ Furthermore, those over 40 years of age favor a ban on abortion (around 8 percentage points more in the sample). By contrast, higher education, a migration background and self-identification with the upper class rather than the middle class tend to be associated with a rejection of the ban. It also shows that people living alone are more likely to hold such an attitude than married people. On the other hand, self-identification with the lower class,

⁶ The legal regulations regarding abortion were different in the German Democratic Republic (GDR) and the Federal Republic of Germany (FRG) between 1972 and 1990. In the GDR, abortions were legal during the first three months of pregnancy without giving reasons (Busch, 2022). The legal tradition, which was significantly more liberal than in the FRG, presumably led to a correspondingly liberal socialization regarding the topic, which continues to have an effect today (Banaszak, 1998).

religiosity and a subjective classification on the right-wing side of the political spectrum promote support for the ban.

Figure 2. Results of logistic regression analyses on the approval of a ban on abortion (marginal effects) of the secondary analysis of the 2021 General Social Survey (ALLBUS).



(GESIS, 2023). Own calculations.

Note: Pseudo R^2 : 0.1074; N = 2891. Marginal effects. Weighted results.

Source: authors' own elaboration.

We limited ourselves to the three characteristics of age, gender and place of residence in western Germany in order to keep the screening for inclusion criteria manageable. The sample for the CATI survey was a stratified systematic random sample. The sampling was based on randomly selected western German landline numbers (excluding Berlin) from a public telephone directory, with screening for gender and age taking place before the first substantive question.

Structure of the survey

The CATI survey was conducted by telephone by the aproxima Gesellschaft für Markt- und Sozialforschung Weimar mbh. A total of 302 male individuals were interviewed.⁷ The first two questions focused on the respondents' sociopolitical views, followed by questions regarding their attitudes on abortion. This was followed by the baseline scenario, in which Eva Schmidt was introduced as a fictitious person who had become unintentionally pregnant. Without giving any further reasons, it was reported that she wanted an abortion and the participants were asked about the comprehensibility of the decision. After this question, the respondents were divided into three groups (1: N = 100, 2: N = 101, 3: N = 101). Each group was assigned a vignette.⁸ Vignette 1 gave additional reasons of having completed family planning

⁷ This corresponds to 7.7% (N = 302) of the adjusted sample. The survey itself took place from 21 November to 8 December 2023.

⁸ "Vignette" refers to the specific description of the situation while "group" refers to the group of respondents who is faced with one of the three vignettes.

and a difficult financial situation, while Vignette 2 assumed that the child had multiple disabilities and that Eva Schmidt was, therefore, concerned that her mental health would be affected. In Vignette 3, Eva Schmidt decided on an abortion against the wishes of the biological father; it was only afterwards that the respondents learned that this partner had been violent towards her. Similar to the previous questions, the vignettes use a scale from 1 to 5 to determine the comprehensibility. These five gradations were summarized into three options in the evaluation in order to achieve clearer values. Here, the possible answers 1 and 2 as well as 4 and 5 were summarized, while the possible answer 3 remained unchanged. After the last part of the vignette, questions were asked about previous experiences in the form of personal participation in the decision-making of a pregnant person, marital status, religious community and religiosity. The whole survey in an English translation can be found at the end of the paper at hand.

Results

Preliminary remarks

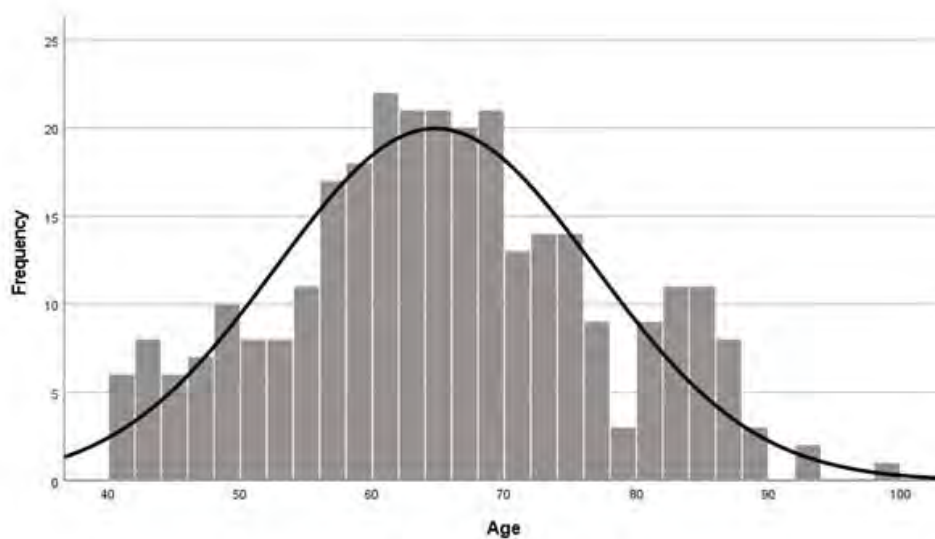
Below we are presenting the results of our vignette study. We first look at the distribution of characteristics across our three groups and the total sample to highlight the comparability of the different groups. After that, we describe the levels of support for abortion being a criminal offense and the approval of the existing regulations for the total sample as well as for the different groups. This section refers to the attitudinal questions that were asked before the vignette questions in our survey. Then, we discuss the effects of each of our vignette questions, separately. Finally, we go into a deeper analysis of the results of Vignette 3.

We were interested to know in how far criteria such as age, religious affiliation or personal experiences with a decision about abortion might correlate with the answers given by the respondents. Therefore, we tested for statistical associations between variables (using Chi-square tests as well as Pearson's chi-square tests) and for statistical differences between subgroups of respondents (using the Kruskal-Wallis-Test and the Mann-Whitney U Test). Since our sample is rather small ($N = 302$) and the data was not distributed normally, in order to get statistically sound results we needed to perform non-parametric tests which make fewer assumptions than linear tests (for more information see Bortz & Schuster, 2010; Kruskal & Wallis, 1952; Mann & Whitney, 1947).

Sociodemographic aspects: Total sample and groups of respondents

First, we take a look at the sociodemographic aspects of our sample for the vignette study. The respondents were between 41 and 98 years old, with a mean age of 64.78 years. The age distribution in the sample corresponds to the distribution in society as a whole. Figure 3 shows a histogram of the age distribution of the total sample.

Figure 3. Histogram of the age distribution in the total sample.



Source: authors' own elaboration.

The distribution of respondents across the federal states was not representative, but is strongly based on the population figures of the respective states.

Furthermore, there were no statistically significant differences⁹ between the three groups of respondents at a significance level of 0.05 regarding

- age,
- religious affiliation,
- religiosity,
- marital status in the sense of being in a relationship or not,
- following the debate on abortion,
- the approval that abortion should remain a criminal offense and
- approval of the current regulations.

However, a statistically significant difference between the three groups could be observed regarding their own involvement in the decision to terminate the pregnancy.¹⁰ However, the correlation between group membership and personal participation was only weak at 0.213 according to Cramer's V.

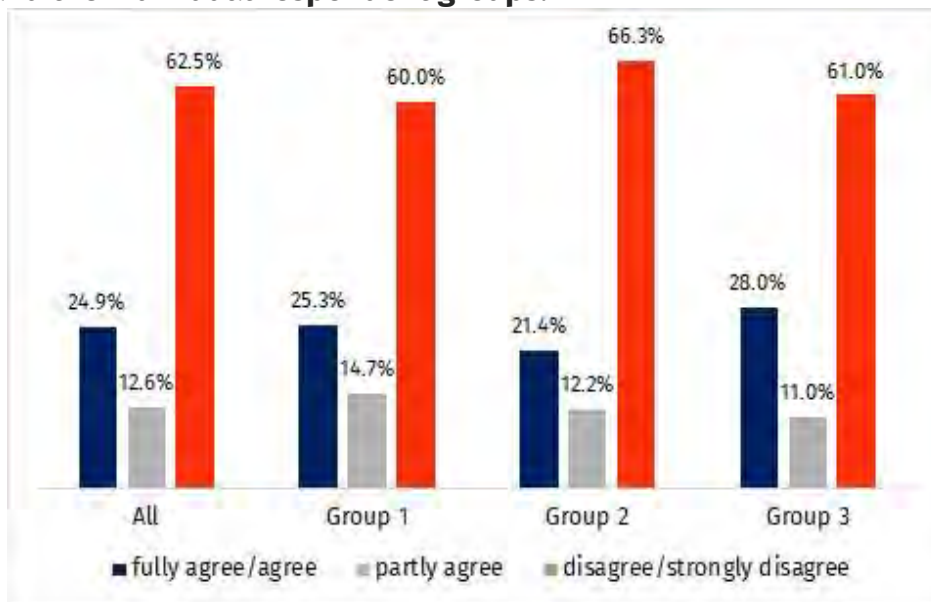
Criminal offense and regulation: Total sample and groups of respondents

What percentage of the respondents of our vignette study (in the total sample as well as in the three groups) are in favor of the criminalization of abortion and are in support if the current legislation? A total of 24.9% of respondents agree or strongly agree that abortion should remain a criminal offense, 12.6% partially agree, while 62.5% do not agree or strongly disagree. A similar picture emerges in the individual respondent groups (Groups 1-3) (see Figure 4).

⁹ Checked with Kruskal-Wallis tests, $p > 0.05$ (age, following the debate on abortion, agreeing that abortion should remain a criminal offense, agreeing with the current regulation) and Chi-square tests, $p > 0.05$ (religious affiliation, religiosity, marital status).

¹⁰ Verification using a Pearson's chi-square test, $\chi^2(2) = 13.558$; $p = 0.001$; Cramer's $V = 0.213$; no cell frequencies < 5 expected.

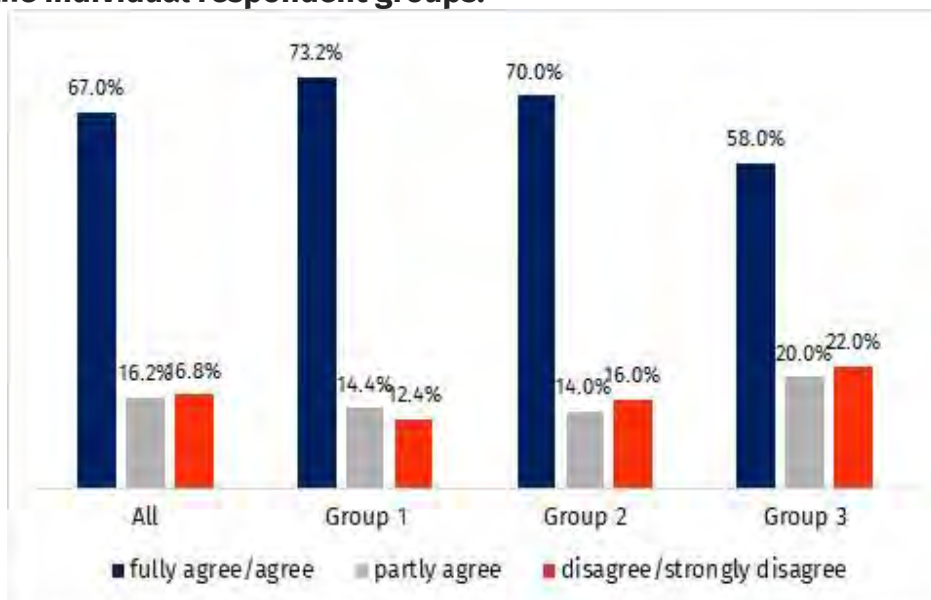
Figure 4. Agreement that abortion should remain a criminal offense for the whole sample and the individual respondent groups.



Source: authors' own elaboration.

Sixty-seven percent of the total sample favor maintaining the existing law regarding deadlines and counseling. In Groups 1 and 2, 73.2 and 70%, respectively, agree/strongly agree that the law should be maintained (see Figure 5). Agreement is lower (58%) in Group 3. However, this difference is not statistically significant.

Figure 5. Approval of the retention of existing legal regulations for the whole sample and the individual respondent groups.



Source: authors' own elaboration.

We were interested to know whether or not there is a statistical link between the variables *agreement with the criminalization of abortion* and *approval of the retention of the existing regulation*. Those who agree that abortion should remain a criminal offense are also more likely to favor keeping the existing regulations. Spearman's correlation reveals a statistically significant positive, albeit weak, correlation between the two variables ($r = 0.209$).

We also wanted to know whether we could show a correlation with age, own experiences with a decision about abortion, marital status and religious affiliation. There is a weak, statistically significant negative correlation between the age of the respondents and their agreement with maintaining the current legal regulation ($r = -0.144$): Younger respondents are more likely to support this regulation. However, a significant correlation between age and agreement that abortion should remain a criminal offense could not be established.

Furthermore, there was no significant difference in the total sample between respondents who had already been confronted with a decision about abortion in their own life (e.g. regarding the pregnancy of a partner or daughter)¹¹ and those who had not been regarding their agreement with the criminal offense (Mann-Whitney U Test, $U = 7509.000$; $z = -0.966$; $p = 0.334$) or to maintain the current regulation ($U = 7813.000$; $z = -0.825$; $p = 0.409$). There was also no significant difference between couples and single people regarding their agreement with the offense ($U = 7151.500$; $z = 0.682$; $p = 0.495$) or with the retention of the regulation ($U = 7814.500$; $z = 1.198$; $p = 0.231$).

In addition, although there are statistically significant differences within the overall sample regarding religious affiliation (Kruskal-Wallis test, $p = < 0.006$) and religiosity ($p = < 0.001$) concerning agreement that abortion should remain a criminal offense, there were no significant differences between religious affiliation ($p = 0.375$) and religiosity ($p = 0.119$) regarding agreement with the retention of the current regulations.

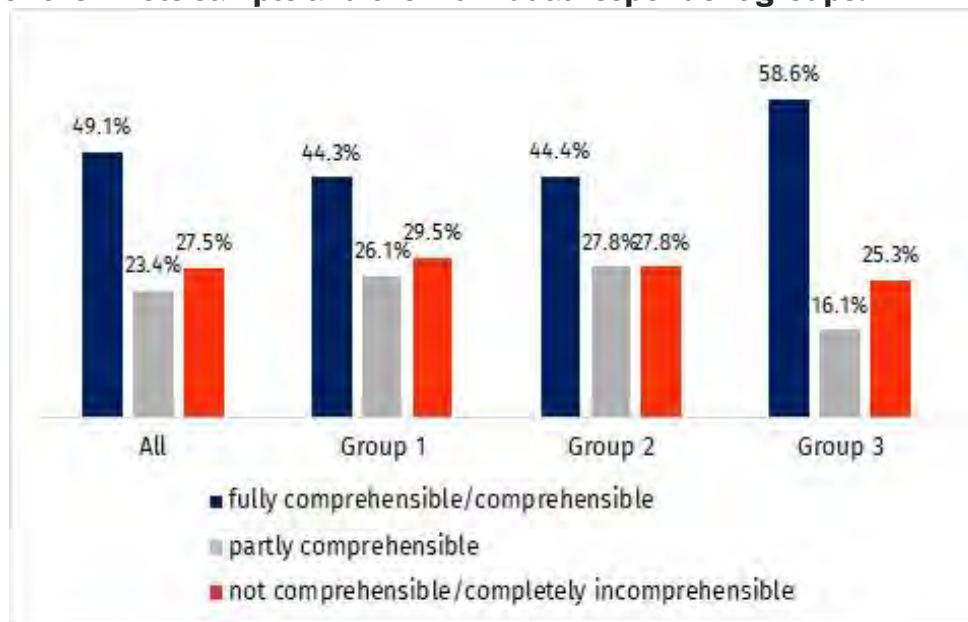
Baseline Scenario: Total sample and groups of respondents

In the following sections we take a look at the results regarding the vignette survey, beginning with the baseline scenario which was the same for all groups.¹² In any case we are interested in the comprehensibility of Eva Schmidt's decision. The results for the total sample show that 49.1% of respondents can comprehend Eva Schmidt's decision to have an abortion, even without knowing the reasons; 23.4% can partially comprehend the decision, while 27.5% cannot comprehend, or do not comprehend it at all. Broken down by the individual groups, 44.3% in group 1, 44.4% in group 2 and as many as 58.6% in group 3 can comprehend, or fully comprehend the decision (see Figure 6).

¹¹ The question was: "Have you ever been involved in the decision-making process of whether to carry a pregnancy to term or terminate it, for example, with a partner, friend, sister or daughter?"

¹² See all questions in the Annex.

Figure 6. Comprehensibility of the decision to terminate the pregnancy (baseline scenario) for the whole sample and the individual respondent groups.



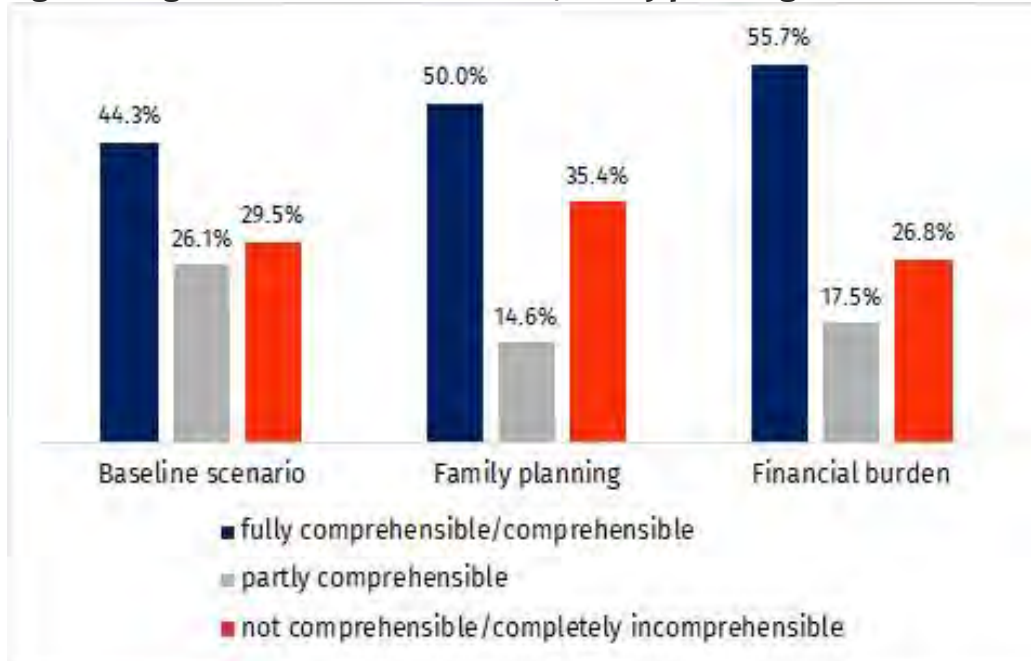
Source: authors' own elaboration.

We had the hypothesis that the personal experience with a decision about abortion could make a difference and, therefore, checked for a correlation between the variables *comprehensibility of Eva Schmidt's decision* and *own involvement*. A Pearson's chi-square test was carried out for the total sample between the group of respondents who had already been involved in a decision about an abortion and the group who had not, and the comprehensibility of Eva Schmidt's decision in the initial scenario. There is no statistically significant correlation between the participants' own involvement and the comprehensibility of Eva Schmidt's decision ($\chi^2(2) = 0.13$; $p = 0.994$; no expected cell frequencies < 5). This result also applies to the three groups.

Vignette 1: Family planning and financial burden

After having shown the results for the baseline scenario for the total sample and all three groups, we now concentrate on Vignette 1. Below, we show to what extent the respondents of group 1 comprehend Eva Schmidt's decision in the second and third level of the vignette. According to the baseline scenario, 44.3% of respondents in group 1 could either completely or largely comprehend Eva Schmidt's decision, while 29.5% could not comprehend it or did not comprehend it at all. The additional information that Eva Schmidt already has three children and that her family planning is complete increased the level of agreement to 50%. At the same time, however, the proportion of those who could not comprehend her decision or did not comprehend it at all rose to 35.4%. The information that another child would cause financial difficulties for the family increases the level of comprehension to 55.7%, while the group that cannot comprehend Eva Schmidt's decision shrinks to 26.8%. Figure 7 shows a comparison of the three levels. It can be seen that the comprehensibility increases linearly, while partial comprehensibility and non-comprehensibility show a slightly U-shaped trend.

Figure 7. Vignette 1: Baseline scenario, family planning and financial burden.



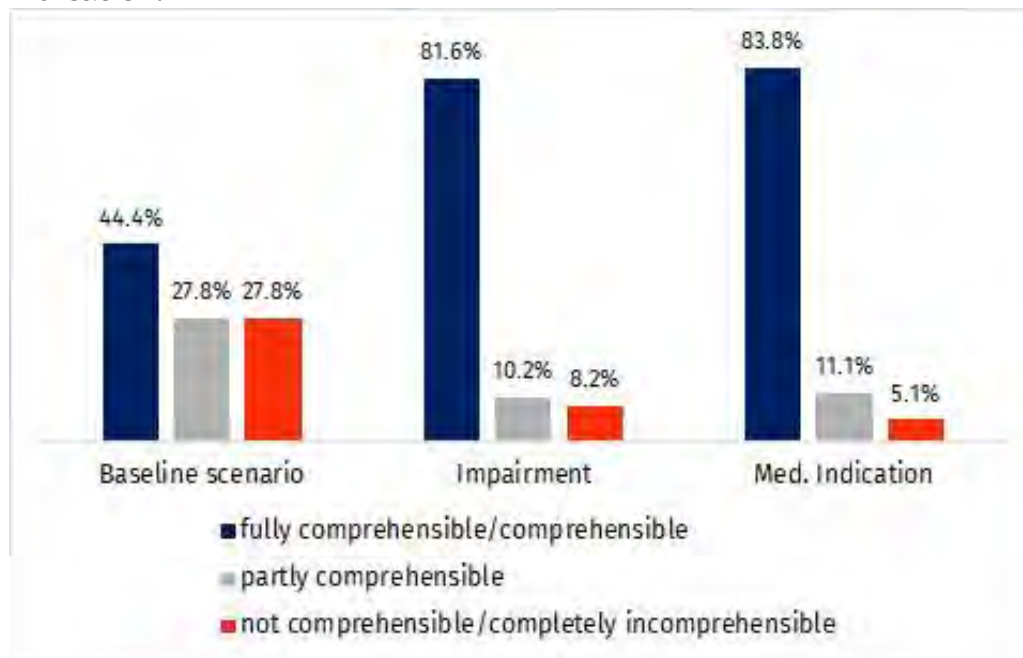
Source: authors' own elaboration.

Mann-Whitney U tests were used to determine whether there was a correlation between the respondents' answers and their involvement in a decision to terminate a pregnancy. No significant differences were found between the groups at a significance level of 0.05 in any of the three scenarios (base scenario, additional information on family planning, additional information on financial burden).

Vignette 2: Impairment of the embryo/fetus and medical indication

The responses on comprehensibility also changed regarding Vignette 2. While 44.4% of group 2 could fully or partly comprehend Eva Schmidt's decision without any need to give reasons, 27.8% could only partly comprehend it, while the remaining 27.8% could not comprehend it (or not at all). The first additional piece of information is that Eva Schmidt can assume from a prenatal examination that the child will be born with multiple disabilities. This reason for the decision to terminate the pregnancy increases the rate of those who would approve of the decision to 81.6%. This changes only slightly (to 83.8%) after the second piece of information is given, stating that Eva Schmidt would like to have an abortion after 16 weeks of pregnancy under the so-called medical indication. The third stage of the vignette explains that the legal situation in Germany stipulates that a pregnancy can be terminated up to the 22nd week of pregnancy without any legal consequences, if the pregnant person has reason to fear serious damage to her physical or mental health. It is stated that Eva Schmidt fears this and, therefore, decides to have an abortion in the 16th week (see Figure 8).

Figure 8. Vignette 2: Baseline scenario, impairment of the embryo/fetus, medical indication.



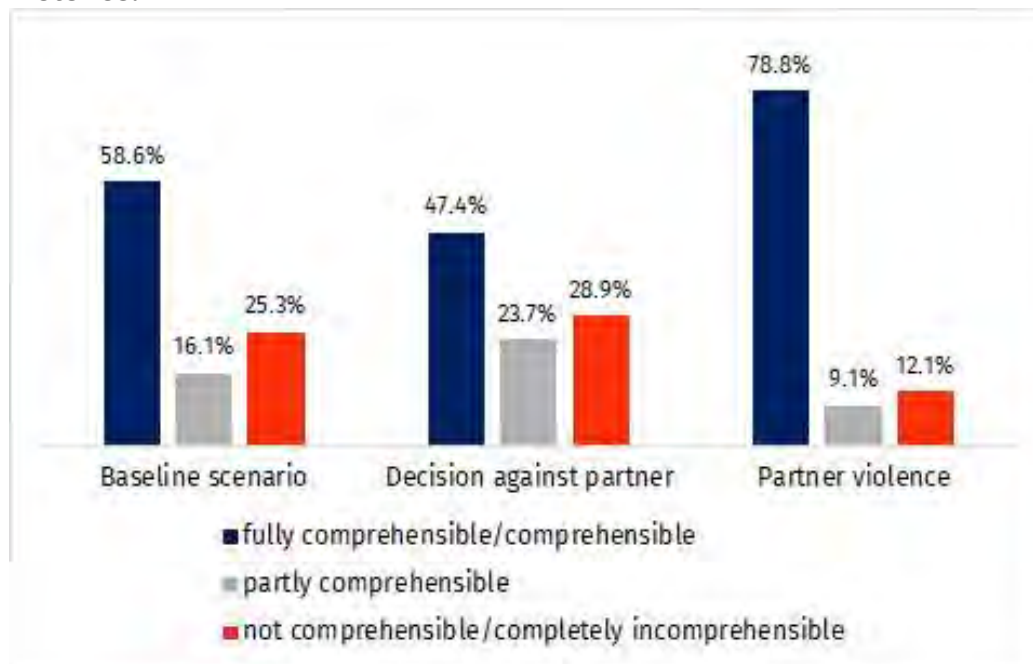
Source: authors' own elaboration.

Mann-Whitney U tests were used to determine whether there was a correlation between the respondents' answers and their involvement in a decision to terminate a pregnancy. No significant differences were found between the groups at a significance level of 0.05 in any of the three scenarios.

Vignette 3: Decision against partner's wishes and intimate partner violence

Group 3 has the highest rate of comprehensibility in the baseline scenario, at 58.6%. The information that Eva Schmidt wants to have an abortion performed against the wishes of her partner Klaus, who is also the biological father, leads to a decrease in comprehensibility to 47.4%. Once the second piece of information is added, indicating that the partner is violent toward her and that this is the reason for her decision to terminate the relationship, the comprehensibility increases to 78.8%, thus, exceeding the already quite high comprehensibility rate of the initial scenario. After the second piece of information was added, both the lack of comprehensibility (28.9%) and the partial comprehensibility (23.7%) increased. The additional information about the partner's violence then led to a significant decrease in both values to 12.1 and 9.1%, respectively (see Figure 9).

Figure 9. Vignette 3: Baseline scenario, decision against partner's wishes, intimate partner violence.



Source: authors' own elaboration.

Similar to the other two vignettes, there is no significant correlation between the respondents' answers and their own participation.

A deeper analysis of Vignette 3: Correlation between attitudes towards abortion and comprehensibility of Eva Schmidt's decision

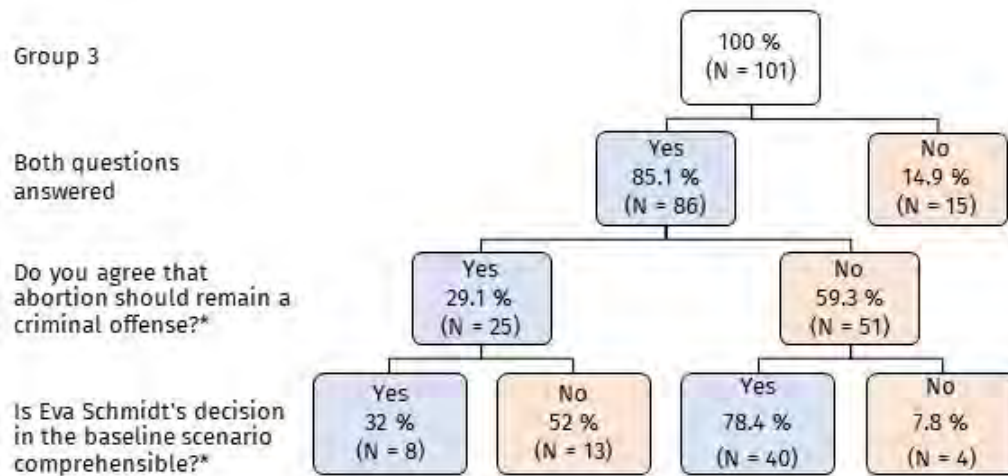
We will now take a closer look at the results for Vignette 3 (N = 101) as an example, since the development of comprehensibility is particularly clear here. Just a reminder: It can be seen in all groups that the comprehensibility of Eva Schmidt's decision to have an abortion is greatest in the last stage of the vignette. It increases by 11.4% in group 1, 39.4% in group 2 and 20.2% in group 3. We will show in the sections below that even respondents who previously supported the view that abortion should remain a criminal offense are able to comprehend Eva Schmidt's decision, at least in the third stage of the vignette.

Correlation between attitudes towards abortion and comprehensibility of Eva Schmidt's decision in the baseline scenario of Vignette 3

Out of the respondents in group 3, 85.1% answered both the question about the criminality of abortions and that regarding the comprehensibility of the baseline scenario (see Figure 10). A total of 29.1% agreed that the act should be punishable, although a third of them (32%) could still comprehend the decision to have an abortion in the initial scenario. Around half of this group (52%) could not comprehend the decision.

The majority (78.4%) of those who completely rejected the criminality of abortions (59.3%) could comprehend the decision, while a small minority (7.8%) could not comprehend it. The middle category was not included in the description in order to maintain clarity.

Figure 10. Illustration of the relation between attitudes towards abortion as a criminal offense and comprehensibility of the decision in the baseline scenario of Vignette 3.



* The wording has been simplified for reasons of clarity: "Yes" here corresponds to "agree/fully agree" and "No" corresponds to "disagree/do not agree at all." The middle category of the three-point scale has been omitted from the presentation.

Source: authors' own elaboration.

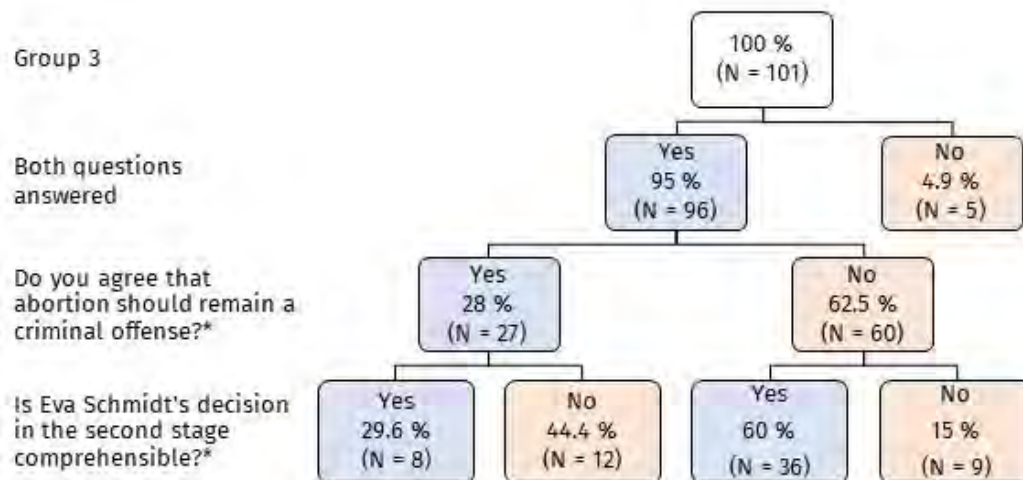
Changes in the second and third stages of Vignette 3

Ninety-five percent of the respondents in group 3 answered both the question regarding the criminality of abortions and that regarding the comprehensibility of Eva Schmidt's decision in the second stage of the vignette. A total of 28% agreed that abortion should be made a criminal offense, although 29.6% could still comprehend the decision to have an abortion. By contrast, 44.4% of this group could not comprehend the decision.

A total of 62.5% completely rejected the criminality of abortions. Of these, 60% could comprehend the decision, while 15% could not comprehend it. The middle category was not included in the description in order to maintain clarity.

Figures 11 and 12 show the changes described above in the second and third stages, respectively. Figure 13 shows an overview of the described changes in Vignette 3.

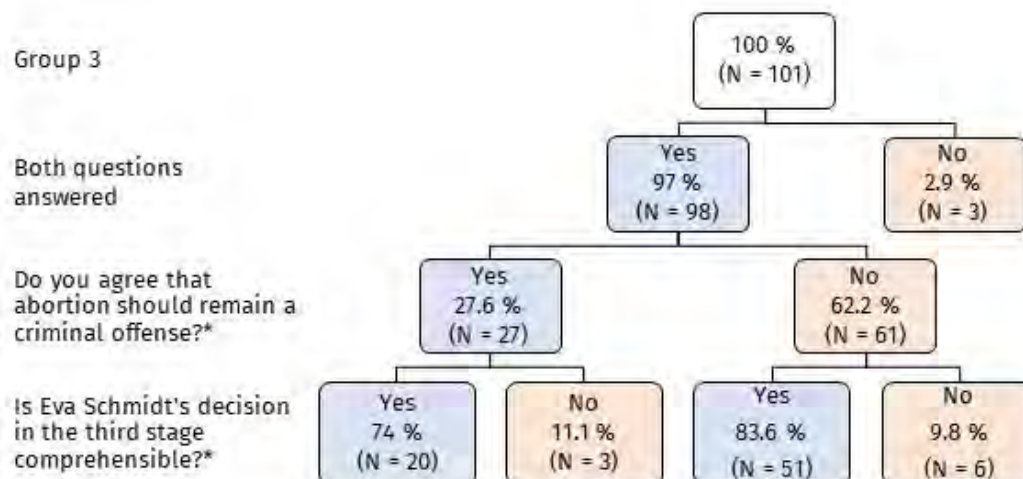
Figure 11. Illustration of the relation between attitudes towards abortion as a criminal offense and the comprehensibility of a decision against the wishes of a partner in Vignette 3.



* The wording has been simplified for reasons of clarity: “Yes” here corresponds to “agree/fully agree” and “No” corresponds to “disagree/do not agree at all.” The middle category of the three-point scale has been omitted from the presentation.

Source: authors' own elaboration.

Figure 12. Illustration of the relation between attitudes towards abortion as a criminal offense and the comprehensibility of the decision in the case of intimate partner violence in Vignette 3.



* The wording has been simplified for reasons of clarity: “Yes” here corresponds to “agree/fully agree” and “No” corresponds to “disagree/do not agree at all.” The middle category of the three-point scale has been omitted from the presentation.

Source: authors' own elaboration.

Comparing the two figures shows that the comprehensibility of Eva Schmidt's decision increases regardless of whether the criminal offense is approved or not. In the third stage of Vignette 3, 74% agree that abortion should remain a criminal offense and still find Eva

Schmidt's decision comprehensible. Thus, taking abortion for a criminal offense is not a hindrance to being able to comprehend Eva Schmidt's decision in consideration of her specific circumstances.

It is important to be aware that the question regarding abortion as a criminal offense has only been asked once, i.e. we did not ask this question again after the vignette questions. The monitored change in attitudes refers only to the comprehensibility of Eva Schmidt's decision and does not imply that the more abstract evaluation of abortion as a criminal offense changed.

Figure 13. Overview of the settings for the criminalization of abortion and the comprehensibility of the decision at the various stages of Vignette 3.

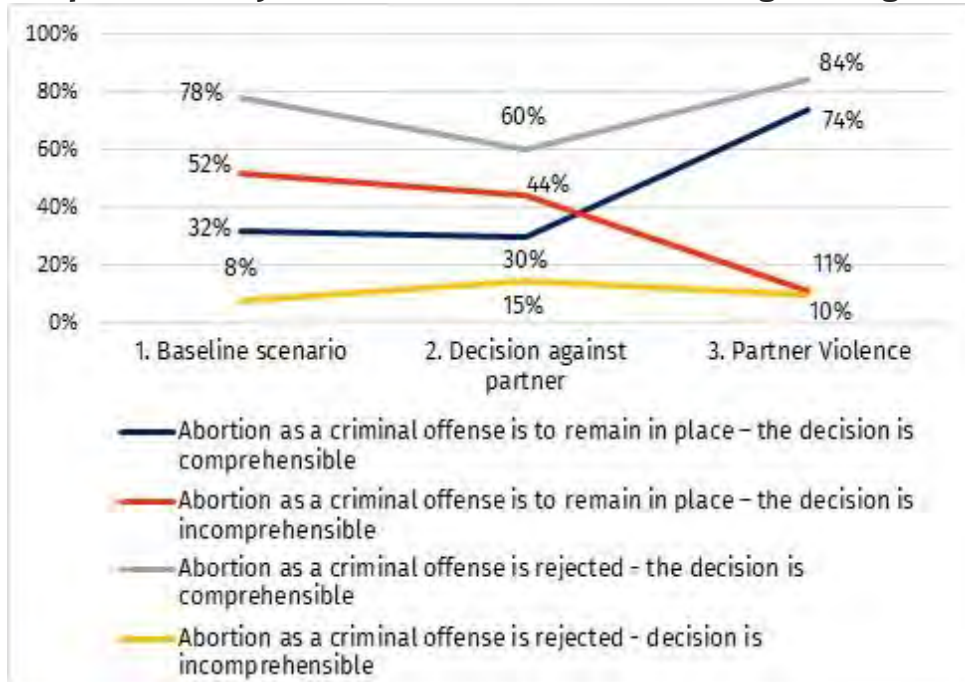


Figure 13 is a condensed version of the descriptions in the section “Correlation between attitudes towards abortion and comprehensibility of Eva Schmidt's decision in the baseline scenario of Vignette 3” and figures 10-12 respectively. It shows the trend over all three stages of the vignette.

Source: authors' own elaboration.

Discussion

Interpreting the results

The interpretation of these results is challenging. While agreement with the criminalization of abortions relatively clearly signals moral and legal disapproval, the evaluation of the existing legal regulations is less clear. Rejection can indicate that a regulation is perceived as either too liberal or too restrictive. Individual aspects, such as the twelve-week deadline or the counseling requirement, could also be criticized, although it is not clear in which direction. Furthermore, it is questionable whether all respondents fully understood the legal regulations and their practical consequences, despite this being mentioned in the question. This makes it difficult to interpret the correlation observed between the two attitudinal questions.

Regarding the results for Vignette 1 (see Figure 7), completed family planning seems to be a reason for abortion that is relatively difficult to understand. As a reminder, the information that Eva Schmidt already has three children leads to an increase in the level of comprehension from 44.3 to 50%, while the additional information about the impending financial difficulties leads to a further increase to 55.7%. At the same time, however, the

group of those who cannot comprehend the decision/do not comprehend the decision at all increases from 29.5% in the initial scenario to 35.4%, and shrinks again to 26.8% after the additional information about the financial burden on the family. It is possible that the burden on the pregnant person and the family from having another child is considered to be rather low.

The results regarding Vignette 2 (see Figure 8) raise the question of whether and to what extent the respondents perceived a difference between the two pieces of additional information. The question, which is admittedly quite complex, also leads to the difficulty that it is unclear whether the respondents primarily evaluated the legal provision regarding medical indication or Eva Schmidt's decision to have an abortion after 16 weeks, or a combination of both. Further research is needed here. Qualitative research, such as an interview or focus group study, could help to refine the questions for a quantitative vignette study, among other things.

It is hardly surprising, but worthy of discussion, that the possibility of a disability in Vignette 2 was apparently considered a more legitimate reason for abortion than the facts given in the second and third stages of the other two vignettes. This finding is thought-provoking in light of the social discourse on prenatal diagnostics – in particular on the noninvasive prenatal diagnostics that have been covered by health insurance in Germany since 2022 and are used to screen for the chromosome anomalies trisomy 13, 18 and 21, on the one hand, and the discourse on inclusion, on the other. Further quantitative and especially qualitative research is needed here to explore, among other things, the reasons for the respondents' attitudes and what could lead to a possible change in attitude.

The fact that Vignette 3 shows the clearest result is not surprising in view of the topic of intimate partner violence, because this is where the respondents are most likely to show empathy for Eva Schmidt. Bueno et al. (2023) cite empathy for pregnant people as an important reason for adopting a more liberal attitude. Cheng et al. (2024) also emphasize empathy as a reason for advocating abortion. However, it should be noted that when respondents in our study think of their own partnership, for example, they assume the role of a potential perpetrator in the scenario. Therefore, empathy cannot necessarily be assumed. The question of social desirability also comes into play. Auspurg et al. (2009) point out that vignette surveys are generally less distorted by social desirability bias than other attitudinal surveys, but this cannot be ruled out entirely.

Even though hardly any generalizable conclusions can be drawn from the small sample, the increase from the initial scenario (32%) to the third stage (74%) in Vignette 3 in the number of people who support abortion as a criminal offence and yet still understand or fully understand Eva Schmidt's decision to terminate the pregnancy clearly indicates that people change their attitudes depending on the situation and context.

It is striking that 9.8% of respondents (N = 6) in Vignette 3 could not comprehend Eva Schmidt's decision in the case of intimate partner violence, despite their liberal attitude towards abortions. This could indicate that a decision against the wishes of a partner is unacceptable to these individuals in principle. However, only 33.3% of those surveyed (2 of the 6 respondents) had already been involved in such decision-making. It was not possible to establish a statistical correlation between comprehensibility and personal involvement.

Categorization in the research context

The results of the study highlight two key aspects: Firstly, even within the generally skeptical target group of men aged 41 and older from Western Germany, only a minority support the criminalization of abortion. Secondly, additional information about the circumstances or reasons for a decision to terminate a pregnancy increases the comprehensibility of this decision, even among people who are generally in favor of

maintaining criminal liability. The results suggest that the sweeping assumption of a split in society on the issue of abortion is not applicable to Germany. While the debate in public and political discourse often appears emotionalized and polarized, a more differentiated picture emerges among the target group surveyed. The vast majority reject the criminalization of abortions, and even among those in favor of criminalization, additional information leads to an increased comprehensibility of individual decisions. This suggests that attitudes are not absolute or irreconcilable but, at least in part, open to contextual information and situational differentiation.

The relevance of situational information for attitude change is also emphasized in the international research literature. Jozkowski et al. (2018) found in a study among students in conservative US states that respondents' positions are often complex and context-dependent. Although only about half of the respondents identified as "pro-choice", the majority supported access to abortions under certain conditions. This result underlines that dealing with specific case contexts can lead to differentiated assessments.

Kim and Steinberg (2023) add that contact with people who have had an abortion increases the likelihood of developing a positive attitude toward abortions. They refer to Gordon W. Allport (1979), whose theory suggests that direct interaction can reduce prejudice. This can be linked to our results: Respondents who receive situational knowledge about the reasons for an abortion could react with more empathy and adopt less negative attitudes.

Osborne et al. (2022) also show that the acceptance of abortions depends heavily on the perceived reason for the procedure. While traumatic abortions (e.g. as a result of rape or risk of death) are often accepted, elective abortions¹³ meet with more resistance. This finding can also be applied to our vignettes, although when comparing different categorizations of abortion across countries we need to make concessions for the fact that these categorizations do not fully align (for a comparison across countries see Ertan & Yaman, 2025). Traumatic abortions can be understood as a collective term which includes both the medical as well as the criminal indication for abortion in German law (see page 2). Consequently, Vignette 2 can be categorized as a "traumatic abortion," while Vignettes 1 and 3 are considered "elective abortions".¹⁴ The higher level of comprehensibility in Vignette 2 reflects Osborne and colleagues' results.

Cheng et al. (2024) emphasize the influence of empathy: While empathy with the pregnant person correlates with a higher acceptance of abortions, empathy with the embryo or fetus shows an opposite effect. This correlation illustrates why situational information and the associated focus on the perspective of the pregnant person can be crucial.

The integration of the mentioned studies shows that the differentiation of attitudes towards abortion is influenced by contextual information, personal experiences and empathy. Our results support these findings and underscore that nuanced communication could play a key role in fostering societal consensus. This provides a basis for conducting the debate in Germany in a more objective and less polarized manner.

The question arises as to why people in our vignette study reacted differently to general attitude questions compared to specific case studies. Empathy could also play a crucial role here: Particularly people with little prior knowledge of the topic may only develop the ability to react empathetically through situational information about the specific case. Our study suggests that contradictory answers to attitude questions and concrete vignettes can

¹³ The term "elective abortion" is controversial (see Watson, 2018).

¹⁴ The termination of a pregnancy resulting from rape falls within the category of the criminal indication (in German law) and, thus, within the category of a traumatic abortion. However, partner violence as a reason for an abortion is neither covered by the medical nor by the criminal indication. Therefore, such an abortion would need to be categorized as an elective abortion.

perhaps be explained by empathy and ambivalence. Craig et al. (2002) show that ambivalence often arises in situations that touch on contradictory core values. In their study from Florida, USA, “pro-life” individuals were more ambivalent about elective abortions, while “pro-choice” individuals showed greater uncertainties about traumatic abortions. This finding emphasizes the importance of context and internal value conflicts for opinion formation (see also Pullan & Trail, 2025).

Conclusion

The study is characterized by the fact that, to the best of our knowledge, it is the only vignette survey on the topic of abortion in the German-speaking area. However, it also has some limitations. First of all, the small sample size of only 302 respondents in total should be mentioned here. It should also be mentioned that the federal state of Berlin was excluded to simplify the inclusion criteria for the screening, and the distribution of respondents across the remaining western German federal states is not representative. The lack of further control variables, such as income, level of education, urban/rural residence and occupational class, can be cited as a further limitation. The decision to include solely landline telephone numbers excludes people who only use cell phones or internet telephony, although this is less of an issue for our target group of people aged 41 and older. Finally, there is the bias that – as in all survey studies – presumably only people who have a personal interest in participating in opinion polls will take part in the survey. In our study, however, it was not stated at the beginning that it was about attitudes toward abortion; instead, these were introduced after the first two questions as an example of the family and sociopolitical policies of the current federal government. In this way, we were able to at least prevent the bias that only people who are particularly interested in this topic participated.

The name “Eva Schmidt” could be varied in a follow-up study to see whether the answers change when a name with a possible migrant background is chosen. The section on attitudinal and demographic questions could be expanded to include party preferences and a self-assessment on the political spectrum (“left/right”). In addition, it would be useful to ask about parental status as well, since this is considered to be a factor influencing attitudes toward abortions (Clarke et al., 2023; Osborne et al., 2022). Religiosity and religious affiliation played hardly any role in our study, while Osborne et al. (2022) emphasize them as relevant factors. Those results, however, relate to the USA and New Zealand, could be culturally conditioned and are not necessarily transferable to Germany. Nevertheless, a follow-up study with a larger, more diverse sample could provide new insights into the influence of religiosity in a German context. Furthermore, such a follow-up study could explore the role of empathy more by either asking questions about the reasons of a change in the comprehensibility of Eva Schmidt’s decision after asking the vignette questions or by combining the quantitative survey with a qualitative interview or focus group study in which empathy is addressed.

Our study provides evidence that differentiated communication, which takes into account individual circumstances and reasons for decision-making, can potentially help to promote a rapprochement between different positions. This could be particularly relevant if political changes, such as the liberalization or abolition of § 218 StGB, are sought. A step of this kind, which aims to achieve broad acceptance, requires an objective and fact-oriented debate that goes beyond simplistic narratives and focuses on the complexity of the issue. In addition, our study emphasizes that the frequently asserted split in society on the issue of abortion should be considered in a differentiated way. While the public debate often appears polarized, our results show that even people with more restrictive attitudes can,

under certain circumstances, show some comprehension of individual decision-making. This suggests that attitudes are less irreconcilable than is often assumed.

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Transparency on the use of generative Artificial Intelligence

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ANNEX

CATI-Survey

Sociopolitical questions

1. How intensively would you say you're following the family policy and sociopolitical work of the current federal government? *Can you rate your following from 1 =not at all to 5 = very intensely? You can use the figures in between to qualify the intensity.*
2. How satisfied are you with the family policy and sociopolitical work of the current federal government? *Can you rate your following from 1 = not at all to 5 = very intensely? You can use the figures in between to qualify the intensity.*

Attitudinal questions

3. Thank you for your earlier assessments. Representative for family- and sociopolitical topics we would like to discuss abortion today. Let's start with a general question: How intensively would you say you're following the debate around the topic abortion, e.g. the discussion around §218 of the German Criminal Code? *Can you rate your following of the topic from 1 = not at all to 5 = very intensely? You can use the figures in between to qualify the intensity.*
4. Abortion is currently regulated in the Criminal Code and constitutes a crime. However, if certain conditions are met, this crime remains unpunished. *To what extent do you agree with the statement that abortion should continue to be a crime? 1 = not at all to 5 = absolutely. You can use the figures in between to qualify the intensity.*
5. Abortion is currently not punishable by law if the four following criteria are met: 1. the pregnant person has to attend a mandatory consultation with an approved provider, 2. following the consultation, three days of a mandatory waiting period have to be observed, 3. the abortion has to be performed by a doctor and 4. the abortion has to take place within 12 weeks of conception. *To what extent do you agree with the statement that these criteria should remain in place? 1 = not at all to 5 = absolutely. You can use the figures in between to qualify the intensity.*

Vignette questions

Independent of the previous questions, I will now read you a case study. More and more details will emerge and I will ask you in total three times how you assess these. We are always thinking about the same pregnant person called Eva Schmidt.

Baseline scenario:

6. Eva Schmidt is pregnant and decides to terminate the pregnancy. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*

Vignette 1: Family planning and financial Situation)

7. Eva Schmidt is the mother of three children. Her family is complete, which is why she decides to terminate the pregnancy. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*

8. Family Schmidt cannot financially afford another child and would be in dire financial straits, which is a further reason for the decision to terminate the pregnancy. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*

Vignette 2: Impairment of the embryo/fetus and medical indication

7. A prenatal test has shown that Eva Schmidt's child would have multiple impairments from birth. This informs her decision to terminate the pregnancy. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*
8. The legal framework in Germany allows for an abortion until week 22 if the pregnant person fears severe detriment to their bodily or mental health. Eva Schmidt is concerned for her mental health due to the prospect of having a child with multiple impairments and therefore decides to terminate the pregnancy in week 16. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*

Vignette 3: Decision against partner's wishes and intimate partner violence

7. Eva Schmidt decides to terminate the pregnancy against the wishes of her partner Klaus who is also the father. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*
8. Eva Schmidt's partner Klaus is violent towards her, which is why she wants to terminate the pregnancy against his wishes. *Is this decision comprehensible to you from 1 = completely comprehensible to 5 = not comprehensible at all? You can use the figures in between to qualify the intensity of your understanding.*

That was the last question of our example Eva Schmidt.

To conclude, we'd like to ask you a few questions about yourself.

Demographic questions

9. Have you ever been involved in the decision-making process about whether or not a pregnancy is carried out or terminated? For example, with a partner, friend, sibling, or child/daughter?
Yes
No
10. What is your civil status?
Married and living with spouse
Married, separated
Widowed
Divorced
Civil partnership and co-habiting
Civil partnership, separated
Civil partnership, partner has died

Civil partnership, dissolved
Unmarried and single
Unmarried and partnered

11. Which religious community do you feel associated with?

Protestant church (without free churches)
A protestant free church
Roman-catholic church
Another Christian religious community
Muslim religious community
Jewish religious community
Another non-Christian religious community
No religious community

12. Altogether: How religious would you say you are? Please use one of the following options:

Not religious at all
A little religious
A medium level of religiousness
Pretty religious
Very religious

RESEARCH ARTICLE

A Voice Out of the Chorus

Tunisia's Position of the Middle East Question (1965–1985)

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Abstract

On the Arab scene, from 1956, independent Tunisia represented an important partner for the West, thanks also to its moderate political stance on the Middle East question. While this choice had placed Tunis on the fringes of the Arab League until the death of Nasser, it had also favored and strengthened its alliance with the West, first with the United States and then with the Western European countries that wished to open a dialogue with the Arab League. During the 1960s, Tunisia's political role remained secondary to Nasser; it was with the Kippur War that the Palestinian question repositioned Tunisia in the Arab world. The signing of the Camp David Accords and the removal of Egypt from the Arab organization allowed Tunisia to take on a leading role in the Middle East question also thanks to the relocation of the PLO to the Maghreb country in 1982. Tunisia's diplomatic and political success, however, was not painless. The presence of the Palestinian leadership on the outskirts of Tunis added an element of insecurity to an economic and social framework that was far from stable, with important repercussions on the end of Habib Bourguiba's regime.

Keywords: Tunisia; PLO; Middle East; Arab League; Bourguiba

Introduction

The essay intends to analyze the Tunisian position on the Middle East issue, taking into account the Tunisian objective of becoming a bridge between the West and the Arab world, in order to better guarantee its economic independence and pursue its national development plans. The reasons for Habib Bourguiba's pro-Western choice, which became apparent even before Tunisia gained independence from France, were due to the need for economic funding to be able to build the nation, and the need to protect Bourguiba's regime from the outside world through military aid. While Western economic and financial support enabled the strengthening of President Bourguiba's regime from 1956 to 1987, on the other hand, Tunisia's moderate stance on international issues, from the crisis in post-colonial Congo to the Khomeinist revolution, allowed the West to find a reliable ally in the Arab and Mediterranean context during the Cold War years. The chronological arc of the analysis develops from 1965, the year of the Jericho speech, which represented President Bourguiba's first official stance for Palestine, and ends with the Israeli bombing of Tunis in 1985, which had the effect of Tunisia rethinking its foreign policy objectives.

The aim of this reconstruction is not only to understand the main junctures at which Tunisian policy on the Middle East question was part of the dialogue between the Arab world and the West, but also to ascertain whether it had consequences for the Bourguiba regime and what they were. The Italian and international historiography on European and United

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States (US) policy in the Middle East has undervalued the role played by Tunisia on the question (Calandri et al., 2020; Möckli & Mauer, 2010; Leish, 2003), preferring to focus on more involved actors such as Egypt, Jordan, Lebanon or Syria.¹ Although there are more recent works, these did not take into account the dialogue between the Arab world and the Western bloc and the political dynamics in the Mediterranean between the 1970s and 1980s (Laskier, 2004; Abadi, 2017). The essay, therefore, starting from the mid-1960s, traces the main stages in Tunis's handling the Middle East and Palestinian question, over the next two decades.

The premises

On the Arab scene, independent Tunisia represented an important partner for the West in the context of the bipolar confrontation, thanks also to its moderate political stance on the Middle East question. Since independence, the foreign policy directed by Tunisian President Habib Bourguiba was characterized by the strengthening of ties with the Western bloc through its special relationship with the US, and the acquisition of a political role within the Arab world.² Bourguiba's ultimate goal was to represent a *trait d'union* between the Arab world and the Western bloc, thanks to his moderate position within the Arab League also with regard to the Middle East question. Indeed, his approach to the question was in strong contrast to the Egyptian approach. This diverse approach ensured the strengthening of Tunisian's relationship with its Western allies. The clash between Bourguiba and Nasser within the Arab League and the position vis-à-vis the Libyan leader Gaddafi, further strengthened Tunisia's role in the eyes of Washington and its Western European partners (De Leo, 2024).

From the very beginning of the Middle East question, under Bourguiba, Tunisia took a realistic and pragmatic attitude, distinguishing itself in particular from Egypt and Syria³ (Bahri, 1966). Bourguiba was convinced that a solution to the conflict with Israel could only be achieved through a step-by-step policy. Unlike Nasser, the Tunisian leader believed that the Palestinian problem had to be solved within territorial borders and through the instrument of diplomacy, starting with the recognition of Israel (Bessis & Belhassen, 2012, pp. 304-305). This did not mean betraying the Palestinian cause, but rather admitting that only through mutual recognition could the creation of the Palestinian state be achieved. According to the *Combattant Suprême*, the role of Arab leaders was to remain limited to material and moral support for Palestine, thus excluding their direct intervention (Hachemi Abbes, 2014, p. 267).

In March 1965, during a visit to the Jericho refugee camp, without mincing words, Bourguiba claimed that the policy of the neighboring Arab countries had only led to sterile hatred, the Arab countries, with an implicit reference to Nasser, had acted without lucidity (Chneguir, 2004, p. 101). In practice, the responsibility for the situation in which the Palestinians lived lay not only on Israeli but also on Arab states. Bourguiba's plan for Palestine therefore consisted of recognizing Israel and accepting the UN Recommendations, specifically No.181 of 1947 and No.194 of 1948. The Jericho speech, with its open criticism of the policy pursued by Arab countries such as Egypt and Syria, had important repercussions in the relationship between Tunis and the Arab world, forcing Tunisia into temporary isolation within the Arab League. Nasser reacted to Bourguiba's words by inflaming the Arab people against Tunisia,

¹ Literature on the Tunisian position on the Arab-Israeli and Israeli-Palestinian issue is dated cf. Merlin (1968) and Bilinsky (1973).

² On Tunisia's foreign policy during the presidency of Habib Bourguiba, among others, see Chneguir (2004). On relations between Tunisia and the United States, among others, see Ait-Chaalal (2004). On relations with France after independence cf. Bozo (2019).

³ On the positions adopted within the Maghreb regarding the Arab-Israeli issue, see Bahri (1966).

accused of betraying the Palestinian cause and the values common to the Arab world with respect to the conflict with Israel. The protests started from Egypt, where the Tunisian Embassy in Cairo was burnt down, and spread to the whole Middle East, including Syria and Lebanon (Merlin, 1968).

While Bourguiba's plan for Palestine was violently rejected by the Arabs, it went down no better with the Israelis. Tel Aviv's reaction was one of distrust and skepticism. After all, the Tunisian president himself had on several occasions attacked Israel, speaking of 'Israeli colonialism' for example during meetings of the Organization of African Unity, and, at the UN, Bourguiba had gone so far as to put Nazis and Israelis on the same level (Merlin, 1968). Beyond these aspects and the various reactions in Israel, no one in Tel Aviv was in favor of returning to the 1947 borders (Laskier, 2004, pp. 192 ss.; Abadi, 2017, pp. 511-512).

All this contributed to isolating Bourguiba from the Arab context, while he gained support across the Atlantic and north of Tunis. After the recognition of Israel by West Germany and the opening of diplomatic relations, Egypt demanded that the member states of the Arab League break off diplomatic relations with Bonn (Scarano, 2023). Here again, Bourguiba opposed Nasser, thus amplifying the contrasts even further. On balance, Bourguiba argued, the Soviet Union also had diplomatic relations with Israel and no one, least of all Nasser, had raised the issue of breaking off diplomatic relations with Moscow. Of course, the imminent opening of negotiations with the European Economic Community (EEC) for an association agreement also weighed on Bonn's position.⁴ The moderate position of Tunisian politics also with regard to the Middle East question would soon favor not only dialogue with the US but also dialogue with the EEC (De Leo, 2023).

The effects of the six-day war in Tunisia temporarily risked compromising the country's image as a stable country in the eyes of the West and in particular of Lyndon B. Johnson's administration, which saw Tunisia as a strategic partner for its Arab and Mediterranean policy (Lerner, 2011; Tosone, 2018).

The June 1967 war had sparked off a violent protest movement in Tunisia against Israel and the US (Melfa, 2010). Bourguiba had to run for cover, safeguarding the image of a stable and moderate country in the eyes of the West, appeasing Washington and the Jewish community: Bourguiba sent his son Bourguiba Jr. to America, while Badi Ladgham went to the synagogue in Tunis to meet the rabbi (Bessis & Belhassen, 2012, pp. 317 ss.).

It was clear that the 1967 war also represented a significant watershed for the Tunisian government, significantly affecting Bourguiba's position with respect to regional and international dynamics.⁵ Having weathered the storm of 1967, Tunisia strengthened its relations with its western partners, not least thanks to the signing of the association agreement with the EEC in 1969. At the same time, it also seemed time to mend the rift with the Arab world. In June 1970, the arrival at the Ministry of Foreign Affairs of Muhammad Masmoudi ensured Tunisia's political rehabilitation in the Arab League and in general his political action ensured good relations with the Arab world (Masmoudi, 1977). While keeping his distance from the radically anti-Israeli line still dominant within the Arab League, Masmoudi condemned Israeli actions and expansion into the Palestinian territories.⁶ Finally, trust in Tunisia was restored within the Arab League by entrusting the Tunisian Prime

⁴ *Ambassadeur de Tunisie auprès de la Communauté économique européenne. (23 mars 1965). Entretien avec M. Jean Rey: négociations Tunisie – CEE, position de la Tunisie dans la crise Bonn-Le Caire [Lettre]. Archives Nationales de Tunisie, Fond Ministère des Affaires Étrangères, Versement 33/2012, Communauté économique européenne, b. 1.*

⁵ On the consequences of the Six-Day War, among others, see Dine (2004), Laron (2018), Oren (2002) and Segev (2008).

⁶ On Israeli territorial expansion, Tunisia always maintained a firm line of opposition, causing tensions with Israel especially after the arrival of Likud in the 1970s. See Abadi (2017).

Minister, Ladgham, with the chairmanship of the Arab High Committee after the Black September crisis in September 1970. Tunisia became responsible for the transfer of Yasser Arafat and the Palestine Liberation Organization (PLO) leadership from Amman to Beirut (Haouat, 2020, pp. 99 ss.). The Jordanian crisis and the death of Nasser in the same days left room for Bourguiba, who decided to use it to his advantage. It was Jordan's turn to be severely criticized for its demands concerning the Palestinian people and territories.⁷

In terms of relations with the US, the new Tunisian foreign minister, while recognizing Washington's importance in providing, albeit decreasing, economic assistance to Tunis, maintained a critical stance towards US support for Tel Aviv (US Departement of State, 1970).⁸ Despite US fears regarding Masmoudi's foreign policy, Tunisia's membership of the western camp was never questioned, as the meetings between the Tunisian foreign minister and the Nixon administration demonstrated (Quandt, 2001; Logevall & Preston, 2008). In fact, on the first of October 1971, in a meeting with Secretary of State, William Pierce Rogers, Masmoudi leaked the news that the front of Arab countries hostile to Israel "are talking about reducing the flow of oil and are preparing for war", showing the reliability of Tunis in the eyes of the Nixon administration (US Departement of State, 1971).

After the Six-Day War, the international context around the Middle East question changed (Lazarowitz, 2008; Jackson, 2020). The US choice starting with the Johnson administration to make Israel a strategic partner of American interests in the Middle East allowed the Soviet Union to open up spaces in the Arab world, contributing to the polarization of the issue (Cohen, 1995). By the second half of 1971, the People's Republic of China (China) had also decided to insert itself into the Mediterranean, playing the role of defender of nation states from the superpower game. In addition, Peking developed an interest in the Middle East question by supporting the Palestinians against Israel (She, 2020). Although Tunisia was not in the group of intransigents within the Arab League, it continued to maintain relations with Moscow and left an open door to Peking. Tunisia's non-alignment gave it the opportunity to take advantage of both Soviet aid and the extremely limited but politically relevant aid of China in particular from 1972 onwards; an albeit small presence in relation to cooperation with the West that Tunis also tried to exploit in order to obtain more aid from the West (Zoubir, 1987, pp. 399 ss.; Olimat, 2014; Eisenman, 2018; le Pere, 2015, pp. 359-385).

Finally, the Yom Kippur War was an opportunity for Tunisia to show its loyalty to the US once again by keeping its ports open and allowing access to an important logistical location in the Mediterranean. Nevertheless, Kissinger's strategy on the Middle East did not seem to lead to a strengthening of cooperation between Washington and Tunis; the US administration preferred to maintain a low-profile policy in North Africa (Valdevit, 1992, pp. 154 ss.; Khalil, 2016; Stocker, 2016; Ben-Ephraim, 2021). Kissinger also did not accept the Tunisian request for political recognition in the resolution of the Arab-Israeli conflict.⁹

On these premises, the 1970s saw Tunisia playing a leading role in the Middle East question by the end of the decade.

⁷ On Bourguiba's views on Jordanian aims in Palestine, see: Monsieur Bourguiba interview sur le Moyen Orient, 17 juillet 1973 <https://www.ina.fr/ina-eclaire-actu/video/caf97048423/monsieur-bourguiba-interview-sur-le-moyen-orient>.

⁸ The US was concerned not only about the rapprochement with the Arab world but also about Masmoudi's rapprochement with North Vietnam. There was also the possibility that Tunis would recognize the German Democratic Republic.

⁹ Ministère des Affaires Étrangères français. (7 novembre 1973). *Conversation avec M. Masmoudi, escale de M. Kissinger à Tunis, Télégramme n° 888/892, diffusion réservée* [Télégramme]. Fond Afrique du Nord et Moyen-Orient (hereafter ANMO), Série Tunisie 41Sup, b. 567. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France.

Tunisia to the test: from dialogue with the Europeans to conquering the Arab League

By the early 1970s, Tunisia had become the border between two poles created around the Middle East question. Not only the US, but also the member states of the EEC began to share this view as early as the late 1960s, looking at the Maghreb country as a trading but also political partner (Guasconi, 2020; Laschi, 2016).

After the launch of the comprehensive Mediterranean policy and the Euro-Arab dialogue, co-operation with the EEC would become an instrument through which Bourguiba could find more political space within the Arab League and become that much desired *trait d'union*.

Ever since the preparation of the Copenhagen meeting between EEC member states and a delegation of four Arab League states including Tunisia, Masmoudi and Bourguiba took an active part in the launch of the Euro-Arab dialogue (Jobert, 1974).¹⁰ The objective of the dialogue was, however, divergent: for the Europeans it was to open a table on the energy and oil issue, for the Arabs it was to obtain the support of the EEC on the Palestinian question (Labbate 2016). It was precisely because of this divergence that the dialogue did not achieve the objectives hoped for by both sides.

The first stalemate in the start of the dialogue concerned the participation of the PLO in the Arab League, as decreed in Rabat in October 1974 by the Arab organization. Arafat's involvement was not only necessary within the dialogue with the Europeans, but also a natural consequence of the international changes, which took place especially at the United Nations with the recognition of observer status to the PLO. The solution was found in the EEC through the so-called 'Dublin Compromise', providing for the participation of the PLO in working groups of experts but not in those of state delegates (Labbate, 2016, pp. 67 ss.). During French President Valéry Giscard d'Estaing's visit to Tunis, Tunisia showed its support for the EEC formula, overcoming opposition within the Arab League.¹¹ The conclusion of the Cooperation Agreement between the EEC and Tunisia, which, among other things, established for the first time a line of financing from the Community to the Maghreb country, certainly played a role in this context, expanding cooperation between the two shores of the Mediterranean.

Having launched the Euro-Arab dialogue in Luxembourg in May 1976, Tunis was preparing to take over the presidency of the Arab League on 1 January 1977 (Labbate, 2016). The second meeting of state delegates took place in Tunis from 10 to 12 February 1977 and was an opportunity for Tunisia to demonstrate its political capacity to seek conciliatory solutions and show itself to be a reliable partner for Europeans.¹² Tunisia recognized that active participation in the Euro-Arab dialogue would offer it a political role in the Middle East issue and economically allow it to diversify its sources of funding to support national economic development plans, turning to petrodollar-rich Arab countries.¹³

¹⁰ Michel Jobert, French Foreign Minister from 1973 to 1974, recalls the active role of the Tunisian summits in the preparation of the first Euro-Arab Conference in Copenhagen in his memoirs.

¹¹ Ministère des Affaires Étrangères français. (15 novembre 1975). *Compte rendu de la conversation entre le ministre et M. Chatty, ministre tunisien des Affaires Étrangères, au palais de Carthage le 6 novembre 1975* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 576. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France.

¹² Ministère des Affaires Étrangères français. (14 février 1977). *La Tunisie et le Dialogue euro-arabe* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 576. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France. Ministère des Affaires Étrangères français. (1977, 17 février). *Compte rendu de l'audience accordée par le Premier ministre à M. Chatty (le 16 février 1977)* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 576. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France.

¹³ Ministère des Affaires Étrangères français. (13 mai 1977). *La Tunisie et le dialogue euro-arabe* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 576. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France. Ministère des Affaires Étrangères français. (18 mai 1978). *Politique étrangère* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 559. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, France.

In reality, the results of the Tunis meeting were not encouraging. Although political issues were given more space during this second meeting than the previous year, the Euro-Arab dialogue was at a dead end. In November, Egypt's president, Anwar al-Sadat's visit to Jerusalem triggered reactions from the Arab League member states. In Tunis, the Egyptian leader's choice was not interpreted negatively in its inspiring principle, as it went towards the normalization of relations that the Bourguiba plan had always considered necessary. It was condemned for the lack of concerted action at the regional level and for the more general lack of pro-Palestinian actions on the part of the Israeli government.¹⁴ The victory of Likud and the appointment of Menachem Begin as head of the Israeli government had shown that the restitution of the territories occupied in the 1967 war would be an unacceptable demand for Israel and that indeed there was a willingness to continue Israeli colonial expansion. Nevertheless, Tunisia once again maintained a moderate position, showing its Western partners its willingness to reach a shared solution on the issue (US Department of State, 1977).

The Camp David Talks in 1978 aggravated Egypt's position within the Arab League. At the Arab League meeting in Baghdad on 5 November 1978, Egypt was condemned for its position, anticipating its expulsion from the organization (Labbate, 2016). On this occasion also, Tunisia maintained a cautious attitude so as not to damage its relations with the Arab countries and in particular with Algeria, with which it was seeking an alliance in an anti-Gaddafi stance. During the meeting held in Washington at the end of November, the Tunisian government informed the Carter administration of what had happened in Baghdad, reassuring the ally of its loyalty (US Department of State, 1978).

For the US, moderation and stability in Tunisia remained important in order to resolve the Palestinian question and decrease polarization around the issue, also in view of Gaddafi's aggressive policy, which had intensified since 1978, towards the Bourguiba regime (Nemchenok, 2009; Jensehaugen, 2014).

The signing of the peace treaty of 26 March 1979 between Cairo and Tel Aviv worsened the political framework of relations within the Euro-Arab dialogue. The EEC supported the peace agreement, while the members of the Arab League sanctioned the expulsion of Egypt.

Tunisia's position with regard to the Middle East question became an important factor for future relations within the Arab League for the Western allies. Bourguiba had always relied on diplomacy as a weapon to resolve the dispute, and recognized the necessary presence of the PLO at the negotiations, not within the Egyptian or Jordanian delegation as proposed by the United States; for this reason, he aimed to preserve an open channel of communication with Moscow, which not only supported the PLO's initiatives but also expressed alignment with the Tunisian proposals (US Department of State, 1979a).¹⁵

Tunisia took care to maintain good relations with Cairo, despite the difficulties and Egypt's rigid stance in the face of Arab League positions.¹⁶ In April 1979, however, Egypt and Tunisia broke off diplomatic relations, but did not break off contact between the two governments.¹⁷

¹⁴ Ministère des Affaires Étrangères français. (10 janvier 1978,). *Verbatim de l'entretien entre le premier ministre et M. Nour le 10 janvier 1978 à 12h30* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 577. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

¹⁵ Ministère des Affaires Étrangères français. (14 avril 1977). *Visite de M. Nour en U.R.S.S., Dépêche, Moscou* [Telegram]. Fond ANMO, Série Tunisie 41Sup, b. 566. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

¹⁶ Ministère des Affaires Étrangères français. (9 avril 1979). *Siège de la Ligue Arabe, Télégramme n. 753/57, Le Caire* [Telegram]. Fond ANMO, Série Tunisie 41Sup, b. 563. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

¹⁷ Ministère des Affaires Étrangères français. (13 juin 1979). *Réunion de la Conférence de boycott d'Israël, Dépêche, Tunis* [Report]. Fond ANMO, Série Tunisie 41Sup, b. 563. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

On 27-28 June, at the extraordinary session of the Arab League, the Tunisian politician Chedli Klibi was elected Secretary General, inaugurating 'l'esprit de Tunis' within the Arab organization; management of the League under the banner of realism, effectiveness and pragmatism.¹⁸ Tunisia's candidature was also supported by the PLO, which believed it could exploit Tunis's international position, also in view of the evolution in European and US public opinion towards the Palestinian problem.¹⁹ A few days earlier, the Tunisian Prime Minister had reassured Washington about its new role within the Arab League (US Department of State, 1979b).

In Klibi's first speech, the new secretary paid tribute to the work "des frères égyptiens dans l'organisation de la Ligue arabe", expressing the hope that "la séparation avec ce peuple ne durerait pas longtemps", clearly indicating that "l'Olp (...) seule représente le peuple palestinien".²⁰ Finally, he launched an appeal to the Jewish community to affirm support "à toute entreprises de lutte contre la discrimination raciale et l'intolérance religieuse".²¹

In general, Tunis' choice was a tribute to the country's policy and its moderation, which had maintained a bridging position between the different factions of the Arab world and the United States. Moreover, this new role, according to Tunis, protected it from possible military attacks from Libya.²² The Arab League's move to Tunis, however, placed the EEC in an ambiguous position, because if it had continued the dialogue with Tunis, it would in fact have endorsed, albeit indirectly, the Egyptian expulsion option.²³

In the same year that Tunisia acquired the leadership in the Arab League, the Organization of Islamic Cooperation also bestowed an important recognition on it: the appointment of Habib Chatty, former foreign minister, as secretary-general. Thus, Tunisia was officially recognized for its political importance in the Arab-Muslim world. The US asked Tunis not to isolate Egypt also from the Islamic organization (US Department of State, 1979c, 1979d). Nonetheless, it was clear to all parties to the Euro-Arab dialogue that the situation created with Egypt and the maintenance of two Arab League headquarters, because Cairo had not recognized the move to Tunis, would not further the dialogue. For the European Group of Nine, the possible solution was to reopen the dialogue through contacts with Klibi by the EEC presidency and to keep the Egyptians informed of developments at all times, hiding it from the Tunisians.²⁴

¹⁸ Ministère des Affaires Étrangères français. (6 juillet 1979). *Conseil extraordinaire de la Ligue arabe (Tunis 27/28 juin 1979)*, Dépêche, Tunis [Report]. Fond ANMO, Série Tunisie 41Sup, b. 563. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

¹⁹ Ministère des Affaires Étrangères français. (17 septembre 1979). *Conférence de presse de M. Abou Mazen*, Dépêche, Tunis [Press release]. Fond ANMO, Série Tunisie 41Sup, b. 562. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²⁰ Ministère des Affaires Étrangères français. (27 juillet 1979). *Visite au Liban du Nouveau Secrétaire Général de la Ligue arabe* [Dépêche]. Fond ANMO, Série Tunisie 41Sup, b. 562. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²¹ Ministère des Affaires Étrangères français. (2 juillet 1979). *Conseil de la Ligue. Discours de M. Chedli Klibi* [Dépêche]. Fond ANMO, Série Tunisie 41Sup, b. 563. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²² Ministère des Affaires Étrangères français. (11 juin 1979). *Politique étrangère de la Tunisie* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 559. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²³ Ministère des Affaires Étrangères français. (6 avril 1979). *Transfert du Siège de la Ligue arabe* [Télégramme n. 426-29]. Fond ANMO, Série Tunisie 41Sup, b. 563. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²⁴ Ministère des Affaires Étrangères français. (19 novembre 1979). *Réunion ministérielle de coopération politique: Dialogue euro-arabe* [Note]. Fond Europe, Série Communauté économique européenne 1929Inva (hereafter CE, 1929Inva), b. 4151. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Although PLO participation in the dialogue with the EEC was out of place for the Europeans, the energy crisis and sanctions on Tehran prompted the Europeans to resume the dialogue and turn to Tunis despite Egyptian protests.²⁵ The time seemed ripe for a political breakthrough in the dialogue after the Venice Declaration, but it still lacked PLO recognition, which was not satisfactory to the Arabs (Allen & Hauri, 2010, pp. 94 ss.).

The decision of the four EEC member states (France, Italy, the Netherlands and Britain) to participate in the Sinai Mission again blocked progress on dialogue. Participation in the Sinai forces provoked negative reactions within the Arab League, and a few months later, the trip of French Foreign Minister Claude Cheysson to Israel provoked outrage from Arab countries. On the latter event, Tunis kept a low profile while criticizing French actions.²⁶

The inaction of the international community with respect to Israel's continued violations, not only with Operation Babylon in Iraq, but also in Lebanon with Operation Litany and in the occupied territories, was leading the moderate countries of the Arab League toward the group of intransigents.²⁷

Tunis tried to keep a channel open with the European allies while waiting for better times within the Arab organization. By now, however, most Arab League members no longer considered European initiatives worthwhile.

The risk of a new Beirut in the Maghreb

The 1980s opened with two important events: elections in the US and Israel. The victory of Ronald Reagan and Menachem Begin imposed a return to political polarization around the Middle East issue, giving rise to tension with the Soviet Union, and new elements and new actors were added, such as Iran and the emergence of Islamic fundamentalism in its various forms (Khalidi, 1999; Citino, 2019; Andersson & Waage, 2020).

In Israel, Begin's reappointment in 1981 strengthened Israeli security policy, thanks to US support (Tal, 2023).

This new political framework posed reflections for Tunisia. The opportunity to understand the intentions of the new US administration came with the first official visit of Muhammad Mzali, Tunisia's prime minister, to Washington from April 19-26, 1982. Mzali once again had to replace Bourguiba, who was in poor health. The meeting between Mzali and Reagan was an opportunity to strengthen the bond between the two countries; the moment seemed

Ministère des Affaires Étrangères français. (11 décembre 1979). Coreu CPE/MUL/ETR 4117, 91ème réunion du comité politique (Dublin les 10 et 11 décembre 1979) - projet de relèvement de Conclusions [Note]. Fond ANMO, Série Tunisie 41Sup, b. 552. Centre des Archives Diplomatiques de La Courneuve, Paris, France.

²⁵ Tunisia had voted favorably, occupying the Security Council seat since January 1980, to sanctions on Iran. Ministère des Affaires Étrangères français. (10 janvier 1980). *Vote tunisien en faveur de sanctions contre l'Iran* [Note pour le Cabinet du ministre]. Fond ANMO, Série Tunisie 41Sup, b. 564. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Ministère des Affaires Étrangères français. (26 février 1980). *Dialogue euro-arabe* [Télégramme n. 233]. Fond ANMO, Série Tunisie 41Sup, b. 561. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²⁶ Ministère des Affaires Étrangères français. (11 décembre 1981). *Réactions arabes au voyage du Ministre en Israël* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 564. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Ministère des Affaires Étrangères français. (14 décembre 1981). *Entretien avec l'ambassadeur de Tunisie* [Note]. Fond ANMO, Série Tunisie 41Sup, b. 581. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

²⁷ Ministère des Affaires Étrangères français. (22 juillet 1981). *La Ligue arabe en juin 1981* [Synthèse politique, Dépêche]. Fond ANMO, Série Tunisie 41Sup, b. 562. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

favorable to ask for more support from the US, given the rekindling of antagonism with the Soviet Union.²⁸ The purpose of the visit for the US administration was to reaffirm

our traditional friendship for Tunisia and President Bourguiba [...] our support for Tunisia's economic, social and political development [...], our support for Tunisia's security, [...] [to] encourage Tunisia to continue working for moderation in the Arab-Israel imbroglio [...].²⁹

Tunisia had also demonstrated a moderate and supportive stance to Washington's intentions at the United Nations, such as supporting the call for condemnation of the Soviet Union in Afghanistan. Therefore, it was necessary to continue to encourage Tunisia in its work of moderation in the Arab Israeli conflict (US Department of State, 1982a). The new administration did not intend to change the alliance with Tunisia, even in an anti-Libyan capacity, by providing economic and military support. The Reagan administration, therefore, began tying Tunisian security to the fight against terrorism and the confrontation with Libya, especially after the 1980 coup attempt against the regime of staunch ally Bourguiba (Little, 2012; Soave, 2017).

The first challenge the Reagan administration faced in the Middle East was in Lebanon, which had become one of the targets of Israeli security policy. In June 1982, the Israeli Defense Force launched Operation Peace in Galilee with the goal of clearing Lebanon of the presence of Palestinian fedayeen (Di Peri, 2021). Arab League member states called for unanimous condemnation by the international community of Israeli actions and a restoration of the situation in the cedar country.³⁰ The US decided to intervene to negotiate a disengagement agreement, deploying a multinational force along with France and Italy,³¹ however, with little result (Labbate, 2022). Thus, on August 25, the multinational force found itself having to evacuate the PLO leadership team from Lebanon. Tunisia, the headquarters of the Arab League, became the PLO headquarters, while some of its members were transferred to Jordan, Iraq and South Yemen.

Tunisia in August 1982 was very exposed: on one side there was Libya, which actively supported opposition movements against President Bourguiba; on the other, the arrival of the PLO leadership group in Tunis. A security exposure also recorded by the US Embassy in Tunisia (US Department of State, 1982b).

While the West failed to formulate a shared peace proposal, the Arab states decided to come forward (Aruri & Moughrabi, 1983; Fraser, 2015). The peace proposal was approved at the Arab League summit in Fez on September 6-9, 1982. The Fahd Plan, named after the Saudi king, Fahd bin Abd al-Aziz Al Saud, provided for Israel's withdrawal from all Arab territory occupied in 1967, including the Arab part of Jerusalem; the dismantling of Israeli settlements built on Arab land after 1967, including those in Jerusalem; the guarantee of freedom of

²⁸ Ronald Reagan Presidential Library. (1982, May 25). *Letter from Ronald Reagan to Habib Bourguiba*. Executive Secretariat NSC, Head of State: Records, Tunisia: President Bourguiba 8203353-8204893, Box 34. Ronald Reagan Presidential Library, Simi Valley, California, United States.

Ronald Reagan Presidential Library. (1982, May 25). *Letter from Ronald Reagan to Mohamed Mzali*. Executive Secretariat NSC, Head of State: Records, Tunisia: President Bourguiba 8203353-8204893, Box 34. Ronald Reagan Presidential Library, Simi Valley, California, United States.

²⁹ Ronald Reagan Presidential Library. (1982, April 29). *Meeting with Tunisian Prime Minister Mzali* [Note]. Executive Secretariat NSC, Country File: Records, Tunisia (04/28/1982-04/29/1982), Box 4. Ronald Reagan Presidential Library, Simi Valley, California, United States.

³⁰ On December 14, 1981, the Knesset had voted for the *de facto* annexation of Syria's Golan Heights. This event hinted that the Israeli expansion policy would not stop. See Fraser (2015).

³¹ On Italian foreign policy in the Middle East issue, among others, see Riccardi (2013). On the French position, see Filiu (2005).

worship for all religions in the Holy Places; affirmation of the right of the Palestinian Arab people to return to their homes and compensation for those who did not wish to return; independence for the West Bank and Gaza Strip after a transitional period monitored by the United Nations; and the establishment of an independent Palestinian state with Jerusalem as its capital. Guarantors of the agreement would be the United Nations or its member states, which would ensure the implementation of these provisions. The novelty of the Plan compared to its past counterparts was the recognition to all states in the region, including Israel, that they could live in peace.³² It was a success for Bourguiba, as the Arabs recognized Israel's right to exist, albeit through an unspoken formula. Seventeen years after the Jericho speech, Bourguiba's policy proposal had found useful space for its discussion and potential application, and this also indirectly constituted a recognition of the role that Tunisia had exercised until then within the Arab world and the international credit it had won.³³

After the Fahd Plan was drafted, Bourguiba began to look to the West for interlocutors favorable to its endorsement at the United Nations.³⁴ The first contact was with the French president, François Mitterrand, who met Bourguiba for the first time in Paris in September 1982 (Vedrine, 1996). During the meeting, the two heads of state renewed their political closeness especially in relation to Lebanon, and Tunisia pushed for French support in the Security Council for the Fahd Plan.³⁵ A month later, Cheysson's visit to Tunis and meeting with Arafat was an opportunity for France to realign itself to a pro-Arab position, particularly after the tragic events at the Palestinian refugee camps in Lebanon.³⁶ The Sabra and Chatila massacre shook the international community profoundly and led Bourguiba to call for stronger action by the US and the multinational force (US Department of State, 1982c).

As US intelligence services repeatedly pointed out, the political role Bourguiba had won for himself, however, was not without risk to his country (Bessis & Belhassen, 2012, p. 471). In August 1984, the Central Intelligence Agency (CIA) warned of Tunisian instability and the risk of losing a loyal partner located geographically 140 km from the NATO base at Sigonella in Sicily. Problems leading to instability in the country included economic and social issues, the problem of succession to Bourguiba, and the risk of an advance of Islamic forces in power. According to the report, despite Mzali's efforts, growing discontent among the young

³² Ministère des Affaires étrangères français. (4 septembre 1982). *Rencontre à Tunis avec M. Arafat (Télégramme n° 816)* [Télégramme diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 4. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Ministère des Affaires étrangères français. (29 novembre 1982). *Politique étrangère de la Tunisie* [Note diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 2. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

³³ Ambassade de France en Tunisie. (10 septembre 1982). *Bourguiba 1982 – Regain ou déclin ? (Télégramme n° 836)* [Télégramme diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 2. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Ministère des Affaires étrangères français. (29 septembre 1982). *Politique étrangère de la Tunisie* [Note diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 2. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

³⁴ Ministère des Affaires étrangères français. (30 septembre 1982). *Entretien du Président de la République avec le Président Bourguiba* [Note diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 2. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

³⁵ Ministère des Affaires étrangères français. (30 septembre 1982). *Entretien du Président de la République avec le Président Bourguiba* [Note diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 2. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

³⁶ Ministère des Affaires étrangères français. (13 octobre 1982). *Conférence de presse de M. Claude Cheysson à Tunis* [Télégramme diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 4. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

Ministère des Affaires étrangères français. (15 octobre 1982). *La presse tunisienne après la visite du Ministre (Télégramme n° 969)* [Télégramme diplomatique]. Fond ANMO, Série Tunisie 27Qont, b. 4. Centre des Archives Diplomatiques de La Courneuve, La Courneuve, Paris, France.

and unemployed and rising poverty in both rural and urban areas were causing support for the Islamic movement to grow. The report also expressed fears that anti-Western instances might be emerging in Tunisia due to US support for Israeli policy in the Middle East. Tunisian public opinion did not broadly support the government's anchorage in Washington, given the poor developments in the Arab-Israeli issue.³⁷ Once again, Bourguiba turned to the US for backing, and then paid an official visit in June 1985 to ask the ally for economic and military support. On the eve of the meeting, a new CIA report described the situation in the country and warned the Reagan administration of the risks that succession to Bourguiba would pose to US policy in the Mediterranean. The issue of the country's leadership succession was, therefore, being followed closely by Washington, so much so that it was speculated that "a military-controlled government could emerge under certain conditions".³⁸ The most obvious risks, according to the report, involved potential Islamist drift and external intervention by the Tripoli government, as well as possible communist drift. The country's economic prospects, then, not very encouraging for the rest of the decade, made the picture even more worrisome. Behind the Arab League's move to Tunis, moreover, was the risk of an uncoupling of Tunisian society from secular values in the direction of greater Arabization of the country.

A few months after Bourguiba's meeting with Reagan, the Israeli raid on the PLO headquarters in Tunis put US-Tunisia relations in crisis (Joffe, 1987).

The October 1, 1985 event was also an opportunity to test Bourguiba's political skills against his new international role. The Israeli bombing resulted in a death toll of 72, 12 of whom were Tunisians (Kasar, 2005). Bourguiba protested strongly against Israel but especially against the US (US Department of State, 1985). Reagan did not condemn the Israeli action, indeed publicly the US president called it legitimate. In June in his meeting with Bourguiba, Reagan had guaranteed protection to Tunisia against Libya, a few months later, however, Tunisia understood the limits of that guarantee. The Israeli raid on Tunis was immediately condemned by the entire international community, including European states (Ravenel 1985). While the latter, however, did not also point the finger at the US, the Arab states instead openly accused Washington of supporting Israel as well.³⁹

The Egyptian president, Hosni Mubarak, in a message to Washington condemned the Israeli action because it endangered the survival of Arafat, who among the PLO leaders was the one who most realistically could have led to peace talks.⁴⁰

Relations between Washington and Tunis suffered as a result of the Israeli bombing, Bourguiba went so far as to threaten the severance of diplomatic relations if the US vetoed Tunisia's request for condemnation of Israel in the Security Council. The international

³⁷ Central Intelligence Agency. (1984, August). *Tunisia: Moving toward crisis: An intelligence assessment* General CIA Records: FOIA Collection [Intelligence report]. CIA-RDP85T00287R001301600001-2. Central Intelligence Agency Library. Retrieved from <https://www.cia.gov/library/>

Central Intelligence Agency. (1984, May 23). *Tunisia: More troubles ahead* General CIA Records: FOIA Collection [Intelligence report]. CIA-RDP85T00314R000200120002-6. Central Intelligence Agency Library. Retrieved from <https://www.cia.gov/library/>

³⁸ Central Intelligence Agency. (1985, June 11). *Tunisia on the eve of President Bourguiba's visit to Washington* General CIA Records: FOIA Collection [Intelligence report]. CIA-RDP87T00126R001101570007-8. Central Intelligence Agency Library. Retrieved from <https://www.cia.gov/library/>

³⁹ To compare all incoming telegrams to the Secretary of State in Washington from the various US Embassies (Amman, Cairo, Riyadh, Brussels, Rome, Paris), in Ronald Reagan Presidential Library. (1983–1989). NSC: Records, Near East and South Asia Affairs Directorate, Israeli airstrike on PLO camps in Tunisia. Box 6. Ronald Reagan Presidential Library, Simi Valley, California, United States.

⁴⁰ Ronald Reagan Presidential Library. (1985, October 1). *Egypt: President Mubarak comments on Israeli raid on Tunisia* [Report]. NSC: Records, 1983–1989, Near East and South Asia Affairs Directorate, Israeli Airstrike on PLO Camps in Tunisia, Box 6. Ronald Reagan Presidential Library, Simi Valley, California, United States.

climate around the US suggested diminishing support for Israel in order not to lose allies in the Arab world. Thus, at the United Nations Tunisia achieved a victory: the US abstention in the Security Council and the condemnation of Israel (Bessis & Belhassen, 2012, pp. 485-487).

The hijacking of the Achille Lauro a few weeks later and the possible presence of Palestinian commando members who had departed from Tunis put Tunisia in trouble and made the PLO presence too complicated to be handled without risk to the Tunisian regime's hold and its relations with friendly and allied countries. Tensions between Bourguiba and the PLO grew greater and greater. Tunisia realized that the PLO's presence was beginning to damage it, as well as fueling movements of protest and opposition to the regime. Thus, beginning in the second half of 1985, the presence of the Palestinian leadership was reduced. Palestinians began to have difficulty obtaining Tunisian visas, the PLO had to relocate some institutions to Iraq, Sudan and Yemen. Tunisian government surveillance of Palestinians increased and intensified.

In addition, Bourguiba decided to act domestically as well, increasing repression of opposition through the appointment in 1986 of General Zine al-'Abidine ben 'Ali as interior minister. The new minister operated with the goal of recovering social and political stability and international trust. During a meeting with the US ambassador in Tunis, ben 'Ali guaranteed a reduction in the PLO presence and a freeze on the movement of Palestinian leaders in and out of the country (US Department of State, 1986).

Ben 'Ali's arrival appeased the US, which was concerned about the future of pro-Western Tunisia. In a 1986 report, the CIA stated that "Bourguiba's increasing infirmity and capricious behavior" posed a risk to the country's future stability and to Western interests in the Mediterranean. Among future prospects, it claimed, "General Ben Ali is best placed to assume a national leadership role because of his wide-ranging control over the security and intelligence network".⁴¹

It was a sign of a change that heralded a period of transformation within the Bourguiba regime, which had now become an obstacle to US and generally, Western, interests in the Middle East area.⁴²

Conclusion

Bourguiba's Tunisia succeeded in its goal of becoming a bridge between the Arab world and the West on the Middle East question, assuming an important mediating role thanks to the international reputation it had acquired over the years. Beginning in 1979, winning the leadership of the Arab organization, which was joined in the same year by the Islamic organization, inaugurated a new political season in the Maghrebi country. In 1982, the relocation of the PLO to Tunis restored that much-coveted leading position in the Palestinian question to President Bourguiba. The Bourguiba plan for Palestine, expressed in 1965 in Jericho, found official recognition within the Fahd Plan approved in 1982 by the Arab League. An ambitious Plan that for the first time posited recognition of Israel as possible.

Despite Bourguiba's successes and the international political prestige he gained between the 1970s and 1980s, his new role as mediator in the issue was not without domestic political

⁴¹ Central Intelligence Agency. (1986, January 31). *Tunisia: Politicization of the military*. General CIA Records: FOIA Collection [Intelligence report]. CIA-RDP86T01017R000201860001-3. Central Intelligence Agency Library. Retrieved from <https://www.cia.gov/library/>

Central Intelligence Agency. (1986, August). *Prospects for Tunisia: National Intelligence Estimate (NIE-63-84)*. General CIA Records: FOIA Collection [Intelligence report]. CIA-RDP87T00126R001101570007-8. Central Intelligence Agency Library. Retrieved from <https://www.cia.gov/library/>

⁴² For a comprehensive reinterpretation of Tunisia's position over the long term, including during the Ben Ali presidency, see Ghiles-Meilhac (2014) and Petrucci and Fois (2016).

consequences. The Israeli bombing of Tunis in 1985 was destabilizing for the Bourguiba regime. The risk of a new Beirut in the Maghreb became real. The presence of the PLO became unwieldy for a country already going through an economic and social crisis that threatened the stability of the Bourguiba regime. Up to that point, the West had approved the new course of Tunisian foreign policy, certain of the reliability of its partner, but after 1985 the risk of an Islamist drift in the country became an element of concern. The repression of opposition and the reduction of the Palestinian presence in the country were the goals of General ben 'Ali, who in less than two years ferried the country to a new political regime. In the end, that role as mediator between the Arab and Western worlds, but more importantly, that of becoming a major player in the Middle East issue, like a boomerang, became one of the reasons for the end of the Bourguiba regime.

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RESEARCH ARTICLE

U.S.-Taliban negotiations and the Doha Agreement (2001–2020)

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Abstract

The article analyzes the negotiation process and the final agreement that ended the U.S. war in Afghanistan. While general attention was dedicated to the dramatic withdrawal and the Taliban takeover, less focus was directed towards the negotiations and the agreement between the U.S. and the insurgent group, signed in Doha on the 29th of February 2020. The paper underscores two pivotal observations. Firstly, despite the agreement's emphasis on peace, its primary objective is a strategic advantage for both parties. Secondly, the events of August 2021 were not unforeseen but were rooted in the negotiation process and the specific provisions outlined in the finalized agreement. Methodologically, the chronological proximity of these events necessitated the use of debates within the U.S. Congress, reports, and existing literature.

Keywords: Afghanistan; United States; Taliban; Doha Agreement; Negotiations

Introduction

The war in Afghanistan began as a response to the 9/11 attacks and the Taliban's decision to shelter Al-Qaeda in the country. The Taliban were swiftly defeated, and new democratic institutions were established. Ten years after the intervention, Osama Bin Laden, Al Qaeda's leader, was killed in Pakistan. In the meantime, and until 2021, foreign and national individuals remained targets of the Taliban insurgency.

Following a prolonged and opaque negotiation process, the United States and the Taliban reached an agreement in February 2020. On the 30th of August 2021, the departure of the last U.S. aircraft from Kabul marked the end of nearly two decades of American presence in Afghanistan.

The paper analyzes the U.S. decision to deal with the Taliban, the objectives of the contracting parties, and the negotiation's development. Was peace the true objective, or was it disengagement? The negotiating process involved multiple actors with different perspectives on the events. Years have passed since the agreement, making it essential to reflect on the complex realities that shaped Afghanistan's path.

To address these questions, the paper first traces the development of the U.S. approach to negotiations and the diplomatic process itself. Second, it provides an in-depth analysis of the provisions of the Doha Agreement. The research draws on debates within the U.S. Congress, official reports, and existing literature.

The Road to Doha: from Bush to Trump

From the outset of the U.S. intervention in Afghanistan in 2001, discussions on a potential withdrawal were notably absent during George W. Bush's presidency. This absence can be attributed to three primary factors. First, the traumatic impact of the 9/11 attacks remained deeply ingrained in the national consciousness, making the prospect of withdrawal less

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feasible in the early years of the conflict. Second, the swift expulsion of the Taliban and Al-Qaeda from Afghanistan within weeks of the intervention fostered a perception of rapid victory, prompting the U.S. to expand its focus toward increasingly ambitious state-building efforts. Third, the commitment to Afghanistan was initially limited to military operations. However, as the Taliban insurgency escalated between 2005 and 2006, it became increasingly evident that sustained engagement in Afghanistan's stabilization and reconstruction was necessary, rendering any discussion of withdrawal premature.

The Bush administration largely refrained from diplomatic engagement with the Taliban (Dobbins & Malkasian, 2012, pp. 53-54). A clear example of this approach was the group's exclusion from the Bonn Conference. The above factors help clarify the absence of withdrawal plans and the United States' reluctance to pursue diplomatic solutions. However, a crucial factor was the prevailing sentiment in the United States following 9/11, characterized by a firm demand for total victory rather than negotiations, as noted by Steve Brooking (2022, p. 6). Consequently, the U.S. administration not only avoided engagement with the Taliban but also pressured Afghan President Hamid Karzai to adopt a similar stance.

During the Bush administration, there was a prevailing belief that victory could be easily achieved. However, the Taliban insurgency forced Obama to undertake significant efforts to address the evolving situation. This required a strong commitment to stabilizing the country, which led to a surge in troop deployments. Those in the U.S. administration who supported this approach were Secretary of Defense Robert Gates and Secretary of State Hilary Clinton. Conversely, other representatives, including Vice President Joseph Biden, advocated for a more limited surge of 5,000-10,000 troops, arguing that this strategy would better support counterterrorism missions (Marsh, 2014, pp. 270-274).

On the 1st of December 2009, in a speech at West Point Academy, Obama announced a surge of 30,000 troops, accompanied by a gradual withdrawal plan set to begin in the second half of 2011 (Obama, 2009). By August 2010, U.S. troops in Afghanistan had exceeded 100,000. At the same time, a reassessment of U.S. obligations took place, aimed at disengagement from Afghanistan. In 2011, the withdrawal timeline was declared, starting with an initial reduction of 10,000 troops by the end of the year, followed by an additional 23,000 in 2012, and the gradual drawdown of the remaining 67,000 until 2014. By the end of that year, security and combat operations would transition to the Afghan government, while the United States would assume a residual support role (Obama, 2011). On the 20th of November 2010, during the Lisbon Summit, attended by President Karzai, NATO Allies endorsed the same transition strategy (NATO, 2010). In 2014, with 32,000 American troops still deployed, Obama reaffirmed his objective of transferring all combat missions to the Afghan government – by the end of the year – and reducing the U.S. military presence primarily to the American embassy by 2017 (Obama, 2014). However, toward the end of his presidency, conflicts in Afghanistan persisted, and terrorist groups remained active. To avoid leaving his successor in a precarious position, Obama retained 8,400 troops in the country (Obama, 2016).

Under the Obama administration, the United States demonstrated a growing willingness to explore the possibility of diplomatic engagement with the insurgent group. Brookings noted a pivotal development during this period: 'Obama formally lifted the Bush-era ban on talking to the Taliban, as suggested by Karzai. In June 2010, Karzai convened a meeting of over 1,600 delegates to discuss peace. This led to the formation of the High Peace Council, tasked with talking to the Taliban and reaching a political solution' (Brooking, 2022, p. 9). In line with this approach, discussions between U.S. representatives and the Taliban began between 2010 and 2011 (Dobbins & Malkasian, 2012, p. 56). However, the United States sustained that any agreement should involve the insurgents and the Afghan government. Despite these efforts, intra-Afghan negotiations failed to achieve meaningful progress. In

2011, the Taliban assassinated Burhanuddin Rabbani, President of the High Peace Council, in an attempt to undermine the legitimacy of the Afghan government. The insurgents showed little interest in engaging in dialogue with Karzai, a stance that negatively impacted the initial interactions with the United States. Various countries sponsored diplomatic initiatives; however, Karzai remained deeply suspicious of any negotiation that did not include his government as an active participant. He was particularly wary of talks that could legitimize the Taliban and, in doing so, weaken his administration.

In 2013, the relationship between Obama and Karzai grew tense. By the 2009 Afghanistan presidential election, Karzai was already convinced that the U.S. administration favored other candidates over him (Rashid 2010, p. 75; Coll, 2018, pp. 348, 349, 354). Although Karzai ultimately won the election, the rift with the United States remained unresolved. As previously noted, 2014 marked the beginning of the support mission, and in the same year, Obama sought a legal framework to justify the continued American presence for counterterrorism operations. From a U.S. perspective, securing an agreement with Karzai was crucial to presenting the withdrawal as a mutual decision. However, Karzai faced significant challenges, including his reluctance to appear as if he were capitulating to foreign powers in exchange for minimal guarantees (Nordland, 2013). In the end, the Bilateral Security Agreement was signed in 2014 by Ashraf Ghani, the newly elected president, following another turbulent election (Coll, 2018, pp. 583-588).

In 2013, the Taliban Political Office was established in Doha within this tense framework. This initiative emerged from the limited contact between the United States and the insurgent group, which had been initiated early in Obama's presidency. However, the Taliban leveraged the opportunity by raising the movement's official flag and installing a plaque bearing the name 'Islamic Emirate of Afghanistan' on the office's opening day, giving the appearance of an official embassy. This provoked strong opposition from Karzai, leading to the formal closure of the office. Despite this shutdown, the location of the Taliban's diplomatic representation became widely known. Over the following years, negotiations saw little progress (Dobbins & Malkasian, 2012, pp. 53-54; Brooking, 2022, pp. 10-12).¹

By 2014, the operational dynamics had evolved, with the beginning of the Resolute Support Mission.² As the Afghan government continued its battle against the Taliban with limited American support, the insurgents increased their influence in the country. These shifts altered the Taliban's potential negotiating position and subsequently shaped the future decisions of the incoming U.S. administration.

Since assuming office on the 20th of January 2017, Donald J. Trump became the second American president to inherit the Afghan conflict. His presidency represented a significant moment in U.S. policy on Afghanistan, even though the conflict ultimately concluded under his successor.

During his populist-driven electoral campaign, the war in Afghanistan became a central point of criticism. Trump targeted Obama's failure to disengage and follow the withdrawal timelines he had set. He emphasized the need to prioritize the American people, who

¹ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 13-14.

² It 'was a NATO-led, non-combat mission (...) It focused primarily on training, advice, and assistance activities at the security-related ministries, in the country's security institutions, and among the senior ranks of the army and police. It worked closely with different elements of the Afghan army, police, and air force. Key functions included: supporting planning, programming and budgeting; assuring transparency, accountability and oversight; supporting the adherence to the principles of rule of law and good governance; supporting the establishment and sustainment of such processes as force generation, recruiting, training, managing and development of personnel.' (NATO, 2022).

struggled to understand the purpose of the prolonged conflict in Afghanistan. Through social media announcements and discussions with his advisors, Trump consistently advocated for withdrawal, portraying the war as a significant drain on public funds and American lives (Bolton, 2020, p. 214; Pramuk, 2017).

At that time, the United States and its allies had been engaged in Afghanistan for sixteen years. However, despite the lengthy engagement, the central government and regular army made limited progress in consolidating their position. Trump was not the first president to advocate for the end of American intervention; Obama's strategy can be interpreted similarly. The surge of U.S. troops was never intended as an indefinite commitment. It aimed to bolster the Afghan army in achieving operational advantages, enabling Afghans to regain control and confidence in managing their country independently. The final objective was the shift toward a mission focused on exclusive support rather than direct combat. In fact, alongside the surge, Obama also announced a plan for gradual withdrawal.

Trump's advisors cautioned him about the persistent terrorist threat and the potentially severe consequences of a rapid withdrawal. Beyond the Taliban, ISIS-K and Al-Qaeda could exploit the vacuum after the U.S. withdrawal. Recognizing the ongoing security concerns, Trump approved a new strategy for Afghanistan, which included an increase of approximately 4,000 American troops. While the primary factor justifying U.S. presence in the country was the terrorist threat, Trump's intention to withdraw was openly acknowledged. In a speech delivered at Fort Myer on the 21st of August 2017, Trump presented the new strategy and stated: 'Someday, after an effective military effort, perhaps it will be possible to have a political settlement that includes elements of the Taliban and Afghanistan, but nobody knows if or when that will ever happen' (Trump, 2017). Afghanistan thus became an unpredictable variable within Trump's political agenda, influencing the negotiation process. In his Fort Myer address, Trump publicly acknowledged his initial inclination to withdraw, remarking, 'My original instinct was to pull out – and, historically, I like following my instincts' (Trump, 2017). However, he rejected immediate withdrawal due to the risk of disastrous consequences and emphasized the need to increase pressure on Pakistan in the fight against terrorism. Unlike Obama, who attempted to set specific timelines regarding future withdrawal, Trump adopted a conditions-based approach, deliberately avoiding rigid deadlines. This strategy was designed to prevent criticism over unmet commitments but introduced uncertainty, as U.S. policy in Afghanistan could seemingly change at any moment, sometimes through a single tweet.

In 2017 and 2018, there was a notable escalation in U.S. airstrikes against the Taliban, marking a clear departure from the constraints imposed by the Obama administration. This shift in strategy, aimed at impeding and reversing the Taliban's advancements, became possible through the successful containment of ISIS in Syria, which allowed for a reallocation of military resources to Afghanistan. Despite these intensified efforts, the security situation remained highly unstable, particularly in northern regions, where the Taliban continued to achieve significant gains, especially in the Kunduz province. In 2018, the Taliban took over numerous districts and provincial capitals, such as Farah and Ghazni, and the situation deteriorated in Kandahar, where the local police chief, Abdul Raziq, was killed. During the same attack, General Miller, the commanding officer of U.S. and NATO forces in Afghanistan, also risked his life.

While the Taliban's campaign was advancing, the Islamic State branch, ISIS-K, which operated across Afghanistan and Iran, was being dismantled in the country, mirroring the fate of the caliphate in Syria and Iraq. Recognizing the prior expansion of the Islamic State in the Middle East, both the Afghan government and the United States prioritized the fight against ISIS-K. The province of Nangarhar was particularly targeted, as it housed the group's primary training camps. Afghan military operations, conducted in coordination with U.S.

special operations forces, were effective in reducing ISIS-K influence by eliminating its key leaders. Nevertheless, terrorist attacks continued to occur, expanding to major cities such as Kabul and Jalalabad. Between 2017 and 2018, ISIS-K's responsibility for civilian casualties in Afghanistan increased from 10% to 20%, resulting in over two thousand casualties (UNAMA, 2018; UNAMA, 2019).

No significant progress was achieved on the diplomatic front between 2013 and 2017 (Brooking, 2022, p. 13). However, in 2018, both the United States and the Taliban publicly expressed interest in engaging in a meaningful dialogue. The United States sought to extricate itself from a prolonged and resource-draining involvement while preserving its reputation, thus facilitating the redirection of funds and personnel to other strategic areas. Meanwhile, the insurgents kept taking over districts and expressing their interest in the disengagement of U.S. and NATO forces from the region. Despite the Afghan government's attempts to participate, the Taliban insisted on negotiating exclusively with the United States, considering President Ghani and other Afghan officials as mere puppets lacking real decision-making authority. The Taliban upheld this stance throughout the negotiations to undermine the legitimacy of the democratic government.

The first public sign of a shift towards dialogue occurred on the 14th of February 2018, when the Taliban sent a letter to the American people, inviting them to engage in discussions with their leaders to reassess the failures of the Afghan campaign and advocate for the withdrawal of U.S. troops (Barker & Borger, 2018). About two weeks later, Ghani sought to participate in the peace process by offering political concessions to the Taliban. He suggested constitutional revisions and a prisoner exchange. Despite these efforts, the insurgents maintained their stance and did not respond to Ghani's proposals. Although these events may not have been particularly ground-breaking or could be considered propaganda tactics, they occurred within a highly tense context. On the 27th of January, in Kabul, an ambulance packed with explosives managed to bypass security checks before detonating in a crowded area of the city. The Taliban claimed responsibility for the attack, which resulted in more than 100 fatalities.

One of the few moments of relative peace, which raised hopes among various national and foreign actors, occurred during the ceasefire observed from 16 to 18 June during the Muslim holiday of Eid al-Fitr. This marked the first nationwide cessation of violence since 2001. Ghani unilaterally declared an eight-day ceasefire for government forces, while Taliban Supreme leader Hibatullah Akhundzada said that it was inappropriate to kill Muslims during Eid al-Fitr. As a result, he instructed his fighters to refrain from attacking government forces for three days. However, hostilities resumed shortly after this brief period of peace.

On the 5th of September 2018, the appointment of Zalmay Khalilzad as U.S. Special Representative for Afghan Reconciliation marked a pivotal moment in the negotiation process. Born in Mazar-i-Sharif and former U.S. Ambassador to Afghanistan, Khalilzad was widely regarded as an expert on the region. The U.S. administration considered him an ideal candidate to facilitate conditions for American disengagement and a peace plan. A key element of Khalilzad's approach was prioritizing intra-Afghan negotiations to forge a political agreement that could accommodate all factions within the country. He believed that if the Taliban and democratic forces could reach a mutually acceptable agreement and establish an inclusive government – whether aligned with American interests or not – the need to maintain U.S. troops in the country to combat terrorism would be significantly reduced. Thus, he prioritized intra-Afghan negotiation over direct U.S.-Taliban talks.

Khalilzad had to work on key U.S. objectives such as 'an end to violence, an Afghan political settlement, Taliban renunciation of Al-Qaeda, and the long-term presence of intelligence assets and special operations forces in Afghanistan for counterterrorism operations' (Malkasian, 2021, p. 425). However, his real objective was the complete and secure

withdrawal of American troops.³ Initially, Khalilzad did not agree with this decision. As he stated, 'I had thought that we should – we should prevail in Afghanistan, was what I had recommended. And – and I had been very unhappy, but, I mean, I had been in favor of adjusting policy rather than total withdrawal'.⁴ Despite his reservations, Khalilzad accepted the assignment, motivated by a profound sense of duty to the United States and confidence in his ability to lead negotiations.⁵ According to him, his appointment and the decision to pursue the withdrawal represented the administration's disillusionment with the strategy announced by Trump in 2017.⁶ In Khalilzad's view, ensuring a secure withdrawal was crucial to minimizing American casualties and maximizing concession from the Taliban. To achieve this, he emphasized the importance of avoiding statements – such as announcing an imminent or unconditional withdrawal – that could weaken his negotiating position.⁷

The U.S. withdrawal was also a key priority on the Taliban's agenda. As stated before, they prioritized direct negotiations with the United States, refusing to recognize the Afghan government. Throughout the talks, the Taliban consistently reaffirmed this position. Ultimately, yielding to the Taliban's demands, as eventually happened, risked discrediting the government and granting the Taliban a significant political victory.

By the time Khalilzad assumed his role, the U.S. administration had already agreed to dialogue with the Taliban. Even though previous U.S. administrations had set preconditions for reconciliation – such as accepting the constitution, renouncing violence, and severing ties with the terrorists – these requirements were gradually abandoned over the years to advance the negotiations.⁸ The U.S. had consistently preferred an Afghan-led solution; however, despite Khalilzad's appointment, the shift in priorities toward direct negotiation appeared inevitable.

³ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 15-16, 40, 51-54.

⁴ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) p. 49.

⁵ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 49-51.

⁶ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 62-64.

⁷ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 105, 107-108, 114, 167-168, 172-173.

⁸ According to Khalilzad, the U.S. posture regarding the negotiations with the Taliban evolved in the following way: 'our position on negotiating with the Taliban changed over time. Initially, in the aftermath of the 9/11 attack and the overthrow of the Taliban, we were very angry, and my mission – then I had the Presidential Envoy mission – from the President of the United States, from the administration, that we want to bring them to justice. We were in a strong position. They wanted to enjoin and support the government in exchange for a kind of amnesty. Then we said, okay, we'll meet with you if you accept the constitution, if you renounce violence, if you break with terrorists. Preconditions. This is 6, 7 months after. Then comes the Obama administration, and I'm not saying this in a partisan way. Secretary of State Clinton, as the situation becomes more difficult militarily on the scene, says, those preconditions will become in-conditions of any agreement that includes the Taliban. Move forward, we allow the Taliban to open an office in Doha to negotiate with. And we agree, as during the subsequent years, to, okay, first, an agreement between the Talibs – because the Talibs were refusing our earlier approaches. And then Afghan-Afghan meeting occurs'. Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 97-98, 111.

Preliminary meetings between U.S. representatives and the Taliban reportedly took place in Doha in July 2018 (Donati, 2018). Before formal negotiations began, Khalilzad had to secure the support of the Pakistanis, who were essential for addressing the issue of the Taliban sanctuaries.⁹ Subsequently, contacts between the parties intensified over the following months, culminating in a series of meetings between Khalilzad's team and Taliban representatives in Doha from October to December 2018. During the process, the U.S. identified Mullah Baradar as Khalilzad's counterpart in these talks.¹⁰ A key figure within the Taliban and a former deputy to Mullah Omar, Baradar had been actively involved in resisting foreign forces until his capture in Pakistan in 2010. Widely respected among Taliban leaders and fighters, his involvement facilitated the group's acceptance of decisions made in Doha. In 2018, detention measures against Baradar were lifted, allowing him to participate in the negotiations.

Despite these efforts, the initial months of negotiations failed to yield tangible results. Within the U.S. administration, concerns persisted over the continued expenditure of funds for the war in Afghanistan, the declining domestic support, and mounting anxiety over the upcoming November midterms. In response, the president increased pressure on negotiators, giving Khalilzad nine months to achieve a diplomatic resolution; otherwise, troop withdrawals to the United States would begin (Malkasian, 2021, p. 429). Internal discord within the administration persisted, exacerbated by the constant threat of sudden changes in the strategy and the possibility of an immediate and destabilizing troop withdrawal.¹¹ The crisis reached a tipping point on 19th December 2018, when President Trump announced the complete removal of all U.S. troops from Syria, causing the resignation of Secretary of Defense James Mattis.

Following these internal changes, Michael Pompeo, the newly appointed Secretary of State, assumed a central role in shaping Afghan developments, particularly by bridging the gap between Trump and Khalilzad (McHugh, 2023, pp. 587-589). While Pompeo advocated for redirecting U.S. foreign policy toward new strategic objectives, he continued to support Khalilzad's efforts to secure an agreement aligned with U.S. interests. However, Trump's unpredictable nature continued to pose significant challenges, emphasizing the urgency of reaching an agreement. Within the administration, division persisted, with some officials opposing the negotiations altogether or favoring a unilateral withdrawal without an agreement (Bolton, 2020, pp. 423-424).¹²

In light of this urgency, Khalilzad's initial priorities were overshadowed during the official negotiations. The intra-Afghan dialogue was officially relegated to a secondary role, while the withdrawal of U.S. troops became the central issue of discussion with the Taliban (Malkasian, 2021, pp. 430-431). This shift in priorities inevitably bolstered the morale of the

⁹ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp.92-93.

¹⁰ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) p.93.

¹¹ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) p.57; John Bolton described in his memoirs as National Security Advisor the level of tension in the meetings between him, Trump, the Generals and other American representative on the topic of Afghanistan. Bolton, J. (2020). *The room where it happened: A White House memoir*. Simon and Schuster, pp. 214-221.

¹² Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 131-132.

insurgent group, which now found itself engaged in a dialogue with one of the world's major powers, including deliberations on the withdrawal of U.S. forces from the country.¹³ This development was remarkable, especially considering past assertions claiming that the Taliban were on the brink of defeat.

Negotiations resumed in January 2019, demonstrating visible progress. The planned American withdrawal and the absence of foreign contingents — even for special counterterrorism operations — were balanced by the Taliban's assurance to manage the terrorist threat (Constable et al., 2019). They pledged to prevent a recurrence of scenarios similar to September 2001. However, several issues remained unresolved, particularly concerning the establishment of a lasting ceasefire and the beginning of negotiations between the Taliban and the Afghan government.

In the following months, negotiations continued in Doha, characterized by occasional tensions alongside progress. Both parties sought to extract further concessions while adhering to minor commitments. From the American perspective, the enduring connection between Al-Qaeda and the Taliban remained a primary concern.¹⁴ This tie, established in 1996, had persisted over the years, facilitated by the porous border between Pakistan and Afghanistan. This issue deeply troubled the U.S. administration, as the sole condition justifying military withdrawal was the elimination of the terrorist threat. The U.S. delegation asserted that tangible progress could not be achieved without active Taliban cooperation. A formal commitment from the Taliban to sever ties with Al-Qaeda and other terrorist organizations was deemed essential, not only to provide concrete evidence of its adherence but also to reassure the American people that the war on terrorism had been won. However, even with such a commitment formally in place, the risk of non-compliance remained significant. On the Taliban's side, the withdrawal needed a specific timeline to hold the United States accountable for any failure to meet its commitments. After two decades of conflict, mutual trust between the warring factions was understandably limited.¹⁵

Trump's pressure persisted in internal meetings, driven by his desire for a swift withdrawal from Afghanistan, preferably before the presidential elections, to leverage this achievement in his electoral campaign.¹⁶ Influenced by these circumstances and the possibility of an unconditional withdrawal, Khalilzad made a significant proposal to Baradar in June 2019

¹³ According to U.S. Congressman Kinzinger: 'Since he has been in office repeatedly declaring his desire to get out of Afghanistan, calling this, basically, a dumb war—whatever he has used, which, by the way, is brand new—this used to be a very bipartisan agreement on this fight—is only emboldening the Taliban in the discussion. When you see the man making the call claiming he wants to leave, it is hard to give up a lot when you know that that is the end goal'. Hearing before the Committee on Foreign Affairs, 'The Trump Administration's Afghanistan Policy', 19 September 2019, (<https://www.congress.gov/116/chrg/CHRG-116hhrg37846/CHRG-116hhrg37846.pdf>) p. 29.

¹⁴ Hearing before the Committee on Foreign Affairs, 'The Trump Administration's Afghanistan Policy', 19 September 2019, (<https://www.congress.gov/116/chrg/CHRG-116hhrg37846/CHRG-116hhrg37846.pdf>) pp. 32-33.

¹⁵ From an International Relations perspective, this issue is framed as the commitment problem, a concept widely explored in the literature (see Reiter 2010, pp. 22-50). Reiter highlights the challenges of engaging in negotiations when trust between parties is absent, noting that 'If a wartime belligerent fears its adversary might break a war-ending agreement and reattack after war ends, one possible solution to this non compliance problem is the imposition of an absolute war outcome' (p. 25). A historical approach to conflicts can contribute to a more nuanced understanding of the commitment problem by offering in-depth analysis on how peace negotiations unfold in specific contexts, and by reconstructing each party's expectations and perceptions of the other's behaviour. Shedding light on these dynamics provides concrete cases through which the analytical value and limitations of the category can be assessed.

¹⁶ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) p. 57.

(Malkasian, 2021, pp. 437-439). He suggested announcing the agreement between the United States and the Taliban on the 14th of July, with the intra-Afghan dialogue beginning on the 22nd of July. Additionally, Khalilzad proposed resolving all major disputes between the U.S. and the Taliban by early September, after which the insurgents and the Afghan government would collaborate to reach a political settlement. However, Mullah Baradar expressed concern over the absence of a precise withdrawal timeline. Ultimately, Khalilzad and Baradar agreed to initiate the withdrawal of all foreign soldiers approximately fourteen months after the public approval of the deal. The possibility of reversing course if the Taliban failed to fulfill its obligations remained primarily a rhetorical threat.

In September, a surge in violence led to a suspension of the negotiations. During the early days of the month, U.S. soldiers were targeted and killed in Kabul, prompting Trump to unilaterally withdraw the United States from the talks. He wanted to assert full control over both the situation and the negotiation process. Trump announced via Twitter that a planned secret meeting with Taliban leaders at Camp David would not take place, that there would be no immediate troop withdrawal, and that dialogue would resume only if the Taliban demonstrated a genuine commitment and an effective reduction in violence (Doucet, 2019; Bolton, 2020, pp. 438-443).¹⁷

The Afghan presidential election took place on the 28th of September amidst the stalemate negotiations. Ghani emerged victorious; however, tensions escalated with Dr. Abdullah, a prominent candidate who had previously contested the 2009 and 2014 elections without success. His past electoral defeats had led to significant political instability. The solution was reached the following year when Ghani retained the presidency, while Abdullah was appointed Chairman of the High Council for National Reconciliation, responsible for engaging with the Taliban.

Following a prisoner exchange, U.S.-Taliban talks resumed in December 2019.¹⁸ Concerned that Trump might once again withdraw from the negotiating team and determined to secure the American withdrawal, the Taliban declared a serious commitment to the negotiations (Zucchini & Goldman, 2019). The agreement was finalized between late 2019 and early 2020.

On the 22nd of February 2020, the Taliban and the United States agreed to a week-long reduction in violence across Afghanistan. One week later, they signed the Doha Agreement, marking the beginning of the end for the Islamic Republic of Afghanistan.

The Doha Agreement: content and criticality

In February 2020, as the world braced for the outbreak of the COVID-19 pandemic, the historic agreement failed to receive the attention it deserved despite its profound significance.

Signed on the 29th of February 2020 at the Sheraton Hotel in Doha, the agreement carried crucial implications for Afghanistan's future. The key figures behind the negotiations were reflected in the signatories: U.S. Special Envoy to Afghanistan Khalilzad and Mullah Baradar, under the oversight of U.S. Secretary of State Pompeo. While the primary stakeholders led

¹⁷ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp.132-133, 180-181.

Regarding the negative reaction of Congress to the potential meeting between Trump and the Taliban, particularly close to the anniversary of 9/11: Hearing before the Committee on Foreign Affairs, 'The Trump Administration's Afghanistan Policy', 19 September 2019, (<https://www.congress.gov/116/chrg/CHRG-116hhrg37846/CHRG-116hhrg37846.pdf>) pp. 4, 25-27, 30.

¹⁸ Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 182-183.

the process, representatives from various international organizations and countries – including Pakistan, Germany, Russia, and the United Nations – were also present. Although these entities did not directly participate in the finalizing of the agreement, they welcomed it as a potential catalyst for regional peace.¹⁹

The Afghan government was conspicuously excluded from the negotiations and the agreement. Instead, a joint declaration between the United States and Afghanistan was issued to create the impression that the Ghani administration aligned with the principles outlined in Doha.²⁰

The text signed in Doha is titled: ‘Agreement for bringing peace to Afghanistan, between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America’.²¹ The reference to the ‘Islamic Emirate of Afghanistan’, the name used by the Taliban for the country from 1996 to 2001 before the American-led invasion, is particularly significant. Although the U.S. rejected this terminology, its inclusion in the title could be misleading, as it evokes a sense of continuity between Afghanistan’s past and its envisioned future.

In the introductory section of the agreement, the parties outline four pivotal points deemed essential for facilitating a comprehensive peace settlement. The first defines the Taliban’s primary obligation: to provide guarantees and enforcement mechanisms to prevent Afghan territory from being used to threaten the security of the United States and its allies. The second establishes the corresponding responsibility of the U.S. to ensure the full withdrawal of all foreign troops from Afghanistan, accompanied by a detailed roadmap specifying the timeline. Notably, these initial two points are regarded as prerequisites for addressing the subsequent provisions. The third point highlights the launch of the intra-Afghan dialogue on the 10th of March 2020, while the final point reaffirms the commitment to establishing a permanent ceasefire within this framework. Consequently, the U.S. and Taliban defer discussions on ending hostilities and formulating a comprehensive political roadmap for Afghanistan to the intra-Afghan dialogue, emphasizing the crucial role of Afghan actors in shaping the country’s future.

The introduction concludes with a statement carrying significant implications: ‘The obligations of the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban in this agreement apply in areas under their control until the formation of the new post-settlement Afghan Islamic government as determined by the intra-Afghan dialogue and negotiations.’²² This reference implicitly conveys hope or expectation for a future government that would include diverse factions within the country, including members of the Taliban. This point aligns with Khalilzad’s argument regarding the centrality of the intra-Afghan dialogue, suggesting that prioritizing this process could create the necessary conditions for peace in Afghanistan. However, the intra-Afghan dialogue was relegated to a subordinate role. As mentioned in the previous paragraph, this was a direct consequence of Trump’s pressure to expedite the withdrawal

¹⁹ Security Council Resolution 2513, 10 May 2020 (<https://digitallibrary.un.org/record/3855892?ln=en>).

²⁰ Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, 29 February 2020. (<https://www.state.gov/wp-content/uploads/2020/02/02.29.20-US-Afghanistan-Joint-Declaration.pdf>); Khalilzad recognized that the Ghani government was excluded from direct negotiations, but it was always informed about the contents of the talks. Committee on Foreign Affairs, ‘Interview of Zalmay Khalilzad’, 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 124-129.

²¹ Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America, Doha Agreement, 29 February 2020, (<https://www.state.gov/wp-content/uploads/2020/02/Agreement-For-Bringing-Peace-to-Afghanistan-02.29.20.pdf>) p. 1.

²² Doha Agreement 2020, p.1.

of troops and the Taliban's persistent reluctance to engage with Afghanistan's official authorities. The reference to a post-settlement Afghan government implicitly undermines the legitimacy of Ghani's administration, suggesting that his government would inevitably have to step aside to accommodate their historical adversaries within a new political structure. While the formation of an inclusive government may be a desirable outcome, it should ideally emerge through future negotiations and the collective will of the Afghan people. Framing the establishment of a new government as inevitable could be seen as U.S. interference in Afghanistan's domestic politics. Alternatively, it might suggest that the United States expected a Taliban takeover.

The Doha Agreement is structured into three sections that outline the parties' commitments. Section 1 defines the United States' responsibilities and obligations within the agreement's framework. Section 2 details the duties and assurances required of the Taliban as part of the negotiated terms. Finally, Section 3 addresses the anticipated relationship between the United States and the government emerging from the intra-Afghan dialogue, offering a forward-looking perspective on the potential evolution of bilateral relations beyond the agreement's immediate scope.

The first section of the text outlines the U.S. primary obligation: the withdrawal of military forces. This plan, detailed within the agreement, establishes a 14-month timeline for the gradual withdrawal of troops, including public and private sector personnel. Notably, these commitments apply to coalition forces, raising concerns among allies who were not directly involved in the negotiations but remained dependent on American support. A closer examination of this section reveals a structured plan. Within 135 days, the United States would reduce its troop presence to 8,600, with allied forces making proportional reductions. Five military bases would be completely abandoned, while the remaining troops and bases would be withdrawn over the following nine and a half months.

An ambiguous aspect of this section concerns point C of the plan, which stipulates an exchange of up to 5,000 Taliban prisoners for 1,000 'of the other side' on the day intra-Afghan negotiations commence. Additionally, the Taliban is required to refrain from using these released fighters to threaten U.S. military interests. However, the text does not address the possibility of their use against the national army. While the numerical imbalance raises concerns, the more complex issue lies in the U.S. authority over prisoner negotiations, a responsibility traditionally falling under the jurisdiction of Kabul. Previous exchanges proposed by the Afghan government aimed to mitigate tensions, yet the direct involvement of the United States likely undermined national sovereignty.²³

The final points of this section, which depend on the commencement of intra-Afghan negotiations, address the revision of sanctions imposed on specific Taliban individuals. This commitment applies to U.S. sanctions and requires American efforts to lift UN sanctions. The final American obligation is to reduce both the threat and the use of force in Afghanistan.

²³ After the signing of the agreement, the Taliban pushed to reach the maximum number of prisoners. According to Khalilzad: 'The Afghan Government was not opposed to the principle; they were opposed to the number, that the number was too high. It should be equal numbers. And you have the disputes in other places; even you see it in Israel, Palestine, and so forth. So, yes they were a part of my agreement, and the reason for it was that we wanted to get to intra-Afghan negotiations, which was a big concession – the achievement that the Talibs would sit with the government that they had refused to sit, to get into that process – while we were still there. We believed it's in the interest of the government to enter serious negotiation while the U.S. was there, that the time doesn't run out, and that then the conditionality might, even if we wanted to exercise it, would not be operational'. Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 259-261.

The United States made commitments to a group of insurgents who undeniably contributed to instability but operated within the borders of a sovereign state. However, the full implications of these commitments can only be fully grasped by analyzing the Taliban's obligations.

The second part of the agreement focuses on the Taliban's commitment to preventing individuals or groups, including Al-Qaeda, from using Afghan territory to threaten the security of the United States and its allies. This section underscores the Taliban's pledge to prohibit terrorist activities, including hosting, cooperating with, and facilitating the recruitment, training, and financial support of such groups. While these points focus on these military assurances, the last two extend beyond security commitments into administrative and state-like responsibilities:

4. The Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban is committed to deal with those seeking asylum or residence in Afghanistan according to international migration law and the commitments of this agreement, so that such persons do not pose a threat to the security of the United States and its allies.

5. The Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban will not provide visas, passports, travel permits, or other legal documents to those who pose a threat to the security of the United States and its allies to enter Afghanistan.²⁴

Unlike counterterrorism measures, which the Taliban's territorial control could justify, these provisions recognize the insurgents' authority over immigration and legal documents, functions typically reserved for sovereign states. Moreover, they further undermine the legitimacy of Ghani's government. The rationale behind these points may lie in the desire to present a symbolic victory over terrorism within the U.S. context, potentially strengthening domestic support for the Trump Administration.

The question of assurances against terrorist threats raises three key concerns. First, robust mechanisms for monitoring and enforcing control over terrorist organizations are absent.²⁵ Including such provisions could have strengthened the agreement's credibility by providing a framework for accountability, potentially justifying the imposition of sanctions or other punitive measures in cases of non-compliance. Second, there is skepticism regarding the Taliban's genuine commitment to severing ties with terrorist organizations such as Al-Qaeda and the Haqqani Network. These groups maintain deep-rooted connections with the Taliban, reinforced by familial ties and mutual support in insurgency efforts (Jones, 2010, pp. 104-107). Particularly significant is the integration of the Haqqani Network within the Taliban's structure, further complicating perceptions of the insurgents' willingness to disengage from terrorist affiliations. Third, the expectation that the Taliban could exert control over all terrorist groups operating in Afghanistan, particularly ISIS-K, appears unrealistic.

Relations between ISIS and the Taliban have been tense since the establishment of the caliphate. In 2015, al-Baghdadi, the leader of ISIS, criticized Mullah Omar's limited education, arguing that it rendered him unfit to hold the title of Amir (a position Omar had assumed in

²⁴ Doha Agreement 2020, p. 3.

²⁵ According to Khalilzad, in the agreement there were secret provisions to oversee the Taliban's compliance regarding the assurances on terrorism. Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 40, 134-135.

1996), or commander of all the faithful. The rivalry over leadership among Muslims, particularly in Afghanistan, further strained relations between Mullah Omar and al-Baghdadi. The global aspirations of ISIS conflicted with the Taliban's localized objectives, creating additional tensions. In early 2015, in the absence of a response from Mullah Omar to ISIS's criticism, individuals with a Salafist background, former members of the Afghan and Pakistan Taliban, and Al-Qaeda established ISIS's Afghanistan branch with al-Baghdadi's approval. This group adopted the name ISIS-K, referencing the historical region of Khorasan. As previously noted, the U.S.-led coalition conducted airstrikes against ISIS-K in Afghanistan. Additionally, due to their ongoing rivalry, the Taliban engaged in direct clashes against ISIS-K.

The final section of the accord outlines three main points. First, the United States aims to secure recognition and support for the Doha Agreement from the United Nations Security Council. Second, it highlights a shared commitment between the United States and the Taliban to foster positive future relations. The 'new post-settlement Afghan Islamic government' is cited again, stating that the two parties expect its relationship with the U.S. to be positive. Third, the United States will seek economic cooperation for reconstruction with the future Afghan government.²⁶

An analysis of the Doha Agreement reveals a clear disparity in the obligations assumed by the United States and the Taliban. While the United States committed to a detailed plan for the withdrawal of all foreign forces from Afghanistan, the Taliban's assurances regarding the inviolability of U.S. territory lacked specificity and a clear implementation roadmap. Although the United States effectively fulfilled a key demand of the Taliban, assessing whether the agreement aligned with U.S. interests is more complex. This ambiguity stems from the assertion that the sole objective of the United States in Afghanistan was the eradication of the terrorist threat. While some policymakers may have sustained this perspective, the extensive investments in reconstruction, institution-building, and socioeconomic development over the past two decades suggest that U.S. objectives were far broader. Even accepting that the sole American objective was the fight against terrorism, doubts about a true diplomatic victory remain. As discussed in the section on the Taliban's obligations, these concerns revolve around the absence of effective control mechanisms, the enduring ties with Al-Qaeda and the Haqqani Network, and the Taliban's limited ability to counter ISIS-K.

The negotiation process reveals the divergent objectives of Khalilzad and President Trump. Throughout the talks, Khalilzad emphasized the importance of prioritizing intra-Afghan dialogues. However, the final text of the agreement establishes the priorities of the peace process in the following order: counterterrorism, withdrawal, and internal dialogue. This sequencing reflects the pressure exerted on Khalilzad by the U.S. president throughout the negotiation period. As previously noted, the envoy advocated for an inclusive peace process involving the Afghan people, government, and Taliban. In contrast, Trump sought to expedite the conclusion of American involvement in the conflict, aiming to leverage this achievement for electoral gains in the upcoming presidential election.

While Trump was undeniably committed to achieving the objectives set in Doha, the resulting agreement does not necessarily constitute a comprehensive peace accord for the Afghan people. Rather, it functions as a pact primarily designed to fulfill American strategic objectives, namely the disengagement from Afghanistan. Trump's pressure was instrumental in securing this agreement, but this was achieved by making immediate concessions on key issues — such as the complete withdrawal of troops — and by exerting pressure on the U.S. negotiators, during meetings or through social networks. Recognizing

²⁶ Doha Agreement 2020, pp. 3-4.

Trump's unwavering determination to end U.S. presence in Afghanistan, Khalilzad found himself in a precarious position, indirectly allowing the Taliban to avoid significant concessions beyond nominal commitments on paper. Nevertheless, the insurgents deserve recognition for maintaining a hardline stance for nearly two decades, ultimately securing substantial gains in Doha.

References to the intra-Afghan process gradually lost the prominence the U.S. administrations had assigned them at the outset of the negotiations. Instead, they reflect the envoy's efforts to persuade the Taliban to dialogue with the Ghani government. However, these references lack binding force, as evidenced by the text of the Doha Agreement, which underscores their marginal role.

These factors help explain why the agreement was drafted with numerous ambiguities, reflecting aspirations for effective peace, the urgency to disengage, and steadfastness. Combined, these elements complicate the assessment of the agreement's effectiveness in achieving its stated objective of bringing peace to Afghanistan.

The most conspicuously absent party from the Doha Agreement is the Afghan government. From the assurances granted to the Taliban and the decision to limit the use of force to the treatment of the Taliban as a quasi-state entity and the references to a post-intra-Afghan dialogue government, it is evident that the Ghani government emerged politically and militarily weakened from the accord.²⁷ The joint U.S.-Afghanistan statement proved ineffective in altering this dynamic. From the outset of the negotiations, the Taliban refused to engage with the Afghan government. Ultimately, they negotiated directly with the United States, bypassing Afghanistan's democratic institutions. The inclusion of the intra-Afghan dialogue in the Doha Agreement appears more as a concession from the Taliban to the United States than as a serious commitment.

Similarly, despite its longstanding involvement in Afghanistan, the NATO alliance was marginalized during the negotiation process. Member states, many of which maintained smaller contingents, were frequently excluded and left uninformed of the progress of the talks. Khalilzad's commitments on their behalf further compounded this marginalization, as the agreement stipulates the withdrawal of 'all foreign forces', rather than exclusively U.S. troops. While NATO members were operationally dependent on the United States in Afghanistan, the lack of consultation could further strain relations within the Atlantic alliance.

From a public perspective, while the Taliban's formal disassociation from Al-Qaeda can be framed as a diplomatic victory for the U.S. — considering all the concerns previously mentioned — it is difficult to characterize the Doha Agreement as a genuine peace accord. The exclusion of key stakeholders and the ambiguity surrounding the Taliban's commitments cast doubt on the agreement's ability to secure lasting peace in Afghanistan. In this regard, Stefano Pontecorvo, the last NATO Senior Civilian Representative for Afghanistan, remarked:

The political assessment of the Doha Agreement, whose importance in the Afghan situation is often underestimated, is dramatically simple and cannot ignore the result it produced. Obtaining conditions to allow the withdrawal of (U.S.) troops in relative safety and guarantees on the terrorism front is legitimate and indeed a duty

²⁷ According to Khalilzad the U.S. did not delegitimize the Afghan government through the Doha Agreement. Committee on Foreign Affairs, 'Interview of Zalmay Khalilzad', 8 November 2023, (https://foreignaffairs.house.gov/wp-content/uploads/2024/04/Interview-of-Zalmay-Khalilzad_Redacted_COMPILED.pdf) pp. 100, 136-139.

for responsible political leadership. Doing so in the way it was done, even knowing the effect it would have on institutions and security forces, still raises doubts. And not correcting the shot when the repercussions of one's decisions are clear is equally reprehensible. Giving hope for a negotiated peace was illusory, but a good part of the population, albeit made cynical by forty years of conflict, had initially believed in it. (Pontecorvo 2022, 108, translated by the paper's author).

Conclusion

Despite President Trump's intentions, the withdrawal of U.S. troops was not fully carried out during his tenure, leaving approximately 2,500 soldiers in the country (McHugh, 2023, pp. 594-597). The decision was driven by concerns within his security team, which recognized the potential political and strategic risks of a complete withdrawal.

The Doha Agreement marked the beginning of the intra-Afghan dialogue. However, the negotiations between the Afghan government and the Taliban representatives progressed slowly and failed to yield significant results (Ibrahimi, 2022, pp. 176-178). Despite Biden's election, the United States and its partners decided to withdraw from Afghanistan in August 2021. During the withdrawal, the Taliban swiftly seized control of nearly all provinces, achieving its objective in the following months. The Afghan army failed to resist the Taliban offensive.

This paper demonstrates that the Doha Agreement did not primarily aim to pursue peace and highlights how the negotiations between the Taliban and the U.S. have shaped Afghanistan's future trajectory.

Although the Doha Agreement references key elements necessary for achieving peace — such as the Ghani government and intra-Afghan dialogue — two critical issues undermine its stated aim. The first is the exclusion of the Afghan government from the negotiations, reinforcing its perceived subordination to the United States. According to this interpretation, the Islamic Republic of Afghanistan lost its legitimacy as its principal supporter — or its 'founder' according to the Taliban — decided to negotiate with the group established by Mullah Omar. The second issue is the Taliban's unwavering intransigence. Its objectives and ideology have remained unchanged over the years. The insurgents have always considered themselves the sole legitimate force capable of stabilizing Afghanistan, adhering strictly to policies and doctrinal precepts they deemed non-negotiable. This rigidity has made any prospect of compromise extremely unlikely.

Two key conclusions emerge from the text of the agreement. First, despite its title, 'Agreement for bringing peace to Afghanistan,' the true objective was not peace²⁸. A close examination of the document reveals that the only point of convergence between the two contracting parties was the withdrawal of the U.S. and NATO forces. However, it is difficult to regard this shared objective as the decisive factor in fostering a genuine process of stabilization and peace. Thus, the first conclusion is that disengagement — not peace — was the primary objective of the Doha negotiations. According to Laurel E. Miller, former U.S. Special Representative for Afghanistan and Pakistan:

In terms of what a peace agreement could actually look like, the preliminary agreement between the U.S. and the Taliban is only setting the stage for a potential

²⁸ This conclusion was also shared by U.S. Congressman Malinowski on different occasions. Hearing before the Subcommittee on National Security of the Committee on Oversight and Reform, 'Examining the Trump administration's Afghanistan strategy, part 2', 22 September 2020 (<https://www.congress.gov/116/chrg/CHRG-116hhrg41957/CHRG-116hhrg41957.pdf>) p.31; Hearing before the Committee on Foreign Affairs, 'The Trump Administration's Afghanistan Policy', 19 September 2019, (<https://www.congress.gov/116/chrg/CHRG-116hhrg37846/CHRG-116hhrg37846.pdf>) p. 47.

peace agreement and a peace process. An actual peace agreement among the Afghan parties is going to have to address a wide range of issues including political arrangements for Afghanistan, security arrangements for Afghanistan, implementation measures, verification measures. And so it will be complex and it will take time to negotiate that. And, frankly, the U.S.-Taliban agreement is only useful insofar as you actually get to that second stage. It does not, as I said, bring peace to Afghanistan.²⁹

In terms of fostering peace, the Doha Agreement remains hollow without subsequent negotiations.

The second conclusion concerns the agreement's destabilizing impact on the Afghan government, a process that had already begun with its exclusion from negotiations. The text of the agreement undermined Afghanistan's democratic institutions through several key provisions: the delegation of state powers to the Taliban and the unilateral U.S. decisions to reduce the use of force — thereby limiting support for Afghan military operations — and to bypass Kabul's authority in matters related to prisoner exchanges. The most critical issue, however, is the absence of an effective mechanism to ensure that the intra-Afghan negotiations would serve as a necessary and functional step toward reconciliation.

Following the U.S. withdrawal, the terrorist threat to the United States from groups based in Afghanistan remains uncertain³⁰. The absence of American targets within the country and its immediate neighbors has contributed to a reduction in immediate menaces. However, the U.S. departure has also limited the counterterrorism assessments, increasing uncertainty regarding the long-term security landscape. An unstable Afghanistan is likely to facilitate the proliferation of terrorist groups.

Since 2009, U.S. intentions to withdraw have been publicly articulated by both Democratic and Republican presidents. Although Obama and Trump adopted different approaches, both considered withdrawal necessary. The ambiguous diplomatic process that culminated in the Doha Agreement found its dramatic conclusion in August 2021. For this reason, the Taliban's return to Kabul, coinciding with the scheduled completion of Western withdrawal operations, should be tracked back to the negotiations' development and the Doha Agreement's final terms.

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²⁹ Hearing before the Committee on Foreign Affairs, 'The Trump Administration's Afghanistan Policy', 19 September 2019, (<https://www.congress.gov/116/chrg/CHRG-116hhrg37846/CHRG-116hhrg37846.pdf>) p. 83.

³⁰ Some experts warn that the terrorist threat posed by groups operating in Afghanistan against the U.S. is rising. United States Institute of Peace, 'Senior Study Group on Counterterrorism in Afghanistan and Pakistan: Final Report', May 2024, (<https://www.usip.org/sites/default/files/2024-05/ssg-final-report-counterterrorism-afghanistan-pakistan.pdf>) pp.10,15,19, 25-26,49.

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RESEARCH ARTICLE

Differences in Male and Female Political Communication

A Literature Review on the Specifics of Nonverbal Communication of Women in Politics

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Abstract

In the following lines, we review the literature on nonverbal communication of women in politics, analyzing studies published between 2005 and 2023. The analysis shows that the most frequently analyzed materials are video recordings or photographs from real speeches and debates of local or world politicians. It is also evident that there are differences in the nonverbal communication of men and women in politics, and that female politicians use a specific type of communication, the so-called mixed communication model, which includes “female” nonverbal and “male” verbal communication. This result is likely related to the stereotypes experienced by both politicians and voters, that women are more emotional and sensitive in communication compared to men. It also emerged that appearance is a significant element of nonverbal communication in politics for both women and men.

Keywords: Nonverbal communication; Politics; Debates; Women; Gender

Introduction

The following text focuses on a literature review in the field of specifics of nonverbal communication of women in politics and comparison with men in politics. The aim of this article is to gather the most significant current theoretical and methodological trends and information on the nonverbal communication of female politicians, describe its most important specifics, and compare it with the nonverbal communication of male politicians.

The reason for examining this topic is mainly the social and political development we are witnessing. Until relatively recently, politics was mainly a male domain, but now there are more and more women in politics. As a result, politicians are forced to address gender-related issues within their agendas and election campaigns. At the same time, they themselves become active agents of this issue, and thus these topics and the gender of politicians are reflected in how they present themselves, conduct election campaigns, and interact with voters. Politics and its actors are also increasingly visible to voters due to the rapid development of technology, even in situations that were previously completely hidden from voters or reached them only in the form of text in newspapers or radio. Now we have video recordings that can be seen live by thousands of people, increasing the importance of nonverbal communication and its influence on voters. Given this development, it is appropriate to address both of these factors and observe how they influence each other. Therefore, it is important to address the issue of nonverbal communication and the role of gender in politics. First, it is appropriate to deal with the specifics of nonverbal communication of female politicians and the differences between

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men and women in politics. Then, it is possible to discuss and further examine how these factors relate to gender stereotypes on the part of political actors and voters and how they influence voter behavior and preferences.

The existence of differences in nonverbal communication between men and women has been studied for some time, but in relation to politics, it is a relatively new topic, highlighted by relatively recent research on election campaigns before the US presidential elections, where D. Trump and H. Clinton competed, some of which are mentioned below.

The need for discussion and further research on these topics and subsequent monitoring of their impact on voters is indicated by some studies focused on how voters are influenced by their own stereotypical thinking about genders. For example, the research by Coulomb-Guly (2009) dealt with how stereotypical thinking of voters can influence voting behavior and results. One of the key findings of this study was that the appearance and attractiveness of a candidate is an important criterion for voters, with this element of communication having different weights for female and male politicians. Although these influences are relatively small, in politics, there is a tendency for voters to rely on gender stereotypes, even though the candidate's gender itself does not have a significant impact on their success, fulfilling these stereotypes can be related to the candidate's success.

This review will compare and summarize the results of existing research in the field of nonverbal communication, focusing on differences in communication of politicians depending on gender, with a particular focus on the specifics of nonverbal communication of women. Its aim will be to map the current state of knowledge in this area and provide theoretical and methodological foundations for further research. We will focus on the results and methodology of selected studies, as well as the existence of certain research directions in this area. In particular, we will focus on whether there are differences in nonverbal communication between men and women in politics and whether there are specific elements of nonverbal communication in the nonverbal communication of female politicians. In the discussion, we will touch on the topic of the aforementioned gender stereotypes and how nonverbal communication influences voter behavior and preferences, as well as the topic of campaign professionalization.

General Direction of Current Research and Definition of Important Terms

In the following lines, we briefly define important terms and theories associated with this topic and outline trends in current research. This text is therefore introduced with a brief synthesis of existing knowledge in the field of nonverbal communication and its specifics in politics, as well as the specifics of nonverbal communication of women and men. We also briefly discuss existing findings that connect both topics, similar to the aim of this review.

Nonverbal communication

Nonverbal communication, sometimes referred to as "body language", constitutes a significant part of all communication (Ekman & Friesen, 2003; Knapp et al., 2014). Nonverbal communication includes all communication that does not occur through verbal messages. It involves vocal, but not verbal, communication and communication through body position or its parts. Nonverbal communication can be further divided into many subgroups according to the part of the body being observed or the meaning of the communication. The main division is into all body movements, which we refer to as nonverbal communication, and vocal means, but not verbal, which we refer to as paralinguistic communication. Verbal communication is then communication through words. We usually use all these forms of communication simultaneously, but this is not always the case. In relation to verbal communication, nonverbal communication has

several functions. The substitution function can completely replace verbal communication, e.g., nodding instead of agreeing. Then there is the complementary function, which can emphasize and complement verbal communication, e.g., a smile and a thumbs-up can emphasize a verbally conveyed compliment. However, it can also contradict verbal communication. In such a case, we speak of a double bind, which is a type of communication in which an individual sends two incompatible messages simultaneously. This can be accompanied by unpleasant feelings on the part of the listener, who may then perceive the speaker as less credible. Nonverbal communication can also change verbal communication, as in the case of irony (Ekman & Friesen, 2003).

Nonverbal communication can be intentional, meaning the speaker is aware of it, and the form of this nonverbal message is in line with their intentions, which is more common in the case of substitution or complementary communication. On the other hand, nonverbal communication can be and often is unintentional, which is more common in the case of contradictory or modifying nonverbal communication. Unintentional nonverbal communication can help us estimate the actual emotions or hidden intentions of the speaker, which can be very interesting in relation to politics (Ekman & Friesen, 2003; Knapp et al., 2014).

Nonverbal communication can be further divided into several types of nonverbal communication, although this division is not always consistent, and some authors combine, omit, or add certain types. However, we can usually find the following types of nonverbal communication in the literature. These are facial and eye signals, i.e., facial expressions and eye contact. Another group is body signals, which include communication through intentional or unintentional movements of hands and limbs, body posture, and appearance, which includes gestures, kinesics, and posturics. Then there is communication through appearance, i.e., production. Another is communication through touch, i.e., haptics. Finally, communication through time and space, i.e., chronemics and proxemics, and territoriality (Gibson, 1992; Knapp & Hall 1996 in DeVito; Ekman & Friesen, 2003; Ekman, Friesen & Fadrný, 2015). From this list, it is clear that in research focused on nonverbal communication in politics, not all these types will appear. I believe this is due to several factors, the first being that some of these types of communication are often not influenced by the political actors themselves, and their research is therefore not as significant. For example, in a pre-election debate, the environment, i.e., proxemics and territoriality, is defined by how the studio is set up, and the appearance of politicians, i.e., production, can be significantly influenced by the intervention of an advisor or makeup artist. For the research of some other types of nonverbal communication, suitable research tools are not available. Outside of laboratory conditions, it can be difficult to observe them, precisely define their individual elements, and then code them, making their research challenging, such as kinesics, posturics, or haptics.

Nonverbal communication in Politics

In politics, nonverbal communication has an irreplaceable place. The importance of visual signals, and thus nonverbal communication, began to increase significantly after 2000, when television and later the internet and social networks became the main communication channels between politicians and voters. As mentioned above, politicians are aware of the importance of their image and that thanks to modern technologies, they are much more visible to voters than before and try to adapt their behavior accordingly (Schill, 2012; McNair, 2018).

Compared to nonverbal communication in a regular conversation, nonverbal communication in politics has some specific features. These arise mainly from the fact that the goal of politicians is not only to simply convey information to voters but also to

influence voters to give them their votes. In addition to descriptive studies that focus on a specific type of nonverbal communication or a particular politician or campaign, there are also studies that examine the impact of nonverbal communication on voters and their preferences. These studies often conclude that nonverbal communication, which is rated most favorably by voters, is characterized mainly by open gestures and facial expressions, frequent smiles, and high displayed confidence.

For example, the study by Haumer and Donsbach (2009) concluded that active and expressive nonverbal communication by a politician leads to a higher perceived level of leadership abilities among voters, while more passive and less expressive nonverbal communication gives voters the impression of generally lower personal qualities. Another study by Dumitrescu et al. (2016) states that nonverbal displays of confidence (such as an upright posture, expressive gestures, etc.), which largely coincide with the aforementioned active and expressive nonverbal communication, are perceived by voters as indicators of high political qualities and have a significant impact on their voting preferences. D'Errico (2019) confirmed the second part of this theory in his study, namely that more passive and less expressive nonverbal communication, which was associated with displays of humility on the part of the politician, led voters to perceive the politician as less capable. This is despite the fact that most people generally view humility as a good quality.

The research designs that studies most often choose correspond to this focus. Studies often focus on describing a specific nonverbal behavior of politicians and how voters perceive and evaluate this behavior and how it influences their preferences. Most often, facial expressions, gestures of politicians, and appearance are examined, less often other types of nonverbal communication. The research often uses real politicians and election campaigns, less often various experimental designs and fictional politicians (McNair, 2018).

Differences in Nonverbal Communication Between Genders

Although nonverbal communication is older and more primitive than verbal communication, it is not nearly as universal as it might seem at first glance. While some nonverbal expressions, especially facial expressions, are common to all people in the world, there are differences in many other nonverbal expressions between different cultures, individuals, and genders. The differences between genders are most noticeable in facial expressions, i.e., communication through facial expressions, in haptics, i.e., communication through touch, in proxemics, i.e., communication through distance, and in production, i.e., communication through appearance. Female facial expressions are characterized by a higher degree of eye contact, more expressive facial expressions, and more frequent smiles compared to male facial expressions. In haptics, women exhibit a higher degree of touch than men, both self-touch and touch of their communication partner. The most noticeable differences are in clothing, where women generally have more options, but they use them less in situations where they want to take a leadership position (Kaid, 2002; Machová & Švěhlová, 1996).

These findings are repeatedly confirmed and examined in more detail by a number of studies, but it also shows that the issue is more complex than it might seem at first glance. Generally, many studies conclude that women smile and nod more often, maintain a smaller distance, and use more gestures. However, it should be added that in some areas of nonverbal communication, the differences between genders practically do not exist or are strongly influenced by the social context. For many of these differences, there is no real explanation, and we must rely only on theoretical frameworks (Hall & Gunnery, 2013).

The differences between genders are not only in nonverbal expressions but also in their reading. Lewis (1995 in Ekman & Friesen 2003) states that women are more sensitive to

nonverbal signals than men, and this is probably because they are usually the primary caregivers of young children, with whom they cannot communicate verbally yet.

It seems, therefore, that differences in nonverbal communication between genders do exist, but their context and reason often remain questionable. The study by Miller (2011) brings an interesting reflection on this topic. Previous research essentially confirms what has already been mentioned, namely that women produce and read nonverbal signals associated with immediacy of contact, such as smiles, physical proximity, gestures, touches, etc., more and better. At the same time, they often associate this difference between genders with low performance and strength in social situations. Miller's study focuses on whether women actually behave differently than men or whether this difference arises from the fact that women and men are in different social situations and positions. The research confirmed that women indeed use some elements of immediate nonverbal communication more often and are better at reading them, but only in social situations where it is advantageous and where women are not in a position of power. In situations where women were in a superior position, their nonverbal expressions did not differ from those of men in the same social situation. Perhaps surprisingly, the research also revealed that the differences between men and women are probably significantly culturally conditioned. It was found that more and more pronounced differences between genders were in the USA, while in Brazil, these differences practically did not exist. The summary of this study then points out that women and men communicate differently only sometimes, and a possible explanation is that women are more flexible in communication and adapt their nonverbal communication more to the role they are in, while men are more consistent in nonverbal communication across social situations.

The Role of Gender in Nonverbal Communication in Politics

Here we come to the core of the theoretical framework of this review and the reasons why it seems necessary, namely that finding a more comprehensive and coherent theory on this topic is quite problematic.

Social development suggests that female politicians may sometimes suffer from excessive media focus on appearance. This is confirmed by the research of Hayes and Lawless (2014), which revealed that voters tend to adhere to traditional gender stereotypes and take them into account in their choice. The research by Grebelsky-Lichtman (2017) then suggests that women in politics work with this assumption and use a unique communication pattern that includes typically male and female traits in both verbal and nonverbal communication. In verbal communication, they apply typically male expressions, while in nonverbal communication, they use more typically female expressions.

Methodology

Selection of Time Range

We are conducting a literature review of studies in the field of nonverbal communication, focusing on women in politics. For accuracy, the review includes studies published from January 2005 to December 2023. The year 2005 was chosen as a cutoff because some studies published before this year reached different conclusions than studies published after this year, likely due to numerous social changes leading to a certain shift in thinking, as mentioned above. The first important factor in this shift is probably the significant development of digital technologies, including the internet and social networks, which began in the 1990s and culminated in the early 21st century, becoming a common part of the lives of most politicians and their voters. Thanks to the availability of television and the internet, the nonverbal communication of political actors became easily accessible to

the masses and thus gained importance in political campaigns (Schill, 2012; McNair, 2018). The second important factor is the increase in the number of women in politics. The beginning of this trend can again be traced back to the 1990s, but it became more pronounced in the early 21st century. For example, research by Deloitte and Touche (2000 in Bystrom et al., 2004) found that women in politics still have to overcome stereotypes and face the perception by some voters that they are less qualified or suitable for politics than men. However, later research showed that despite the persistent influence of stereotypes, change is occurring, especially due to the active efforts of many countries to increase gender equality (Rose 2012 in Novelli, 2022). In the field of politics, we can observe this change around 2005, when many European Union countries introduced gender equality quotas, significantly increasing the number of women in politics and making the issue of differences between men and women in politics and the impact of their behavior on voters more important (Lünenborg & Maier, 2014; Ross et al., 2020). The year 2023 was chosen as the cutoff to include the most recent studies.

Selection of Database

To ensure sufficient quality and academic level of the reviewed studies, the studies were selected from the Scopus database. This database was chosen based on a comparison of results using the same search procedure in the Scopus, Web of Science, Google Scholar, and Proquest databases. The databases generated a similar number of results, with a large overlap. However, Scopus generated the most results, so it was chosen for the review. The most suitable approach would be to use the same procedure in all the mentioned databases, but this approach would generate thousands of results, making it technically and time-consuming to go through them, and due to numerous duplicates, it would almost not increase the number of studies relevant to this review.

Procedure for Selecting Studies for the Review

Since some articles do not contain a list of keywords, it was necessary to search and select them in four steps. Only articles published in English were included. In the first step, articles were searched based on whether the words politician, political, woman, female, gender, nonverbal, appearance, communication difference, body language, and their combinations appeared in the title, abstract, or keyword list, as shown in the following table. These words and their combinations were chosen to always include a reference to politics, a reference to gender in general or women, and a reference to nonverbal communication. The names of individual types of nonverbal communication (such as facial expressions, haptics, etc.) were not included because these combinations did not generate any results or results that were not related to the topic. This is probably due to excessive specificity, with many authors using more general keywords to make their work easier to find in various databases. However, including all three areas being monitored was important because omitting any of them disproportionately increased the number of articles that would need to be reviewed, without bringing new articles beneficial to the review. Omitting words related to politics led to generating articles about general differences in communication between men and women. Omitting words related to gender led to generating articles about political communication and nonverbal communication in politics in general. Omitting words related to behavior and nonverbal communication led to generating articles about differences between men and women in politics in general but in areas unrelated to nonverbal communication.

The search time range was set to the years 2005-2023 (inclusive).

Since the aim of the review was to monitor the specifics of nonverbal communication of female politicians and compare them with male politicians, and not the impact of these

specifics and differences on voter preferences or interaction with gender stereotypes, keywords such as stereotype, voter, voting behavior, voting preferences, influence, etc., were not used.

In the second step, the retrieved studies were sorted again according to the criterion of the three monitored areas. The second step was necessary because entering the above words into the database search engine also retrieved studies that were related to the topic but dealt with only one or two of the three mentioned areas we are monitoring. Many of the retrieved studies also aimed at other goals, such as the impact of certain communication on voters, gender stereotypes in politics, the politician's presence on social networks, or how the media present them.

Therefore, from the studies retrieved in the first step, only those that contained words related to politics, such as politician, female politician, politics, campaign, debate, etc., in the keyword list or abstract (if keywords were not available), were selected for the review. Further, words related to gender, such as man, woman, gentleman, lady, gender, sex, names of specific politicians, etc., and words related to nonverbal communication, such as nonverbal communication, nonverbal behavior, appearance, beauty, representation, or image, and the name of a type or element of nonverbal communication, such as facial expressions or smile. For inclusion in the review, it did not matter whether the keywords exactly matched the wording and number of words listed in the table.

In the third step, it was necessary to exclude from the articles sorted in the second step those that were duplicated when searched by different words.

In the fourth step, the studies were read in detail, and those that did not fit the topic because they did not monitor all three required areas simultaneously (politics, gender, nonverbal communication) were excluded.

Following table shows the search process in the first three steps, where in the "combination of words" column, we see the words used for the search in the first step. The procedure was always "politician and woman" and the rows below, then "politician and female" and the rows below, "politician and gender" and the rows below, then followed by the combination "political and woman" and the rows below, "political and female" and the rows below, and "politician and gender" and the rows below. In the "step 1" column, we see the number of results found this way. In the "step 2" and "step 3" columns, we see the number of articles after the reduction made in these steps. "Step 4" is described in more detail below, along with explanations for specific excluded studies. The search for given word combinations was terminated when the combinations stopped generating new results (i.e., when step 3 brought 0 usable results). A total of 24 results were found in step 3 for all used combinations.

Table 1. Search Procedure and Number of Studies Retrieved for the Review

Combination of words	St. 1	St. 2	St. 3	Combination of words	St. 1	St. 2	St. 3	Combination of words	St. 1	St. 2	St. 3
politician AND woman	/	/	/	politician AND female	/	/	/	politician AND gender	/	/	/
AND	/	/	/	AND	/	/	/	AND	/	/	/
nonverbal	4	3	3	nonverbal	12	5	3	nonverbal	10	7	2
appearance	54	4	4	appearance	49	4	2	appearance	52	6	3
communi- cation	31	2	2	communi- cation	34	3	2	communi- cation	53	4	1
difference				difference				difference			
body				body				body			
language	17	1	1	language	10	1	0	language	14	0	0
political AND woman	/	/	/	political AND female	/	/	/	political AND gender	/	/	/
AND	/	/	/	AND	/	/	/	AND	/	/	/
nonverbal	15	5	1	nonverbal	30	2	0	nonverbal	24	7	0

Analysis of Methodology and Study Designs

Table 2. Comparative Overview of Studies (Alphabetically by Study Title)

Title	Author	Year of Publication	Observed Area of Nonverbal Communication	Study Method	Study Objective	Step 4
A “nasty woman”: assessing the gendered mediation of Hillary Clinton’s nonverbal immediacy cues during the 2016 U.S. presidential campaign	Laura Cummings, Jenepher Lennox Terrion	2020	Facial Expressions, Gestures, Posture	Analysis of newspaper articles on the nonverbal communication of real politicians from Massachusetts and Texas. It was assessed whether the nonverbal communication was positive or negative using facial expressions, gestures, or posture.	To observe the influence of gender on how voters perceive the trustworthiness and likability of H. Clinton in nonverbal communication compared to D. Trump. Examines media discourse regarding stereotypes.	Examines media discourse regarding stereotypes.
Appearance-based politics: Sex-typed facial cues communicate political party affiliation	Colleen M. Carpinella, Kerri L. Johnson	2012	Appearance - Femininity/Masculinity of the Face	Electronic measurement of the gender typicality of the faces of real politicians and comparison with party affiliation. Subsequently, respondents estimated party affiliation based on photographs.	To observe differences in typical gender features according to affiliation with Republicans/Conservatives or Democrats/Liberals. Examines gender traits	Examines gender traits and party affiliation.
Beautiful Politicians	Amy King, Andrew Leigh	2009	Appearance - Physical Attractiveness	Comparison of election results of real politicians with their physical attractiveness. Attractiveness was assessed based on photographs by independent respondents.	To observe the relationship between the physical attractiveness of politicians and their electoral success and compare differences between genders.	/

Beauty Contest Revisited: The Effects of Perceived Attractiveness, Competence, and Likability on the Electoral Success of German MPs	Sebastian Jäckle, 2017 Thomas Metz	Appearance - Physical Attractive- ness	Assessment of photographs of real politicians. Respondents evaluated competence, likability, and attractiveness, and the influence of gender, age, and the position of the politician was also assessed.	To observe the influence / of physical attractiveness on perceived competence and election results.
Bumps and Tears on the Road to the Presidency: Media Framing of Key Nonverbal Events in the 2008 Democratic Election	Valerie Manusov, 2011 Jessica Harvey	Discourse	Analysis of 110 articles and assessment of how the nonverbal communication of H. Clinton and the Obamas is described and how often the words "fist" and "tears" appeared in the text.	To observe how the media used the words "tears" and "fists" when presenting H. Clinton and the Obamas. the description of nonverbal communi- cation.
Candidate Gender, Behavioral Style, and Willingness to Vote: Support for Female Candidates Depends on Conformity to Gender Norms	Joanna Everitt, 2016 Lisa A. Best, Derek Gaudet	Gestures	Assessment of how respondents perceive the nonverbal communication from video recordings of real politicians played without sound. Subsequent evaluation of the personality traits of the politician by respondents, considering the gender of both the politician and the respondent.	To observe the influence / of nonverbal communication of men and women in politics on voter evaluations.

Cultural Differences in Face-ism: Male Politicians Have Bigger Heads in More Gender-Equal Cultures	Sara Konrath, Josephine Au, Laura R. Ramsey	2012	Discourse	Assessment by respondents from 25 different cultures of how they rate photographs of politicians and subsequent assessment of the level of individual and institutionalized sexism in the given culture and comparison of the results of these cultures.	To observe the relationship between "face-ism" and gender inequality in politics.	Examines media discourse regarding gender stereotypes and appearance
Emotional woman – rational man? Gender stereotypical emotional expressivity of German politicians in news broadcasts	Anna-Maria Renner, Lena Masch	2018	Expression of Emotions	Analysis of video recordings from news broadcasts with real female and male politicians and assessment of whether and how emotions are expressed in their nonverbal communication and whether there are differences between men and women.	To observe differences in / the nonverbal expressions of emotions between male and female politicians.	
Fashion in politics: Youri Oh what makes Korean female politicians wear the suit' not ' a dress?		2019	Appearance - Clothing	Content analysis of the appearance (clothing, accessories, hairstyle, etc.) of M. Thatcher and H. Clinton and assessment of how this influenced the current dressing of real Korean female politicians.	To observe the influence / of gender stereotypes and imperialism on the clothing of Korean female politicians.	

Female politicians: Tsifira Grebelsky- Lichtman	2017	Facial Expressions, real politicians and Gestures, assessment of their Paralinguistics	Analysis of speeches by politicians and assessment of their verbal and nonverbal communication - facial expressions, gestures, and paralinguistics.	To observe the existing communication patterns of female politicians based on speeches and articles about verbal and nonverbal communication of female politicians.
Gender Elect on Political Leaders' Nonverbal Communicative Structure during the COVID-19 Crisis	Tsifira Grebelsky- Lichtman, Roy Katz	2020	Facial Expressions, appearances of real Gestures, politicians during the Paralinguistic COVID-19 pandemic and cs, Posture assessment and comparison of their nonverbal expressions and subsequent comparison with the number of severe cases and deaths due to the pandemic.	To observe the influence of the gender of NCS leaders on the outcomes of the COVID-19 pandemic (deaths and severe cases).
Gender politics online? Political women and social media at election time in the United Kingdom, the United States and New Zealand	Valentina Cardo	2021	Social Media Comparison of the political communication of T. May, H. Clinton, and J. Ardern on social media Twitter and Facebook.	To compare the political communication of T. May, H. Clinton, and J. Ardern on digital technologies to feminize their campaigns.

Gender, Candidate Emotional Expression, and Voter Reactions During Televised Debates	Constantine Boussalis, Travis G. Coan, Mirya R. Holman, Steffan Müller	2021	Facial Expressions, recordings from debates Paralinguistic of real politicians, cs, observing facial expression expressions, voice, and of Emotions verbal expression and observing differences between politicians of different genders.	To observe differences in / facial, vocal, and textual communication depending on the gender of the politician and to observe the impact this has on voters.
Gender, Nonverbal Communication, and Televised Debates: A Case Study Analysis of Clinton and Trump' s Nonverbal Language During the 2016 Town Hall Debate	Ben Wasike	2019	Facial Expressions, recording of the debate Posture, Distance Trump. Individual "frozen frames" from the video were assessed, evaluating facial expressions, posture, and distance, and the results were subsequently compared by gender.	To observe the facial expressions, posture, and distance of H. Clinton and D. Trump during the pre-election debate.
Humility Expression and its Effects on Moral Suasion: An Empirical Study of Ocasio-Cortez' s Communication.	Francesca D' Errico, Peter Bull, Ernestina Giovanna, Leone Lamponi	2021	Facial Expressions, respondents rate the Expression humble demeanor of A. of Emotions Ocasio-Cortez (based on facial expressions of joy, calm, sadness, or anger) during a discussion on migrants.	To observe the influence / of humility expressed in the facial expressions of politicians on perceived competence.

Looks Good, You' re Hired? Evidence from Extra-Parliamentary Activities of German Parliamentarians*	Benny Geys	2013	Appearance - Physical Attractiveness	Comparison of electoral success and success in non-political activities with the physical attractiveness of real politicians. Attractiveness was assessed based on photographs by independent respondents.	To observe the relationship between the physical attractiveness of politicians and their success in non-political activities.	Examines the non-political activities.
Marketing the female politician: an exploration of gender and appearance	Minita Sanghvi, Nancy Hodges	2015	Appearance - Physical Attractiveness	Interviews with female politicians and people involved in campaigns and subsequent focus groups with voters to assess the specifics of political marketing for women in politics.	To observe the relationship between appearance and gender in the political marketing of female politicians using Goffman' s theory..	Examines political marketing.
Politics of the face: Colleen M. Johnson	Colleen M. Johnson	2013	Appearance - Femininity/ Masculinity of the Face	Assessment of the "warmth" and "competence" of real politicians by respondents. Subsequent electronic assessment of gender typicality and comparison with party affiliation.	To observe the relationship between gender facial traits and the assessment of the assessment of warmth and competence in politicians.	Examines the relationship between the assessment of gender traits and perceived characteristics.

Talk like a man, walk like a woman: an advanced political communication framework for female politicians	Tsfira Grebelsky-Bdolach	2017	Facial Expressions, Gestures, Paralinguistics	Analysis of speeches by 12 real female politicians in high political positions of women in politics. and comparison of their nonverbal expressions.	To observe communication patterns of women in politics.
The Political Gender Gap: Gender Bias in Facial Inferences that Predict Voting Behavior	Joan Y. Chiao, Nicholas E. Bowman, Harleen Gill	2008	Appearance - Physical Attractiveness	Assessment of how respondents rate the competence, dominance, attractiveness, and approachability of real politicians based on facial appearance. Subsequent selection from pairs of candidates in hypothetical elections.	To observe the influence of the gender of the voter and the politician on the assessment of physical attractiveness of politicians and on voting behavior.
The Relationship of Verbal and Nonverbal Behavior to Political Stature: The Political Interviews of Israel's Prime Minister Ariel	Tsfira Grebelsky-Lichtman	2010	Facial Expressions, Gestures, Paralinguistics, Posture	Analysis of transcripts of interviews with A. Sharon over the past 20 years by topic and subsequent analysis of gestures, facial expressions, and postures	To observe the relationship between verbal and nonverbal communication of female politicians and its impact on their performance.

Visual Gender Stereotyping in Campaign Communication: Evidence on Female and Male Candidate Imagery in 28 Countries	Marc Jungblut, Mario Haim	2021	Discourse	Analysis of photographs from media and social networks of real politicians using Face++. This involves automatic classification of facial expressions and associated emotions. The results of male and female politicians were subsequently compared.	To compare the visual self-representation of politicians from the European Union in the media and how the media use gender stereotypes.	Examines media discourse in relation to gender stereotypes
When a man debates a woman: Trump vs. Clinton in the first mixed gender presidential debates	Tsfira Grebelsky- Lichtmana, Roy Katz	2019	Facial Expressions, Gestures, Paralinguistics	Analysis of 3 television debates between D. Trump and H. Clinton and assessment of whether their behavior corresponds to the respective gender structures. Both verbal and nonverbal communication - facial expressions, gestures,	To observe the influence of gender on the verbal and nonverbal communication structures of politicians H. Clinton and D. Trump and their behavior in the pre-election campaign.	
Who Cares What They Wear? Media, Gender, and the Influence of Candidate Appearance*	Danny Hayes, Jennifer L. Lawless, Gail Baitinger	2014	Appearance - Clothing	Assessment of texts about fictional politicians by independent respondents. The text included a description of the candidate' s appearance, either positive, neutral, or negative, and the candidate' s gender.	To observe the influence of a politician' s clothing on election results, and if so, whether the effect depends on the gender of the politician.	

In this table, we can observe a range of information and trends. In the last column, we also find the addition of the 4th step of selecting studies for the review. In this column, we can see that out of the 24 studies found using the above-mentioned procedure, 9 had to be excluded because they did not deal with nonverbal communication of politicians in the sense we defined in the introduction. The most common reason was that the study did not focus on the type of nonverbal communication politicians use but on how the media write about it. Another common reason was that the study dealt more with sexual dimorphism than with appearance itself or primarily examined gender stereotypes rather than differences in communication between men and women in politics. For the subsequent analysis, 15 studies remained, which we discuss in more detail in the chapter on the analysis of study results.

In the first column, we can see the title of the study, and in the second column, its authors, where we see that one name appears quite frequently. This is Tsifra Grebelsky-Lichtman, who is the author or co-author of 5 articles. In the third column, we see the year of publication of the study, where it is evident that this topic is being studied quite continuously. However, we see an increase in the number of studies (8 studies) around 2018-2021 (inclusive), which, given the topics of the studies, could be related to the US presidential elections and the globally increased interest in political events. The other studies (8 studies) were published before this period, i.e., in the years 2005-2017 (inclusive). The chosen search procedure did not find any relevant studies published after 2021.

In the fourth column, we see the areas of nonverbal communication studied, where it is evident that the studies focus mainly on those forms of nonverbal communication that involve mainly the hands and face. This is probably related to the fact that facial expressions, gestures, and appearance, i.e., physical attractiveness/production, are the components of nonverbal communication that are well visible in situations where a politician appears in the media – that is, when the camera captures their portrait.

The fifth column briefly describes the methodological framework of the studies. Here we can see that only one study used fictional politicians, while the others used real local or globally known politicians. In the methodological procedures of the studies, we can observe several interesting trends. Some studies, especially those that examined only the appearance of politicians, used photographs as stimulus material, while studies examining facial expressions, gestures, and other forms of nonverbal communication used either video recordings or text, usually created for media purposes. Studies focused on paralinguistics, of course, could not do without audio recordings (usually in combination with video recordings). These stimulus materials were usually either compared with election results or assessed and evaluated by independent respondents. A wide range of things was assessed, especially whether respondents perceive the politician positively or negatively, what competencies they perceive in them, etc. There were very few studies that used electronic analysis using software designed for “reading” nonverbal communication, which may be related to the use of real politicians and their media appearances – most software is effective only when fairly strict criteria for the quality and method of capturing video recordings are met, and using it on an existing recording created for another purpose may be less effective. Some studies primarily dealt with the difference between genders, others examined this only as one of several variables, and some focused mainly on the specifics of female politicians without aiming to compare both genders. The topic of gender stereotypes and how these stereotypes affect the evaluation of politicians by respondents or how these stereotypes affect the nonverbal expressions of politicians themselves – that is, how gender stereotypes influence voters and political actors – also appeared very often.

In the sixth column, we see the goals of the studies, with the most common goal being to find the impact of a certain form of nonverbal communication on how respondents or voters evaluate politicians and whether the gender of the politician plays a role in this evaluation. A common research goal is also to reveal the relationships between the above-mentioned variables. Less often, studies focused directly on describing a certain form of nonverbal communication or describing differences between men and women in politics, which was the primary interest of this review.

Analysis of Study Results

In the following chapter, we summarize the most significant findings from the above-mentioned studies on the topic of nonverbal communication of women in politics, their specifics, and differences compared to the nonverbal communication of men in politics.

The studies can be divided into three groups based on what they found. The first group is studies that showed that there is a specific communication pattern for female politicians and also showed that the nonverbal communication of female and male politicians differs significantly. The second group is studies that show that an important part of the nonverbal communication of female politicians is not only body movements or facial expressions but also the often overlooked element of nonverbal communication, namely appearance. The third group is studies that focus on certain specifics of nonverbal communication and their connection with emotions.

Mixed Communication Model of Women in Politics

The most comprehensive findings are brought by Grebelsky-Lichtman in her studies. In her 2010 study, she revealed the existence of a specific communication pattern for women in politics, which she further complements and develops in her subsequent studies. This model examines the verbal and nonverbal expressions of female politicians and the relationship between these two communication channels.

In the 2010 study, Grebelsky-Lichtman attempted to find the relationship between the political position of a politician and the degree of congruence or incongruence between the verbal and nonverbal communication channels. She found that the degree of incongruence is higher in periods when the given politician has a higher position. In this study, the author describes the typical communication model of women in politics, which she further elaborates in subsequent studies.

According to the study by Grebelsky-Lichtman (2017) and the study by Grebelsky-Lichtman and Bdolach (2017), the nonverbal communication (including appearance) of female politicians is usually very feminine, in the traditional sense of the word. Their hair, clothing, makeup, and nails usually correspond to the overall feminine communication style they used when speaking. An example of this style, or its elements, is frequent eye contact and a smile when communicating with voters. Another element in feminine nonverbal communication is small hand movements close to the body, which female politicians use to accompany their speech, compared to larger and more expansive gestures of male politicians. Femininity is also evident in the paralinguistic component of communication, where female politicians largely support established stereotypes and use something that can be described as an “expressive voice”, with pronounced intonation and easily readable emotions, which we do not find in male politicians. However, it turns out that the nonverbal communication of female politicians, especially gestures, also contains many male elements. These are mainly sharp and assertive hand movements that accompany some more significant verbal statements. A typically male communication element that female politicians exhibit in this area is, for example, clenched fists.

It is therefore evident that female politicians use a full spectrum of nonverbal communication patterns regardless of gender predisposition. The author thus reveals a kind of mixed model of political communication for female politicians. This model includes a combination of male and female nonverbal communication elements. It also shows that this mixing of both gender roles is reflected in the comparison of verbal and nonverbal communication. Female politicians use more feminine elements in the nonverbal component of communication and only rarely use masculine elements, but in the verbal component, they lean more towards masculine elements. These studies conclude that for female politicians to be successful, they need to avoid being too “masculine” but also not appear too weak. Therefore, they need to use this specific combined pattern, which allows them to balance communication in a way that is pleasant for voters and positively evaluated. The discrepancy between verbal and nonverbal communication is usually perceived very negatively, but here it is adaptive and likely allows female politicians to appear assertive, constructive, and specific thanks to typically masculine verbal communication, yet kind and non-threatening thanks to typically feminine nonverbal communication (Grebelsky-Lichtman, 2017; Grebelsky-Lichtman & Bdolach, 2017).

Fairclough (2000 in Grebelsky-Lichtman & Bdolach, 2017) encountered similar behavior earlier, and his explanation still seems valid for this new communication model. For successful communication with voters, female politicians must act as leaders and exhibit masculine communication patterns that people usually associate with a good leader, but at the same time, they must behave like women and exhibit feminine communication patterns so that their appearance and behavior align with voters’ expectations. Contrary to assumptions, a woman in politics does not need to be “more masculine” than men to succeed in their competition. On the contrary, it is more advantageous if she uses predominantly typically feminine expressions in the nonverbal component of communication. I believe this communication model also fits very well with current trends of emotionalization and personalization in politics. It allows female politicians to express more emotions with which voters can identify and further allows them to express more of their own personality, thus bringing them even closer to voters.

While previous research examined female politicians and their communication during campaigns, in a 2020 study, Grebelsky-Lichtman and Katz examined female politicians and their communication during a crisis. In this study, the authors explore how gender influences nonverbal and verbal communication during a crisis and how this communication then affects voter behavior and, consequently, the outcome of the crisis (number of deaths and severe cases during the COVID-19 pandemic). The study shows that female politicians use more flexible facial expressions and eye contact in nonverbal communication, and overall, their nonverbal communication features empathy and optimism, while male politicians are characterized by nonverbal communication based on competitiveness and fear-mongering, with typical illustrative gestures that show their tension. Compared to previous studies, female politicians do not use typically masculine communication elements, thus not showing such pronounced differences between verbal and nonverbal communication. On the contrary, both communication channels are consistent, using those communication elements traditionally attributed to women. Regarding the development of the pandemic, the conclusions suggest that female politicians had lower numbers of deaths and severe cases in their countries.

The Importance of Appearance in Nonverbal Communication of Women in Politics

Previous models suggest the importance of appearance in communication but do not describe it in much detail. The results of our search suggest that appearance is one of the

most significant elements of nonverbal communication for politicians, especially female politicians.

King and Leigh (2009) examined whether the beauty of Australian politicians affects their electoral success and whether there is a difference in this effect between genders. The authors found a strong positive relationship between the assessment of the beauty of political actors and the share of votes they received in elections. The impact of beauty seems to be greater for male politicians. In their analysis, the authors acknowledge that the results may be influenced by the cultural background of the politicians and the evaluators. They further consider why the effect is greater for men than for women, even though they expected the opposite. According to the authors, the role may be that beauty in women can also carry some negative connotations, such as lower intelligence. The authors also found that this effect is higher for challengers than for incumbent elected politicians. The study also found that the effect is higher for undecided voters (King & Leigh, 2009).

Jäckle and Metz (2017) also tested the impact of physical appearance on the electoral results of politicians in Germany. They largely confirmed the findings of the previous study, namely that less attractive candidates are perceived as less competent and have lower chances of winning a mandate. However, the candidates were not assessed only based on attractiveness but also on perceived competence and likability. It was found that young candidates are more likely to be rated as more attractive, candidates who wear glasses as more competent, and male candidates with beards as more likable. The study results show that the impact on the number of votes received is influenced by the assessment of attractiveness and competence, while likability does not have a significant impact. Unlike the previous study, it was not convincingly proven that there is a difference in these effects depending on the gender of the political actors.

Another study considered both the gender of the candidates and the voters. They assessed a range of male and female political candidates from the USA based on how competent, dominant, attractive, and approachable they appeared based on their facial appearance. The results suggest that both the gender of the voter and the candidate influence how the politician's face is perceived and what results they achieve in elections. It was found that all voters are likely to vote for candidates who appear more competent. Regarding perceived approachability, it increases the chances of male candidates, especially among female voters, and attractiveness increases the chances of female candidates, especially among male voters. It was also found that male candidates are generally perceived as more competent, which contributes to gender differences in politics and makes it more difficult for female politicians to succeed in elections. The first possible explanation, according to the authors, is that men are indeed more competent than women; however, the authors themselves reject this as unlikely based on other studies that compared the competencies of politicians worldwide. An alternative explanation is that some political functions, especially high ones, are associated by voters with male politicians. In summary, two psychological attributes of voters were identified that likely contribute to the political gap between genders. First, gender stereotypes may lead voters to value male politicians simply because they have facial features associated with competence. The second factor is the possibility that voters use the same intuitively used heuristic when choosing a politician as when choosing a partner, namely that men prefer attractive women and women prefer socially high-status men. While the ideal personal qualities of a good political leader are largely different from those expected of a good partner, cognitive remnants of our evolutionary history may predispose us to use heuristics involving gender biases that are at odds with modern ideals of gender equality in political representation (Chiao et al., 2008).

The importance of appearance was also examined by Hayes et al. (2014), who investigated whether the neatness of appearance affects how voters perceive political actors and whether there are differences between men and women in politics. The study concluded that a sloppy and unkempt appearance negatively affects voters' evaluations. Surprisingly, it was found that there is not a significant difference between men and women, and therefore, it cannot be said that appearance has a greater importance for female politicians than for male politicians.

We can see that although the topic of appearance in political communication plays a role, studies do not primarily focus on the specifics of appearance in female politicians and the differences compared to male politicians. Studies are more concerned with the impact of appearance on election results, and the difference between the genders of candidates is used more as one of the factors. The study by Oh (2019) deviates from this trend in research and instead focuses very closely on the specifics of appearance, specifically the clothing of female politicians. An interesting aspect that this study brings is also cross-cultural comparison, as it dealt with female politicians in South Korea. It was found that the fashion of Korean female politicians has been adopting certain patterns from Western female politicians in recent years. However, the desired image of a Korean female politician varies greatly according to the age of the voters. It is evident that voters in this country appreciate when a female politician's clothing shows intellect, femininity, and honesty, with younger voters preferring femininity and older voters the other two qualities. This is probably because younger generations have fewer prejudices against the gender of female politicians than older generations, and therefore do not evaluate femininity in clothing as negatively. There are no significant differences in the clothing of Korean and Western female politicians, but there is a noticeable shift in the colorfulness of the clothing. Previously, Korean female politicians chose muted colors, but now more vibrant and lively colors are increasingly appearing in their clothing.

Differences in the Importance of Emotions in Nonverbal Communication of Men and Women in Politics

The study by Renner and Masch (2019) focused on the differences in nonverbal communication of men and women in politics without trying to fit them into a model or pattern that would precisely describe how the genders communicate. The results show that in German television news, there are significant differences between male and female emotionality expressed in nonverbal communication. The findings of this study are again in line with the stereotype of the "emotional woman". It was found that women not only generally express more emotions than men but also more positive emotions than men. This is especially evident in live television formats, such as talk shows, where moderators are not very able to influence the visibility of politicians' emotions by selecting certain shots. Such differences in self-presentation and emotionality could therefore indicate that female politicians are aware of this stereotype and try to choose a communication strategy that meets these expectations. Fulfilling expected stereotypes is probably advantageous because it is assumed that "male" negativity in election campaigns often reduces trust in political actors. From this perspective, a woman who uses a positive communication style strengthens citizens' trust (Lau et al., 2007 in Renner & Masch, 2019).

An earlier study by Everitt et al. (2016) also dealt with the nonverbal communication of men and women in politics and how this communication affects voters. This study also confirmed to some extent that female politicians achieve greater success when their communication aligns with the stereotypes that voters have about women. It was found that women who use assertive dominant gestures appear less feminine, and voters are

less likely to vote for them than when they are more restrained and “feminine” in their gestures.

Another study shows that voters evaluate politicians not only based on what they say but also on how they say it through facial expressions and paralinguistic means. The characteristics of a candidate can shape the way leaders use and how voters perceive the nonverbal communication of politicians. The study examined how these forms of communication differ among politicians and whether this difference is related to the gender of the politician. It was found that compared to male candidates, A. Merkel expresses less anger, but regarding other emotions, her expression is comparable to men. From the voters’ evaluations, it is evident that expressions of anger in A. Merkel are perceived negatively, while expressions of happiness are perceived positively. Interestingly, this effect only leads to a reduction in expressions of anger, not an increase in expressions of happiness. However, when comparing the frequency of expressions of both these emotions, it means that A. Merkel expresses happiness significantly more often than anger in debates (Boussalis et al., 2021).

The study by D’Errico et al. (2021) examined the expressed humility of politicians and, compared to the previous study from 2019, added the gender factor to the research. While the first study showed that expressing humility in a male politician may not have a positive impact on voters’ evaluations, this study provides findings on how humility is perceived in female politicians. It was found that, in general, positive emotions expressed by a female politician increased positive evaluations in terms of competence and benevolence, and this result is consistent with the fact that society expects higher emotionality from women.

Some other interesting studies focus on the communication of H. Clinton during her recent political campaign.

One of these studies focused on specific communication patterns that both candidates use in relation to their gender. The findings of this study suggested that during mixed debates, the candidates present themselves according to patterns that correspond to their gender, especially in the area of nonverbal communication, where gender patterns are most applied. H. Clinton smiled significantly more when she spoke, but also when she was just listening to what D. Trump was saying. Eye contact with D. Trump was also more frequent. Another feminine nonverbal communication pattern in H. Clinton’s behavior included expressive facial expressions that revealed her emotions (Grebelsky-Lichtman & Katz, 2019).

Another study is the analysis of the nonverbal expressions of H. Clinton and D. Trump during the 2016 debate. Body posture, facial expressions, and proxemics were evaluated. The analysis showed that H. Clinton maintains eye contact more and adopts more expansive postures, and her nonverbal communication is generally rated as friendlier than D. Trump’s. Thus, in terms of facial expressions, her expressions largely correspond to gender expectations, but in terms of proxemics, it is rather the opposite, as she tries to maintain a greater distance, and in terms of gestures, the mentioned expansiveness is associated with dominance, which is usually attributed more to men. The authors explain this discrepancy by the influence of debate preparation and overall higher experience with political debates compared to D. Trump (Wasike, 2019).

Discussion

From Table 2 and the analysis of the study results, several questions arise for reflection and discussion, particularly related to the topic of gender stereotypes. This topic has proven to be inextricably linked with the nonverbal communication of female politicians. There is also the question of the professionalization of election campaigns, which

influences certain forms or areas of nonverbal communication of both male and female politicians.

From a psychological perspective, the most interesting reflection is on the mixed communication model of female politicians, specifically why the discrepancy between nonverbal and verbal communication in female politicians can be desirable and appreciated by voters, while in almost any other sphere of communication, this dissonance is perceived very negatively and evokes unpleasant emotions and distrust towards the speaker. This is confirmed, for example, by a 2021 study (Belanche et al.), which confirmed the positive effect of high congruence between the influencer, the product, and the customer in the sale of certain products. In essence, a politician in an election campaign is a product that wants to convince as many customers, i.e., voters, as possible to “buy” or vote for them.

To some extent, this may be related to the fact that gender stereotypes, despite the negative connotation this term has gained recently, are very effective tools for grasping reality, and people feel certain and safe when these stereotypes are fulfilled by their surroundings. This makes people feel secure in their world and their construction of reality. This sense of security and certainty likely has more weight for an individual than the feeling of uncertainty brought about by the emotional incongruence caused by watching a politician with slightly conflicting verbal and nonverbal communication. However, further research is needed to address this question.

Although there is no research in political science that reliably verifies this assumption, we can find studies that deal with the issue of cognitive dissonance and the use of gender stereotypes in medicine, advertising, IT, etc., which can be somewhat applied to our issue.

For example, a study by Koo (2022) confirms to some extent that if certain elements of female politicians’ nonverbal communication correspond to gender stereotypes, it positively affects the election result. It was found that if female politicians smile, thereby fulfilling the stereotype that women should spread good cheer and ensure that others feel comfortable, they achieve better election results under certain circumstances. However, it should be added that a smile is positively evaluated purely because it is a positive emotion, regardless of gender.

A study by Kray et al. (2001) examined how gender stereotypes affect performance in negotiations. According to this study, it seems that men and women confirm gender stereotypes when they are activated implicitly, but when stereotypes are activated explicitly, people tend to behave in a way that contradicts the stereotype. This means that on a subconscious level, people try to adapt their behavior to gender stereotypes.

This is somewhat supported by research by Bryant et al. (2020), which dealt with attributing human characteristics to humanoid robots, particularly “gendering”, which is common practice in this field. The study showed that the technical parameters of the robot are significantly more important to the customer when purchasing than the robot’s gender. This, however, is not so significant for our study. What is interesting is the fact that manufacturers tend to attribute gender characteristics to a piece of electronics that inherently does not exhibit these characteristics and which are not very important to the target customers. This suggests, in my opinion, that a certain degree of gender stereotyping is very close to people, and they tend to use it subconsciously, even in fields where it is not expected and is not important.

A slightly different perspective on the reasons for using masculine verbal communication by women can be brought by a study by Einarsdottir et al. (2018), which suggests that the reason for using some masculine elements in female communication is the internal experience of societal pressure by women, not societal pressure itself. This study found that women in leadership positions typically face these obstacles: Women perceive top

management as a network that is closed to them. Work in top management seems tailored to men and requires women to take on disproportionate responsibility. Women feel undervalued. This ultimately leads to a comparison with men in similar positions and the finding that they do not fit the stereotype of a male manager. Women in these positions, therefore, feel pressured to adapt to the role of the male gender. It can be expected that in politics, which is somewhat similar to corporate management, similar principles will apply, and some female politicians will experience similar feelings.

Another interesting question, in my opinion, is how the presence of women in politics and their specific communication patterns affect their male colleagues. This question was addressed by Maier and Renner (2018). Their main argument is that male candidates find themselves in conflict with themselves when facing a female opponent. On one hand, they are expected to act according to their role as political leaders. On the other hand, they are expected to behave like gentlemen and treat the female politician with respect.

The authors of the study expected that male candidates would attack their opponents just as much in mixed-gender debates as in single-gender debates but would maintain greater politeness. Therefore, less rudeness should be seen in mixed-gender debates than in single-gender debates. It was found that men attack women just as often as male competitors but indeed show a lower level of intransigence towards women than towards men. Female politicians thus gain certain advantages in mixed-gender debates thanks to stereotypes (Maier & Renner, 2018). However, there is also evidence that different treatment of opponents based on gender decreases over time, both during the debate and over the time women can enter politics. A possible explanation is that women are gaining more ground in politics, their scope of influence is expanding, and voters and opponents increasingly see them as leaders rather than just women (Brooks, 2013 in Maier & Renner, 2018). The question is how this will develop in the coming years. More and more countries are introducing quotas for the number of women in politics, so it can be expected that the number of women in politics will continue to increase. The question is whether this effect of politeness towards women will gradually diminish as male politicians get used to the increasingly frequent presence of women in a previously purely male field.

The results of the research by Cummings and Lennox Terrion (2020) also suggest that the evaluation of whether adherence to expected gender stereotypes is positively assessed by voters and thus advantageous for female politicians is related to voter preferences. The first question this research raises is whether certain voter preferences are related to what behavior voters expect from a female politician or not. The second question is to what extent previous voter preferences influence the outcome of the study itself and whether, for example, the assessment of H. Clinton's very "feminine" nonverbal behavior would be different in the two examined articles/newspapers if H. Clinton were a Republican and not a Democrat.

Another important topic that emerged in the results was the issue of appearance. In my opinion, an interesting question is whether this form of communication is more significant for women than for men, and because of this, a relatively large number of studies focused on this specific form of nonverbal communication were found, while the names of other areas of nonverbal communication, such as "facial expressions", did not yield as many results. Or is it the opposite, namely that due to gender or other stereotypes, it is only more researched in women than in men, and in reality, this form of communication has the same impact on both genders.

The last topic is the emotions expressed in the nonverbal communication of politicians. Research brings interesting results, but quite often relies on voter evaluations or media discourse, and therefore, in my opinion, can easily deviate from an objective description of the reality of nonverbal communication of politicians.

From the analysis of the study results, it is evident, in my opinion, that gender stereotypes and the topic of the influence of nonverbal communication on voters and media discourse significantly affect the direction and, mainly, the way the topic of nonverbal communication of female politicians is researched. I believe that the consequence of this overlap is a surprisingly low number of results that would precisely correspond to the area of interest of this review, namely the description of nonverbal communication and its specifics in women in politics. I think we can also see this in Table 2, if we focus on the studies excluded in the 4th step of the study selection for the review, we can see that a large part of them examined stereotypes or media discourse, or the presentation of a politician on social media, or a combination of these topics, but dealt with nonverbal communication only marginally or not at all.

Many studies then only report differences between male and female politicians in the area that is largely influenced by the politician's team and not necessarily created by the politician themselves. However, there is a lack of greater awareness of the differences in behavior and demeanor that are less learned and influenced by people around the politician and that more reflect the true emotions and intentions of the politician. Therefore, I see this topic as interesting for further research, especially considering that the number and influence of women in politics are still growing.

In connection with this statement, it is necessary to consider the level of professionalization of campaigns in different countries and levels of politics, the influence of consultants on social media management. It is clear that in some countries and higher levels of politics, it is common for politicians to employ a number of consultants who take care of content production for social media. However, in some countries or levels of politics, professionalization is gradually penetrating, and not every politician uses these services. It is also evident that in the first case, social media do not really reflect the politician as such, while in the second case, they do to some extent. However, even in the second case, the technical proficiency of the politicians probably plays a role, and therefore some studies on politicians' social media may be slightly questionable.

It can be argued that many politicians also have consultants for public appearances and image creation, and therefore their nonverbal communication is also learned and essentially artificially created and thus does not reflect their personality. To some extent, this may be true, for example, a politician's clothing or hairstyle may be entirely influenced by their advisor's recommendations. Likewise, their body language may be somewhat learned, but given that most elements of nonverbal communication are subconscious and very complex to be learned (unlike a speech, for example), I believe it can have significant value in reflecting the politician as such. And although politicians often use some obviously learned gestures or smiles, most other nonverbal communication remains natural. This is mainly because it involves too many parts of the body and face, complex timing, range, and duration of individual elements to be constantly consciously controlled. Furthermore, this control is negatively affected by the direct connection of this type of communication to the individual's emotional experience, which often prevails over rational thinking and often reveals what the speaker did not want to disclose. This idea that nonverbal communication can only be trained to a limited extent and that nonverbal communication can reveal the true emotions and motives of the speaker is shared by many researchers in this field (e.g., Ekman & Friesen 2003; Knapp et al., 2013).

Despite the possible influence of consultants, another interesting topic for the future is clothing, especially because women's social attire offers more options than men's. It would be interesting to find out how different types and colors of clothing affect voters and whether there are differences in the significance of appearance between men and

women in politics. Existing research also mainly deals with clothing, but appearance also includes hair styling, beards, makeup, and much more that would also be worth researching.

Conclusion

In this study, I focused on a review of the existing literature and findings in the field of nonverbal communication of female politicians. The aim was to find out what specifics nonverbal communication of women in politics has and compare them with the specifics of nonverbal communication of men in politics. Another aim was to find out what research designs are most commonly used in this area and what the research trends and findings in this area are.

It turned out that there are not many studies that would precisely match our interest, and that most studies on the topic of nonverbal communication of women in politics are closely related to the topic of gender stereotypes or deal more with the impact of this form of communication on voters rather than just its definition and description. We also often find studies that do not examine nonverbal communication itself but how certain media or social networks describe it. Therefore, we discuss these topics in detail. This brings us to another interesting point that studies usually consider very little, but which is very significant for this topic and future studies should definitely address. It is the influence of the advancing professionalization of political campaigns, where we increasingly encounter various PR or psychology advisors in campaigns who can influence the nonverbal communication of politicians.

The review itself still brought several interesting studies and findings on the selected topic. We introduced the mixed communication model that women in politics often use. From the above studies, it is evident that there are differences in the nonverbal communication of men and women in politics. However, there are not only differences between men and women in politics but also between female politicians and non-politician women. This mixed model includes a combination of elements of male verbal and female nonverbal communication. It also turned out that an important component of nonverbal communication of women in politics is physical appearance and also emotions expressed through nonverbal communication.

Regarding research trends and methodology, it turned out that in some designs, female politicians and male politicians are compared, while some designs focus only on women. The most common method is the analysis of existing video recordings or photographs of real local or world politicians. Usually, appearance, facial expressions, gestures, and paralinguistics are analyzed.

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RESEARCH ARTICLE

Trajectory of Socio-economic Development of Ukraine in 1991–2021 from a World-system Perspective

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Abstract

The Ukrainian trajectory of socio-economic development has so far been looked at through different regional lenses. This paper proposes a more global interpretation, from the theoretical perspective of world systems. It will trace the trajectory of the Ukrainian economic position since the fall of the Soviet Union, in particular with regard to industrial position, market integration, and social implications. The decline in technological competitiveness and the social and demographic crisis are highlighted as underlying constraints that Ukraine faces today. It will conclude with some remarks on the relevance of global and historical world-system approach to understand the Ukraine's socio-economic development trajectory.

Keywords: World-system analysis; Global studies; International political economy; Historical sociology

Introduction

This paper advances an analysis of the trajectory of socio-economic development of Ukraine in 1991–2021 within a world-system political economy framework that, by considering the context of the crisis of global capitalism, can overcome the limits of dominant geopolitical, culturalist or institutionalist perspectives. Most studies adopt regional perspective, that may be helpful in describing local processes and border tensions, but neglect the broader picture of the patterns of integration of Ukraine in the global economy. Unlike Central Eastern Europe that – even if with a transition with high social costs (Meardi, 2012) – has followed a path from semi-periphery to (mostly) semi-central region, Ukraine has moved from a more central position to a kind of periphery of periphery. This path, now entrenched over more than three decades, has caused a situation of dependency that has come to constrain its future outlook.

The paper will first describe the approach and its utility for the Ukrainian case. The following sections will, in turn, describe the political economy development of Ukraine; trajectory of its industrial production base; social inequality implications; and two specific factors of dependence: debt and position in the commodity chain. The conclusion will draw the relevance of such a global and historical approach to understand the Ukraine's socio-economic development trajectory in the world-system context.

Post-Soviet Space's Integration into Global Capitalism

According to world-system theory (Wallerstein, 2010), world capitalism entered structural crisis in the 1970s. Post-World War II Industrial growth in the US and recovery in Europe and Asia led to capital overaccumulation, resulting in overproduction and overcapacity relative to demand. This caused intensified competition, declining profits, slowed investments and

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wage growth, and an even further slowdown in demand growth, and thus weaker demand. Capital shifted toward the financial sector in a process of financialization. Industrial capital reacted by relocating lower-level production to the periphery of global capitalism to exploit cheaper labor. This transfer required opening developing economies, liberalizing trade and finance, and creating favorable conditions for transnational corporations and investors.

The collapse of the Soviet Union and socialist regimes was crucial for this restructuring. As Krugman (2008: 78-79) noted, the fall of communism reduced the risk of investing outside the West, enabling transnational capital to globalize. This transformation of Western societies and the demise of socialism formed the conjuncture of neoliberal globalization as a response to capitalism's crisis.

Within this context, post-Soviet countries, including Ukraine, integrated into the global capitalist economy through neoliberal reforms amid the "end of history" euphoria, promising economic growth and democracy. The term "market economy" was mythologized to obscure capitalism's exploitative and unequal nature, focusing instead on developed Western models, ignoring the underdeveloped periphery. This created the illusion that Ukraine would join the capitalist core by abandoning socialism.

Post-socialist transformation studies were dominated by transition approach limited by methodological nationalism and core-centric models. Even alternative approaches, such as varieties of capitalism, fail to fully account for international and transnational influences shaping post-socialist trajectories.

The transition approach is part of the neoliberal modernization paradigm (Gilman, 2007, p.271-272) that came to dominance in the 1990s with the Washington Consensus roadmap for transition economies. This paradigm equated development with market liberalization, privatization, and institutional reforms to integrate into world markets, achieve catch-up modernization and convergence with Western economies (Kolodko, 2001; Acemoglu & Robinson, 2012).

However, Washington Consensus served class interests by favoring emerging capitalist classes and global investors while neglecting fair redistribution. In post-Soviet countries, neoliberal reforms caused massive poverty, inequality, and destruction of the middle class. Privatization and liberalization led to private monopolies, unpalatable levels of inequality, capital flight, and market distrust (Noman, 1999, p. 30).

World-systems analysis critiques the developmentalist thinking embedded in comparative political economy, such as growth models and varieties of capitalism, by conceptualizing capitalism as a historical system based on exploitation and structured around a stable core-periphery hierarchy. While individual countries may experience upward or downward mobility, systemic convergence between center and periphery is impossible, as this would compromise the logic of capital accumulation. Thus, divergence and differentiation between center and periphery is an integral part of capitalism, with the semi-periphery serving as both a stabilizing and transformative element.

World-system empirical researches confirm persistent global inequality and limited mobility between zones of wealth, refuting claims of convergence due to globalization. Studies by Arrighi et al. (1986, 2003), Babones (2005), and Karatasli et al. (2018) demonstrate the long-term stability of core-periphery differentiation.

Despite some upward mobility in the global South, global inequality has increased and no peripheral region has achieved sustained convergence with the core. This challenges neoliberal theories of modernization by highlighting enduring global hierarchies of wealth. Contrary to claims of declining inequality since the Industrial Revolution, long-term trends show persistent polarization between rich and poor countries. While temporary reductions occurred during periods of financial expansion, structural inequality deepened, reinforcing core-periphery differentiation. Internal stratification within both core and periphery further

exacerbates global inequality. World-systems research find no evidence of sustained convergence, as the core has consistently accounted for about 15% of the world's population, and peripheral divergence persists, especially during periods of systemic shifts.

World-systems analysis offers a sophisticated, historically grounded framework understanding of global capitalism, avoiding the methodological nationalism, unilinearity and one-dimensionality of neoliberal modernization. It situates national economies within the capitalist world-system's hierarchies and dynamics, allowing deeper insight into socio-economic processes beyond neoclassical and neoliberal paradigms. It is useful tool to study Ukraine's socio-economic path within global capitalist system.

World-system approach has influenced studies of global commodity chains and core-periphery and dependency relations within Europe (Gereffi, 2018; Madariaga & Palestini, 2021; Weissenbacher, 2022). This article contributes to this perspective by examining Ukraine's socio-economic trajectory within the capitalist world-system.

The Ukrainian Case

Studies of transformations in Central, Eastern and Southern Europe have identified development trajectories through models such as "peripheral growth", "dependent market economy", "dependent industrialization" and "dependent financialization" (Madariaga & Palestini, 2021), revealing their features under neoliberal market reforms.

Bohle and Greskowitz (2012) identify three capitalist models in post-socialist states: neoliberal, embedded neoliberal, and neocorporatist. The Baltic states adopted a neoliberal approach with open markets and minimal welfare, while Central and Eastern European countries combined foreign investment and export-led growth with retained welfare systems and active state industrial policy. Slovenia uniquely achieved a balance between competitive industries and neocorporatist social integration.

Unlike the countries of Southern Europe, which also experienced socio-economic shifts such as deindustrialization and financialization, the post-socialist states undergo a real systemic transformation, profound restructuring of social systems, class relations and production, moving from planned socialist economies to capitalism. This transition entailed industrial decline - even amid partial re-industrialization in cases such as the Visegrad Group countries - and reflected a form of forced peripheralization shaped by neoliberal policies promoted by the major capitalist powers through international financial institutions.

This process was much more strongly influenced and controlled by transnational factors, forces and actors than was the case with the southern European countries (Bohle, 2018; Magnin & Nenovsky, 2022). Post-socialist countries faced the conditionality of financing reforms with commitments to strictly prescribed policies and, with few exceptions, had much less selective neoliberalization and policy autonomy than the states of the southern European (semi-)periphery.

The forced neoliberal peripheralization of post-socialist countries led to severe social and economic crises. All post-Soviet states experienced deep transformational recessions. And economic degradation, industrial decline, and production primitivization. Industrial specialization and cooperation, processing stages number declined, while extractive sectors expanded, reflecting a structural regression (Chasovsky, 2013, pp. 42-45). Neoliberal reforms exacerbated poverty and inequality by reinforcing an export-oriented raw materials model dominated by a comprador oligarchy, while capital outflows depleted investment resources. Ukraine exemplifies this trajectory of forced peripheralization.

This study uses data to track Ukraine's trajectory in the capitalist world-system. Given the correlation between country's global economic position and GDP per capita, Ukraine's GDP dynamics from 1991 to 2021 serve as a preliminary indicator of its movement in the core-

periphery hierarchy. In addition, changes in industrial potential and value flows - trade, investment, and financial transfers - shed light on the restructuring of Ukraine's foreign economic relations, helping assess whether the country is winning or losing in the global distribution of surplus value as it integrates into the world division of labor.

Applying this approach to Ukraine, it is noteworthy that the World Bank classified it as a lower-middle-income economy until recently, but now, based on new estimates, Ukraine has been reclassified as upper-middle-income. In 2021, Ukraine's GDP per capita was well below the world average and lagged far behind that of the European Union. The country lagged not only behind Central European states such as the Czech Republic, Slovakia, Poland and Hungary, but also many non-European and developing economies. Its GDP per capita was comparable to a number of lower-middle-income countries, reflecting a significant development gap (Table 1). Ukraine remains among the poorest countries in Europe and can be seen as increasingly integrated into the periphery of the capitalist world-system, characterized by backwardness, poverty, social polarization, inequality, political instability, weak state institutions, and economic and political dependence.

Table 1. GDP per capita by country in 2021 (USD).

Country	GDP per capita (USD)
World Average	12,353
EU Average	39,180
Ukraine	4,776
Czechia	27,697
Slovakia	22,138
Poland	18,635
Hungary	18,755
Turkmenistan	7,051
Peru	6,827
Colombia	6,222
Paraguay	5,976
Moldova	5,275
Georgia	5,083
Libya	4,935
Guatemala	4,914
Iraq	4,869
El Salvador	4,642
Indonesia	4,287

Source: World Bank.

Since Ukraine's integration into the core-periphery division of labor was shaped by dominant forces within the global capitalist system, it was structurally excluded from joining the core. Its advanced industrial sectors—producing high value-added goods in aerospace, shipbuilding, and precision engineering—would have positioned it as a competitor to Western corporations, disrupting established patterns of capital accumulation. Sustaining such industries would have required access to substantial global markets and resources. Instead, Ukraine's incorporation through neoliberal reforms entailed deindustrialization and the dismantling of high-tech sectors, transforming it into a peripheral economy and source of surplus value for the core. This process resulted in the degradation and primitivization of its productive forces.

And while the Visegrad Group countries, selected for priority inclusion in the Euro-Atlantic structures of the EU and NATO, were offered “development by invitation”, which implied

sub-development and “dependent reindustrialization” under the control of TNCs within the framework of embedded neoliberalism, the result of Ukraine’s artificial peripheralization was involutory model of export-oriented deindustrialization and financial subjugation, with its subordinate position in production chains, strong dependence on imported components and low-wage nature of the labor regime as main comparative competitive advantage.

In the early 1990s, Ukraine was seen as one of the post-Soviet states with the greatest potential for integration into the Western European economy, being among the ten most industrialized countries in Europe (Kravchuk, 2002, p. 46; Amosha et al., 2021, p. 99). However, instead of developing the scientific and industrial base inherited from Soviet times, Ukraine experienced deindustrialization, infrastructure decline and weakened social protection institutions. In 1991, its GDP was comparable to China’s, accounting for 1% of global GDP; by 2021, this had fallen to 0.4% (World Bank Open Data; IMF Datamapper). A soft adaptation approach rejected hard neoliberal reforms such as shock therapy. Simultaneously, Ukraine’s integration into the global economy required economic ties in the post-Soviet space, but neither condition was realized, partly due to political and geopolitical factors.

Ukraine initially pursued a strategy of gradual reform, but under pressure from international financial institutions, it implemented neoliberal policies consistent with the global capitalist agenda. In 1992, Ukraine liberalized trade and prices, approved large-scale privatization, and changed its economic orientation from the CIS to the West. That same year, Ukraine joined the IMF and the World Bank, committing itself to market reforms based on liberalization, monetarism, and cost-cutting. However, liberalization and privatization without strong state regulation or social protection – unlike in Central Europe – exacerbated economic decline, inflation and social hardship.

Following Kuchma’s election, Ukraine initiated radical market IMF-led reforms in 1995–1996 aimed at financial stabilization and liberalization. The National Bank’s tight monetary policy, despite industrial contraction, succeeded in ending hyperinflation and implementing the 1996 currency reform that introduced the hryvnia pegged to the dollar. These reforms triggered a prolonged transformation recession (1991–1999), creating a model of high openness and export orientation toward low-tech, low value-added goods. The model’s vulnerability was revealed by the 1998 Asian financial crisis and Russia’s default, leading to capital outflows, hryvnia devaluation, and severe socio-economic consequences for Ukraine (Melnyk, 2014; Ohinok & Buriak, 2023).

Ukraine’s subsequent socio-economic development was marked by multiple efforts to recover from successive downturns: the transformation recession of 1991–1999, the 2008 global financial crisis, the 2014–2015 crisis following Euromaidan and conflict with Russia, and the 2020 recession triggered by the Covid-19 pandemic.

Throughout each recession and recovery, Ukraine’s economy has demonstrated a strong dependence on global market trends and external financial support. Even during its highest growth period (2000–2007), with annual GDP growth averaging 7%, expansion was driven by favorable international conditions, including rising global demand for metals and chemicals – Ukraine’s main exports – bolstered by cheap Russian gas (Grigoriev et al., 2009). Despite apparent growth in output, investment and productivity, structural distortions deepened. After losing 62% of GDP by 1999, Ukraine never returned to 1990 levels; by 2019, GDP was only 65.5% of that. Once one of the strongest Soviet republics, Ukraine ranks as a lower-middle-income country (Revyakin, 2017, p. 51). This “growth without development” reflects the way the country is integrating into the global economy, mainly through economic openness.

At the onset of neoliberal transformation, Ukraine was a moderately open economy, with exports accounting for 24% of GDP in 1992. As market reforms progressed, the country

became increasingly export-dependent: by 1995, exports of goods and services reached 47.1%, rising to 52–62% between 1999 and 2004 (NISD, 2021, p. 32). Simultaneously, Ukraine's integration into the global economy increasingly reflected patterns of unequal exchange.

Growing economic openness intensified negative structural shifts in Ukraine's commodity exports, especially during the 2008–2009 global financial crisis. Amid deteriorating global conditions and industrial decline, Ukraine's role in the international division of labor consolidated around raw materials and low-tech exports. Metallurgical products of a low degree of processing, agricultural and food industry products took the predominant positions in Ukrainian exports. They accounted for about half of Ukrainian exports in 2013. Before the 2008 crisis, metallurgy and the chemical industry accounted for more than half of export revenues. By 2017, however, food products and related raw materials had become the dominant exports. Low-tech goods, especially ferrous and non-ferrous metals, remained significant while the share of medium- and high-tech products declined (Salivon, 2019). According to the National Bank of Ukraine's research on Ukraine's balance of payments, the share of machinery, equipment, vehicles and devices and appliances in the structure of Ukrainian exports of goods decreased from 16.4% in 2007 and 14.4% in 2013 to 7.2% in 2017 (Ministerstvo rozvitku ekonomiki, 2019). This trend persisted through 2021 (Table 2).

Table 2. Structure of Ukrainian exports by sector and year (% of total exports).

Sector	2007	2013	2016	2018	2021
Agro-industrial complex and food industry	12.7	26.8	42.0	39.3	40.7
Mechanical engineering	17.2	16.8	11.9	11.5	9.0
Metallurgy	42.2	27.8	22.9	24.6	23.5
Chemical industry	10.2	8.0	5.4	5.5	5.8
Mineral products	8.7	11.8	7.5	9.2	12.4

Source: State Statistics Service of Ukraine (www.ukrstat.gov.ua).

Conversely, Ukraine's import structure has changed significantly. Until the early 2000s, imports were dominated by extractive industry goods, with relatively low shares of medium- and high-tech products (NISD, 2021, p. 32). However, during the 2000–2008 growth period, rising demand for capital goods—no longer met by domestic industry—led to increased imports of technologically advanced products. The share of engineering goods rose, as well as chemical products. Meanwhile, raw materials and low-tech goods declined (Table 3). High-tech imports rose to 13.9% in 2020 (from 7.8% in 2011), and medium-tech products reached 36.1% (up from 27.6%) (Statistical collection 2016, 2021; NISD, 2021, p. 34). These shifts underscore Ukraine's deepening integration into the core-periphery global division of labor as an agrarian and raw-material periphery.

Between 2000 and 2004, despite prioritizing European integration, Ukraine participated in the Eurasian Economic Community's Common Economic Space, reflecting the significance of CIS production and trade ties. Russia remained Ukraine's main trade partner, with mutual trade growing between 2000 and 2008 amid economic recovery. Ukraine's growth during this period was largely driven by Russian demand. Trade patterns differed: Ukraine imported mainly machinery from the EU and natural gas from Russia, while exporting raw materials to the EU and more technologically sophisticated industrial goods to Russia. In 2007, Russia accounted for over half of Ukraine's machinery, equipment, and transport exports, which comprised 14% of total exports (Grigor'ev et al., 2009). Overall, Ukraine's 2000s recovery relied on surviving Soviet industry and restored trade with Russia amid global economic growth.

Table 3. Structure of Ukrainian Imports by sector and year (% of total imports).

Sector	2007	2013	2016	2018	2021
Agro-industrial complex and food industry	12.1	6.5	9.9	8.9	10.6
Mechanical engineering	32.6	25.3	29.1	30.5	32.0
Metallurgy	7.8	6,5	5.9	6.3	6.0
Chemical industry	14.4	17.0	21.6	18.6	20.0
Mineral products	28.5	29.1	21.6	24.8	20.5

Source: State Statistics Service of Ukraine (www.ukrstat.gov.ua).

The Orange Revolution brought a pro-Western government that intensified Ukraine's Euro-Atlantic integration, including aspirations for EU and NATO membership, while worsening relations with Russia and refusing participation in the Customs Union and Single Economic Space. European integration was expected to attract investment for economic development. Key milestones included the 2007 launch of Association Agreement negotiations and the Deep and Comprehensive Free Trade Area (DCFTA), as well as Ukraine's 2009 entry into the EU's Eastern Partnership, aimed at aligning Ukraine's economy and legislation with EU standards (Sakwa, 2015, pp. 38-39). Ukraine's neoliberal transformation and Euro-Atlantic orientation were reinforced by its WTO accession on unfavorable terms in 2008 and the 2008 U.S. Strategic Partnership Charter, soon followed by the Russia-Ukraine gas conflict (Pirani et al., 2009). This unequivocal Westward turn heightened Ukraine's political and economic dependence on global powers and constrained its policy autonomy within EU, WTO, U.S., and international financial obligations.

In 2008–2009, the global financial crisis severely impacted Ukraine, causing a 15% GDP contraction and a 21.9% decline in industrial production in 2009. Reduced global demand sharply decreased exports and export revenues, while the national currency experienced significant devaluation (Melnyk, 2014). Ukraine's economy was in the worst position among CIS countries due to excessive openness and lack of protection from adverse global market effects. This increased reliance on external financing heightened the risk of debt dependency. A short-term recovery in 2010–2011 proved unsustainable, as a new recession emerged in 2012 amid the Eurozone crisis.

The crisis underscored the critical role of economic ties in the post-Soviet space for Ukraine, as its recovery depended largely on stabilizing export markets in the CIS, a loss that could not be compensated by a sole focus on European markets. Although the EU's economic potential exceeded that of Russia and the CIS, these countries remained Ukraine's main trading partners. In 2011-2012, CIS countries accounted for about 37-38% of Ukrainian exports, compared to 25-26% for the EU, with Russia alone accounting for 25.6-29%. In imports, CIS countries accounted for 41-45%, while the EU's share was around 31%, with Russia accounting for 32.4-35.3% of total imports (Statistical collection, 2012).

Under these conditions, it became obvious that unilateral European integration at the expense of the "eastern" vector risked deepening Ukraine's peripheralization and damaging its economic development. Without abandoning the EU course, the Ukrainian government sought to balance it by closer cooperation with the Customs Union. This approach was driven by projections showing that a free trade zone with the EU would result in significant losses - worsening trade terms, reduced access to EU markets for agricultural, food and engineering products, and exposure to protective measures and technical regulations. Increased EU imports are unlikely to be offset by increased exports, while Customs Union

membership promised potential economic benefits (Shevchuk & Yakym 2016; Kukharskaya, 2015).

All attempts at two-vector integration, including proposals for trilateral cooperation and a common economic space from the Atlantic to the Pacific, were rejected by the EU, which regarded Ukraine as its periphery—a source of economic advantage amid its own crises. The EU maintained that a free trade area with Ukraine was incompatible with participation in the Customs Union or the Single Economic Space (Sakwa, 2015, pp. 76-78). As the asymmetry of benefits became clear, with the EU gaining significant leverage over Ukraine's economy, the Ukrainian government suspended preparations for the Association Agreement, citing the need to normalize economic relations with Russia.

The suspension of European integration triggered the Euromaidan, which led to national division, the loss of Crimea, and war in eastern Ukraine. The subsequent breakdown of relations with Russia - in trade, investment, transit and credit - alongside the collapse of cooperation and logistics chains with the uncontrolled territories brought Ukraine's economy to the brink in 2014-2015. In two years, Ukraine lost 20% of its economic potential, 10% of its territory, and shrank its GDP by 16.4%. From 2014 to 2017, GDP declined by an average of 2.9% per year. Direct economic losses are estimated at \$100 billion, while Donetsk and Luhansk regions alone lost 1.2 trillion UAH of GRP (10% of national GDP for 2014-2018). The growth of military and debt service costs increased from 8.5% of the budget in 2013 to 15.3% in 2015 (NISD, 2021, p. 94), further hampering socio-economic development.

The loss of Russian and CIS markets dealt a severe blow to Ukraine's economy. Since 2014, trade with Russia has collapsed: its share in Ukraine's foreign trade dropped from 27.4% in 2013 to 7.1% in 2021. Bilateral trade fell 5.2 times—from \$37.9 billion in 2013 to \$7.2 billion in 2020. Ukrainian exports to Russia declined by 81.7% and imports by 80.3% over the same period (Statistical collection, 2014, 2021; NISD, 2021, p. 96). Critically, Russia had been the primary destination for Ukraine's high value-added exports. In 2014, it accounted for 27.8% of high-tech exports and, in some years, up to 50% of medium-tech exports. Final consumer goods exports to Russia comprised 30.3% in 2014 (Torgovyj razryv, 2015). Losing this market led not only to a revenue shortfall, but also to structural degradation of export-oriented industries, including closures of high-tech enterprises, loss of skilled labor and scientific and design potential. Despite the sharp decline, Russia remained Ukraine's fourth-largest trade partner in 2021, with turnover reaching \$9.5 billion, although trade consistently ran at a negative balance (Statistical collection, 2021).

Ukraine's reorientation toward EU trade has failed to compensate for the loss of CIS markets. Trade volume with the EU stood at \$43.7 billion in 2013, modestly rising to \$45.7 billion in 2019 and \$55.7 billion in 2021, with the EU accounting for 39.2% of Ukraine's foreign trade (Statistical collection, 2014, 2019, 2021). Despite the growing role of the EU and the free trade area, trade remains structurally unbalanced, with a persistent negative trade balance. Association and free trade agreements include protective mechanisms that restrict access for most Ukrainian finished goods, while Ukraine fully opens its markets to European imports, undermining domestic producers. As a consequence, Ukrainian goods are substituted by imported ones. Ukrainian products prevail only in low-tech segments of the domestic market. In agriculture, Ukraine cannot export to Russia since 2016, while the EU offers limited access, primarily for raw materials, reinforcing a peripheral role. Minimal duty-free quotas appear to contradict the principles of free trade. Overall, the free trade area has not led to substantial socio-economic improvements in Ukraine.

In a certain sense, the reorientation of agricultural exports to markets in North Africa, the Middle East, and East Asia—particularly China—offered a lifeline for the Ukrainian economy. Amid China's diversification of trade ties during its trade war with the U.S., bilateral trade surged, making China Ukraine's key trade partner, rivaling the entire CIS. In 2021, the CIS

accounted for 14.1% of Ukraine's foreign trade, while China's share was 12.1% (Statistical collection, 2021). However, the trade structure remains unfavorable: Ukraine primarily exports agricultural and metallurgical products, while importing high value-added manufactured goods from China.

Ukraine's trade balance remains negative due to imports consistently exceeding exports. While the country maintained a positive trade balance from 1999 to 2005, this trend reversed after 2006, reaching a deficit of over 9% of GDP by 2013. Between 2006 and 2020, the cumulative trade deficit in goods and services totaled approximately \$125 billion (NISD, 2021, pp. 34-35). This sustained imbalance contributed to a steady outflow of resources, rising debt obligations, and loss of added value and investment potential by the national economy.

Since economic growth is closely linked to the dynamics of gross investment, the sharp decline in investment in Ukraine is particularly important. Total investment declined from 39.05% of GDP in 1992 to 10.3% in 2021, while the savings rate fell from 35.25% to 9.6% over the same period (IMF, World Economic Outlook Database). The decline in domestic savings and investment has weakened productive capacity. Even during the economic recovery of 2006-2008, investments concentrated in export-oriented sectors remained highly dependent on favorable external conditions. The global crisis of 2008-2009 revealed the fragility of this model, as lower demand led to a sharp drop in investment and prolonged stagnation.

Beyond low investment levels, Ukraine's investment structure hinders economic development and technological modernization. Capital remains concentrated in raw materials and low-tech export sectors, while manufacturing continues to decline. Between 2010 and 2020, investment in machinery and equipment fell from 5.2% to 3.8%, while investment in chemical production fell from 8.1% to 3%, leading to a drop in investment in medium-high-tech industries from 19.0% to 12.2%. In 2020, extractive industries and utilities absorbed more than half of all industrial investment, while food and metallurgy, both low-value-added sectors, received just over 10%, reflecting a persistent structural imbalance (NISD, 2021, p. 62).

The main obstacle to establishing of an investment cycle capable of supporting the expanded reproduction of industrial capital is the neoliberal market reforms. These reforms fragmented industrial production through privatization and subordinated it to oligarchic financial and industrial groups driven primarily by short-term profits, with minimal reinvestment in production. The separation of raw material extraction - highly profitable under favorable world market conditions - from domestic processing has led to the decline of the manufacturing industry. Deprived of investment, the manufacturing sector degraded as capital was disproportionately concentrated in raw materials and low-tech industries.

This has caused the inability of Ukrainian industry to organize the production of sufficient capital goods, both in quantity and quality, to modernize its technical base. A large share of investment supports outdated assets, making capital formation heavily reliant on imports. Between 2014 and 2019, imports accounted for 86-88% of machine-building products (NISD 2021, p.64).

Another factor for the low level of investment in Ukraine is the NBU's tight anti-industrial monetary policy, which is in line with the Washington Consensus principles. Prioritizing inflation targeting, the NBU maintains a high discount rate, limiting money supply and credit availability. Consequently, enterprises primarily rely on internal funds concentrated in export-oriented sectors, further reinforcing Ukraine's peripheral export specialization.

Thus, the weakness of the investment process in Ukraine and its deformed structure consolidated the low-tech export orientation of the economy, its technological

backwardness and dependence, and blocked the possibility of progressive changes and structural renewal based on innovative development.

Foreign investment was expected to be a key driver of development - one of the main arguments in favor of signing the Association Agreement with the EU and DCFTA. However, despite measures to protect investors, liberalize capital flows and currency regulation, and maintain an undervalued hryvnia, Ukraine failed to attract significant FDI. This outcome was predictable as trade liberalization and tariff reductions under the WTO weakened domestic producers while removing incentives to invest in Ukrainian industry. It became more profitable to export finished products to Ukraine than to invest in domestic production. Meanwhile, Ukraine's raw materials remained freely exportable, reinforcing its role as a supplier to industrialized economies. The Association Agreement and DCFTA further deepened this economic openness.

Since the early 2000s, investment inflows to Ukraine have generally grown, albeit unevenly, with a marked decline after 2014. Ukraine continues to attract very low levels of foreign capital: from 1991 to 2021, total FDI amounted to just \$49.7 billion. Moreover, the share of new investment declined, while reinvested earnings increased - amounting to 40.4% of FDI in 2017, 58.3% in 2018, and 55.5% in 2019. Since reinvestment does not involve actual inflows, net FDI remained minimal (NISD 2021, p. 64).

Ukraine's investment income balance remains negative with net outflows amounted to \$114.2 billion between 2008 and 2021 (Dynamika platizhnoho balansu Ukrainy). Thus, foreign investment often serves as a channel for capital extraction. Investors' profits are either reinvested, consolidating external control over the economy, or withdrawn, further depriving the country of development resources.

The concept of foreign direct investment in Ukraine is often misleading. Although the EU looks like the largest investor, the leading sources of FDI include offshore jurisdictions such as Cyprus, the UK, the Netherlands, Switzerland, the Virgin Islands and Belize. Most of this capital is of Ukrainian origin and is channeled through offshore structures for tax optimization and legal advantages (Table 4). According to the NBU, Ukrainian residents eventually controlled at least 25.5% of FDI inflows (\$11.1 billion out of \$43.6 billion) between 2010 and 2021, with this share rising to 50.9% in 2020 and 68.5% in 2021 (NBU, 2022).

Table 4. FDI volumes in Ukraine, 2010–2019 (USD billion).

Indicator	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total FDI in Ukraine	45.4	48.2	51.7	53.7	38.4	43.8	45.2	45.2	44.0	51.4
Including from EU-27 countries	34.7	36.7	38.6	38.3	27.1	31.9	31.7	31.9	31.6	37.6
Of which from EU-25 (excluding Cyprus and the Netherlands)	13.7	14.7	14.0	11.5	8.3	8.5	9.4	8.9	8.6	9.8
Annual change rate of FDI from EU-25 (excluding Cyprus and Netherlands)	7.1	-4.8	-17.6	-28.0	2.0	11.2	-5.1	-3.3	13.7	–
CAGR of EU-25 (excluding	-5.6%			–					+1.4%	

Cyprus and the Netherlands)

Source: Vlasniuk (2021).

Foreign investment has had little tangible impact on economic development and capital formation in Ukraine. From 2010 to 2020, foreign investors accounted for no more than 2-3% of total capital investment, declining to about 1% in 2018-2021. The vast majority of investment funding was carried out at the expense of enterprises' own resources (NISD, 2021, p. 70).

Foreign investors have little interest in high-tech manufacturing and R&D due to long payback periods and elevated risks. Instead, FDI is concentrated in sectors with high returns and short cycles, such as financial services, agriculture, raw materials and low-tech industries. This pattern reinforces the technological backwardness of Ukrainian industry and consolidates its peripheral status within the global capitalist economy.

WTO accession and the establishment of a free trade area with the EU did not improve Ukraine's socio-economic conditions. On the contrary, unilateral trade liberalization and weakened protection of domestic producers have deepened the exogenization of development. Adhering to a neoliberal strategy focused on openness and comparative advantages, effectively positioning Ukraine as a complementary periphery of the Euro-Atlantic core, and at the same time aligned with a pro-Western, anti-Russian geopolitics, the country became increasingly dependent on external political and economic forces.

Ukraine's peripheral socio-economic system lacks capacity to drive scientific and technological progress and support innovation. Over 90% of industrial production remains at a low technological level, only 10-12% of enterprises are engaged in innovation, and innovative products provide no more than 7% of sales. These indicators are 5-7 times lower than in developed economies (Ostapiuk et al., 2018, p. 45).

In 2015, Ukrainian enterprises allocated only 0.56% of total production costs (UAH 13.8 billion out of UAH 2.45 trillion) to innovation, with only 17.3% of firms engaged in innovation activities (Kindzersky, 2017, p. 58). As a result, the knowledge intensity of Ukraine's GDP (expenditures on scientific and technological research in relation to GDP) was one of the lowest in the world and fell from 0.99% in 2005 to 0.62% in 2015. By comparison, the EU average in 2014 was 2.03%, while in South Korea, Japan, Finland, Germany and the US the figure ranged from 2.8% to over 4%. Unsurprisingly, Ukraine's ranking in the Global Innovation Index fell from 43rd place in 2018 to 47th in 2019 and 45th in 2020 (Orlenko & Onishchuk, 2021, p. 140).

Ukraine's incorporation into the capitalist world-system was accompanied by a sharp decline in industrial production. Neoliberal reforms led to a structural shift towards labor-, energy- and resource-intensive industries, while output of high-tech final products declined. As a result, Ukraine's economy steadily lost its scientific and technological potential, increasingly resembling a raw material appendage of the global economic system.

The Trajectory of Industrial Production

The decline of Ukrainian industry, especially machine building, illustrates a broader structural crisis. Driven by neoliberal and comprador forces focused on quick private profit at the expense of favorable world market conditions and high demand for raw materials, Ukraine's economy is increasingly acquiring features typical of peripheral economies. During market reforms, machine building has declined, giving way to the extraction of raw materials and the production of semi-finished products. Entire high-tech sub-branches disappeared - aircraft building, rocket and space technology, shipbuilding, heavy and power

engineering, agricultural equipment, computer production, automation and robotics. As a result, the share of high-tech industries sharply decreased, while the raw materials industries expanded. Industrial production became dominated by low-quality, low-value-added steel products. Overall, the neoliberal transformation significantly reduced the role of industry in the economy: from 54.6% of gross value added in 1991 to only 23.2% in 2021 (World Bank Open Data). In 2020, share of products of high-tech industries accounted for only 4% of manufacturing, medium-high-tech for 13%, and medium-low-tech and low-tech for 37.8% and 45.1%, respectively (NISD, 2021, p. 89).

In 1990, mechanical engineering dominated industrial production, followed by food processing, metallurgy and light industry. By 2010, this structure had changed significantly: metallurgical production became the leading industry due to its export orientation, food industry took the second place, and machine building significantly decreased. Light industry, especially textiles and clothing, had virtually disappeared. Between 2016 and 2020, further structural shifts took place, with food processing becoming the main sector, metallurgy moving to second place, and machinery continuing to decline. These changes reflect a marked deterioration in the structure of industrial production and a further decline in the output of major industrial goods (Kindzerskij, 2017, p. 55; Marchuk, 2020, p. 62; Table 5).

Table 5. Changes in the structure of industrial output by sector (% of total output).

Industry Sector	1990	2010	2016	2019
Mechanical Engineering	30.5	9.3	6.1	7.2
Food Industry	18.6	18.0	21.4	20.4
Metallurgical Production	11.0	18.8	14.8	14.0
Light Industry (Textiles, Clothing)	10.8	0.7	0.9	1.0

Source: State Statistics Service of Ukraine (www.ukrstat.gov.ua).

This was largely a consequence of the fact that, in accordance with the neoliberal doctrine of transformation, from the very beginning Ukraine chose an export-oriented model of development based on the export production of raw materials, low-process and low-value-added products and agriculture, which is characteristic of the countries of the world periphery. The export-raw material orientation of industrial production consolidated its dependence on the world market and its subordinate position relative to the core economies. Ukrainian economists note a trend towards agrarianization between 2010 and 2018, as the share of agriculture in GDP increased from 7.1% to 10.6%, in contrast to the typical 3-5% for developed countries, where it continues to decline. Simultaneously, the shrinking share of industry indicates continuing deindustrialization and primitivization of the economy (Guzhva & Goncharenko, 2020, p. 21).

Ukraine's specialization in raw materials has become so pronounced that the World Bank in its 2019 report recognized the country's low GDP per capita – comparable to Moldova, Armenia, and Georgia, and almost three times lower than in Poland, despite similar income levels in 1990. This overdependence on primary commodity exports hindered economic restructuring and the development of higher value-added exports. Capital-intensive goods accounted for only about 16% of exports in 2017, reflecting chronic underinvestment in fixed assets. Ukraine's participation in global value chains remains limited, and its export structure is heavily concentrated on metallurgical and agricultural products. As a result, the economy is highly vulnerable to external shocks and commodity price cycles, contributing to a volatile and unsustainable growth trajectory (Svitovij bank, 2019).

The decline of machine building, its inability to produce means of production caused the crisis of reproduction and technological degradation of the entire economy. Indeed the Ukrainian economy is in urgent need of modernization. Depreciation of fixed assets in industry, energy, public utilities already in the pre-war period reached 65-90%, that is, it exceeded the threshold indicator of economic security -50%. The high level of depreciation of fixed assets was not compensated by investments in fixed assets. For comparison, in Slovakia the depreciation is 35%, in Belarus - 38%, in Moldova - 42% (Suhorukova et al., 2019, p. 125; Milovanov, 2020). Insufficient production of high value-added products is compensated by increasing imports.

Under conditions of degradation of the economy to the level of transformation into a raw material "great agrarian power" (a euphemism for banana republic"), the competitiveness of export industries can only be maintained due to the low price of labor, which means low wages for workers, and this in turn means massive poverty. About 60% of the country's population is below the poverty level. As a result, labor migration is growing from Ukraine, which is also turning into an exporter of labor.

Social Inequality

Another negative consequence of the neoliberal peripherization of Ukrainian society has been a huge increase in social inequality. The income differentiation of the Ukrainian population is one of the largest among European countries. Although there are no official statistics on property stratification, experts now say that the difference between the incomes of the richest 10% and the poorest 10% in Ukraine was at least 40 times. According to UN methodology, every four out of five Ukrainians are poor, surviving or less than \$14 a day, which is considered the poverty line in developed countries (Lon' & Ol'vins'ka, 2016, p. 201; Libanova, 2012, p. 369).

The growth of poverty and inequality was a direct consequence of the fact that in the process of neoliberal transformation of social economic system and social property relations as its core a new social-class structure was formed. On the one hand, as a result of the merger of local shadow criminal business groups and related bureaucratic groups, the formation of comprador oligarchic capital took place, included in global commodity chains and acting as an intermediary in the exploitation of the country's labor force, material and natural resources by the transnational capitalist class. At the opposite pole, a class of cheap wage labor deprived of real rights emerged, accessible to indirect and direct exploitation by transnational capital.

The Ukrainian oligarchy emerged through a privatization, characterized by the expropriation of state property and dominated by nomenklatura-criminal networks (Baranovsky & Sidenko, 2004; Kindzersky, 2016). International financial institutions that controlled the transition period did not hinder these processes, prioritizing the dismantling of the socialist economy and the incorporation of the new peripheral zones into the capitalist world-system. The corruption of elites in the states not selected for direct from Euro-Atlantic integration further contributed to this result, making them vulnerable to external manipulation.

Between 2002 and 2016, 35 oligarchic groups were identified, concentrated predominantly in profitable, export-oriented sectors (Chernenko, 2019). The 2000–2008 economic boom saw intensified privatization of state enterprises, with the State Property Fund facilitating the transfer of assets to politically connected financial and industrial groups. This led to the oligarchization of key sectors – mining, metallurgy, chemicals and oil and gas – concentrated predominantly in eastern Ukraine, increasing the influence of eastern oligarchs on the country's development. By the time of Euromaidan, large regional factions had formed, including the Donbass and Kharkov factions (e.g., Akhmetov, Taruta, Yaroslavsky etc.), the

Dnepropetrovsk factions (Pinchuk, Kolomoisky, Bogolyubov), the Kiev clans (Medvedchuk, Firtash, Surkis) and the western Ukrainian oligarchs (Poroshenko, Kosyuk etc.).

The Ukrainian oligarchy largely developed on the basis of Russian subsidies. According to Russian Prime Minister Dmitry Medvedev (Interfax, 2014), Russia has provided Ukraine with \$250 billion in support through various preferences, including preferential gas supplies. Much of this benefited oligarchs, especially those in the export-oriented metallurgy and chemical industries, whose fortunes were built on cheap Russian energy. Paradoxically, these oligarchs became competitors to their Russian counterparts in global markets. Their growing power significantly influenced Ukraine's turn toward European integration and rejection of post-Soviet reintegration projects.

The consolidation of Ukraine's comprador-oligarchic system became central factor of its economic peripheralization. Privatization of state-owned industrial assets disrupted production chains and led to a disconnection between raw material extraction and domestic manufacturing. With weak state regulation, profit-driven owners prioritized raw materials export over reinvestment, while economic openness and weak protection of domestic producers undermined competitiveness of finished products. This contributed to deindustrialization as "efficient owners" sought short-term gains, neglected investment commitments, and often liquidated worn-out enterprises. As a result, thousands of processing enterprises were lost and Ukrainian industry became locked into low-tech sectors (Baranovsky & Sidenko, 2004; Kindzersky, 2016).

Post-Soviet Ukraine is characterized by a huge degree of capital concentration. Until 2014, the concentration of capital in Ukraine exceeded that of Russia. According to *Korrespondent* magazine's calculations, the total assets of the 100 richest Ukrainians in 2011 amounted to 61% of the country's annual GDP, while the richest 100 Russians owned only one-third of Russia's GDP (Zanuda, 2012).

In 2013, the total assets of Ukraine's 100 richest people equaled 40% of GDP, with the top five oligarchs accounting for 15.2% and Rinat Akhmetov 8.1% (Focus, 2013; Babenko, 2018). By 2017, the share of the top five oligarchs fell to 7%, which is comparable to Russia. In 2019, the assets of the 100 richest people fell to 23% of GDP, down from 28% in 2018 (Opublikovan rejting 100, 2019). This decline reflects volatility in global commodity markets, losses of assets in Donbass and Crimea after 2014, the Covid-19 crisis, and partial "de-oligarchization" through asset nationalization. Nevertheless, the oligarchs retained significant control over Ukraine's political and economic systems.

Declining labor incomes and a sharp rise in social inequality have had a devastating impact on the demographic situation in Ukraine. Between 1990 and 2013, the population declined from 51.84 million to 45.55 million, and by 2022 it will fall further to 37.3 million (International Monetary Fund, Population). Ukraine experienced the most severe natural population decline among the former Soviet republics, with the rate accelerating from -3.5 per 1,000 in 2013 to -6.6 in 2019 (Gladun, 2020, p. 12).

Debt and Dependence

Having lost a significant part of the manufacturing industry, Ukraine became dependent on imports of industrial products from industrialized countries. Given the price scissors between imported products with high value added and exported products with low value added there was a chronic problem of trade deficit and balance of payments deficit. Its coverage is possible only through external borrowing. This, in turn, gives rise to the problem of chronic and growing external debt. The volume of gross external debt increased from \$54.5 billion in 2006 to \$129.7 billion in 2021 (65% of GDP). Ukraine's external debt is four times higher than its gold and foreign exchange reserves (\$31 billion in 2021) (gross external debt of Ukraine).

This means that Ukraine cannot service this debt on its own and has to take out new loans to pay off old ones. Thus, as a typical peripheral country, Ukraine is entangled in a network of financial dependence and is in debt bondage, from which it is unlikely to be able to extricate itself.

Unable to pay its debts, Ukraine is forced to sell off national assets. This is served by programs of large-scale privatization of state enterprises and land, the market of which is open to foreign capital, which are imposed by the IMF along with demands for the introduction of strict anti-labor legislation and measures to deregulate private capital (IMF, 2021). According to some reports, foreign capital has been quietly taking over the natural resources of the Ukraine for three decades. By 2016, ten multinational agricultural corporations already controlled 2.8 million hectares of land in Ukraine. By 2022, 3.4 million hectares of land are in the hands of foreign capital (Celada, 2022). But according to the Australian National Review published May 2022, 17 million hectares of Ukrainian agricultural land were owned by three US companies – Cargill, Dupont and Monsanto. This is approximately equal to the area of all agricultural land in Italy. Experts have calculated that this area is approximately half of all agricultural land of Ukraine (Aboli, 2022).

In addition to external debt, another factor in the bleeding of the Ukrainian economy is the large-scale and systematic outflow of capital. Indeed, according to the National economic strategy for the period up to 2030, the annual value of capital withdrawn to offshore zones is estimated at \$11-12 billion, and in total during the years of independence, \$148 billion were withdrawn (Nacional'na ekonomichna strategiia, 2021).

The withdrawal of capital is another channel for the transfer of value produced in Ukraine to the industrialized countries, indicating its peripheral position. At the same time, this figure is most likely an underestimate, since according to the Tax Justice Network for the period 1991-2014, \$167 billion were withdrawn from Ukraine to offshore (Katasonov, 2014), and according to other data presented in the Global Financial Integrity study, in which studied the volume of illegally exported capital from developing countries, in just 10 years from 2004 to 2013, \$116 billion were exported from Ukraine to offshore jurisdictions. With \$11.7 billion flowing out annually, Ukraine was ranked 14th out of 75 in the Country Rankings by Largest Average Illicit Financial Flows. But ten years have passed since then. In any case, the amount of capital exported far exceeds the country's sovereign debt and approaches the value of its annual GDP (Global Financial Integrity 2015; Okunev, 2021).

Ukraine's socio-economic degradation is due to neoliberal market reforms that resulted in a system dominated by personalized oligarchic ownership. Privatization fragmented the unified Soviet economic complex, disrupting the value chains necessary for modern industrial production. As a result, the economy was monopolized by export-oriented oligarchs, primarily in raw materials sector. This consolidated a socio-economic structure that reproduces underdevelopment.

Commodity Chains and Links of Dependence

Modern industrial productive forces are structured as integrated technological chains. Instead of relying on disparate, independent producers linked solely through market mechanisms, production increasingly adopts associated organizational forms – often as networks. This implies a shift from spontaneous market relations and competition to coordinated integration based on a common plan of cooperation.

But under the dominance of oligarchic peripheral capitalism, personalized private owners strive to squeeze the maximum profit from each link in the commodity chain – the extraction of raw materials, intermediate processing, and the production of final products. And even if at some of these stages there was an increase in labor productivity, labor intensity and cost decreased, the resulting beneficial effect is leveled on the scale of society by what is

absorbed by the superprofit of this isolated private capitalist enterprise, which arose as a result of the difference between the social and individual value of the goods. This effect is not passed along the chain and is not reflected in the final product. Desiring to maximize private profits has a negative impact on production, increasing the costs of subsequent links in the chain and the entire society. Peripheral oligarchic capitalism makes no distinction between short-term and long-term profits, between extracting profit from the production of raw materials, intermediate and final production.

On the contrary, core of the world capitalist system in terms of concentration, centralization and integration of property is constantly ahead of the periphery. Core capitalism tends to eliminate the negative consequences of private ownership fragmentation and spontaneity of early capitalism by creating ever larger socialized forms of production and property. It sought to eliminate the spontaneous market and to create a market that is centralized, regulated, predictable, and amenable to planning. It strives to abolish the uncertainty of market relations, chaotic competition with spontaneous price fluctuations, and pushes it to the periphery of capitalism.

Ukraine's fragmented oligarchic property system stands in stark contrast to the integrated corporate ownership typical of industrialized countries. One of the key factors of post-Soviet deindustrialization was the massive disintegration of unified production complexes during market reforms. Privatization aimed at stimulating competition led to the fragmentation of enterprises, including the separation of key units such as R&D into legally independent structures. This restructuring, guided by international agencies and Western experts, reflected a broader strategy of dismantling Soviet-era integrated production in favor of independent, highly specialized firms linked through market relations (Tarash & Golodnyuk, 2017).

A good example is the public joint stock company "Nikopolsky Yuzhnotrubny Zavod" ("Nikopol South Pipe Plant"). Its restructuring was the first large-scale experiment in Ukraine and was considered the most successful. According to the restructuring plan during 2000–2003 16 closed joint stock companies were created, the founder of which was the plant. As a result of the restructuring, the world-famous trademark "Nikopol Yuzhno-Trubny Zavod" was lost, the mechanism of clear inter-shop cooperation was destroyed, the enterprise actually lost control over the newly created business entities, and the process of bankruptcy of the enterprise began. Currently, the plant is not engaged in direct production activities. It only manages corporate rights and leases buildings. According to the former head of the State Property Fund V.Semenyuk-Samsonenko, in Ukraine during the years of reforms, 49% of enterprises stopped working altogether after privatization, and depressed regions appeared. And the separation of R&D departments from production led them to re-profiling or bankruptcy (Tarash & Golodnyuk, 2017, p. 26).

Ukrainian machine-building industry lacks large systemic organizational formations similar to those operating in the developed industrialized countries. Ukrainian government adopted resolutions on the necessity, in order to ensure competitiveness of Ukrainian mechanical engineering, to create powerful national research and production entities capable of integrating into international production system. However, Ukraine still lacks such entities, so it remains on the margins of world scientific and technological progress. It was possible to create such associations painlessly and quickly when all enterprises were state-owned. Russia followed such a path, where the priorities of industrial policy were dictated by the actions to create large state vertically integrated corporations such as Rostech, Rosatom, United Aircraft Corporation and the United Shipbuilding Corporation etc. (Romanenko, 2014, p. 61–62).

In the early 1990s, Ukrainian industrialists and scientists made proposals to create large integrated structures in the electronics industry ("Ukrelekor"), machine tool industry

("Ukrstankoinstrument"), power engineering on the basis of Kharkiv related enterprises, agricultural machine building ("Ukrselkhoz mashservice"). However, these proposals were not supported; in particular, by the Antimonopoly Committee of Ukraine (Romanenko, 2014, p. 64).

Ukraine's economy is dominated by disintegrated oligarchic ownership, exemplified by Rinat Akhmetov's SCM Group, which is wholly privately owned and managed from offshore. Unlike vertically integrated, diversified multi-industry Western corporations producing high-tech final products, SCM is a superstructural holding that mechanically combines disparate assets in the extractive industries, energy, finance, media, telecommunications, agriculture and logistics. Most of its enterprises are engaged in raw material extraction or intermediate production, lacking technological integration and innovation potential. This fragmented ownership model contrasts with core economies, where centralized, integrated corporate structures, despite financialization, retain elements of socialized production and long-term strategic coordination and planning.

Ukraine's socio-economic progress depends on the creation of nationwide research and production complexes united by public ownership and centralized management. As Ukrainian economists note, the key task is to transform oligarchic monopolies into industrial-financial structures that integrate the implementation of not only corporate, but also state policy (Ostapiuk, 2018, p. 50). Modeled after vertically integrated corporations, such complexes should cover the full cycle of high-tech production, reducing transaction costs and shifting the focus from private profit to value added. This approach allows for the development of digital, neo-industrialized productive forces based on automation. The system of such clusters, coordinated by state planning, puts labor productivity and purchasing power above profit maximization (Gubanov, 2012).

Conclusion

The analysis shows that Ukraine's economic trajectory in the post-Soviet period was one of backwardness. In the process of incorporation into the capitalist world-system, a peripheral type of society was formed in Ukraine. During this period, Ukraine underwent a transformation of its production system, accompanied by deindustrialization and the primitivization of its economic structure. This structure was adapted to the needs of the capitalist world-economy as its appendage specializing in labor-intensive production of raw materials and low-processed products for developed countries. This process occurred through neoliberal market reforms under the control of international financial institutions. The oligarchy created by the capitalist transformation played an important role in private-ownership disintegration of industrial production and is the factor of underdevelopment of Ukrainian society. Ukraine's case confirms the observations of world-system analysts regarding the dynamics of core-periphery relations in the contemporary capitalist world-economy.

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