Abortion, divorce, and the family: How did the state make policy decisions in these areas in Argentina, Brazil, and Chile during the last third of the twentieth century? As the three countries made the transition from democratic to authoritarian forms of government (and back), they confronted challenges posed by the rise of the feminist movement, social changes, and the power of the Catholic Church. The results were often surprising: Women’s rights were expanded under military dictatorships, divorce was legalized in authoritarian Brazil but not in democratic Chile, and no Latin American country changed its laws on abortion. Sex and the State explores these patterns of gender-related policy reform and shows how they mattered for the peoples of Latin America and for a broader understanding of the logic behind the state’s role in shaping private lives and gender relations everywhere.

Mala Htun is a member of the faculty of the political science department at New School University and a Fellow at the Radcliffe Institute for Advanced Study of Harvard University.
Sex and the State

Abortions, Divorce, and the Family Under Latin American Dictatorships and Democracies

Mala Htun
To my parents
Contents

Acknowledgments  page ix
Note on Translations  xi

1  Sex and the State in Latin America  1
2  Four Normative Traditions  29
3  Reforming Women’s Rights Under Military Dictatorships  58
4  Church and State in the Struggle for Divorce  78
5  Completing the Agenda: Family Equality and Democratic Politics  113
6  Why Hasn’t Abortion Been Decriminalized in Latin America?  142
7  Conclusion  172

References  183
Index  209
Friends, colleagues, and mentors in the United States and Latin America helped me complete this book. The project began as a Ph.D. dissertation in the Department of Government at Harvard University. My greatest thanks are owed to my dissertation chair Jorge Domínguez, who was indispensable to the project. He helped me to articulate my ideas and craft an analytical framework, and he rescued me from despair on countless occasions. Theda Skocpol’s theoretical instincts and outlook on comparative historical analysis were a major inspiration. Jenny Mansbridge pushed me toward the disaggregated approach that is the centerpiece of this book and greatly improved its readability. I am grateful to the friends and colleagues who read parts of the manuscript: Andrew Arato, Lisa Baldez, Lawrence Broz, Gelson Fonseca, Jr., Elisabeth Friedman, Ira Katznelson, Olivia Newman, David Plotke, Jack Snyder, Juan Vaggione, Bernard Wasow, Andrew Weiss, and Aristide Zolberg. Bill Burck, Courtney Jung, Sankar Muthu, and Smita Singh helped in a crunch.

Experts and participants in Brazil, Chile, and Argentina kindly shared their thoughts and experiences. Lena Lavinas and Hildete Pereira offered me an affiliation with the IPEA in Rio de Janeiro, Brazil. Thanks go to the staff of CFEMEA, the Archivo Nacional, the library of the National Senate, and the archives of the Planalto, as well as to my friends and colleagues Albertina Costa, Sonia Corrêa, David Fleischer, María Goretti, Olaya Hanashiro, Comba Marques, Rosinethe Monteiro Soares, Jacqueline Pitanguy, and Marcos Tenório. In Chile, Gloria Claro sharpened my thinking and offered an introduction to the world of politics and society, Katherine Gilfeather educated me on the Roman Catholic Church, and Bonnie Shepard and David Holmstrom housed and fed me. I am grateful for access to the archives of the National Congress, ISIS, the Fundación Jaime Guzmán, the Corporación 2000, and the Instituto Libertad y Desarrollo. Silvina Ramos invited me to work at CEDES in Buenos Aires, and Mariano Grondona and Enrique Zuleta provided invaluable contacts. The personal archives of Ethel...
Diaz and Cecilia Grosman greatly expedited my search for information, and Marcela Durrieu briefed me on the intricacies of the real gender politics of Argentina.

The National Science Foundation, the National Security Education Program, the Social Science Research Council, and Harvard University financed my field research in Latin America. Joan Caivano and Peter Hakim of the Inter-American Dialogue deserve particular thanks for involving me in the Women’s Leadership Conference of the Americas, which provided extensive contacts throughout the region. I am grateful for the help of Phil Satterfield of the International Legal Studies Library at the Harvard Law School, and my research assistants at the New School, Renata Segura and Myra Waterbury. Participants in panels at meetings of the American Political Science Association and the Latin American Studies Association, and in seminars and workshops at Harvard, the New School, Northeastern University, New York University, and Columbia University offered useful comments and perspectives.

Finally, I acknowledge the solidarity of my colleagues from the Harvard Government Department’s entering class of 1993 – Gary Bass, Ben Berger, Rory MacFarquhar, Kim Reimann, and Smita Singh; my Weatherhead Center friends Marc Busch, Kathleen O’Neill, and Mike Tomz; and my Latin American studies colleagues Juan Enriquez, Alejandro Poiré, and Deborah Yashar. My father, Ko Moe Htun, and my family in Burma would have been satisfied with nothing less than another academic in the family. As in everything else, the love and support of my mother, Helen Muller, pulled me through.
Note on Translations

All translations from Spanish and Portuguese, including text and interviews, are the author’s.