# Abortion Opinion in Emerging Democracies: Latin America and Central Europe

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In this paper, we compare the attitudes of mass publics toward abortion in two Latin American countries (Mexico and El Salvador) and two nations in Central Europe (the Czech Republic and Poland). In El Salvador and Poland, abortion laws have become more restrictive, contrary to international trends. We find that, at the level of the mass public, attitudes toward abortion are significantly related to attitudes toward feminism in Mexico and the Czech Republic, but not in El Salvador and Poland. These finding suggests that mass publics in the latter two nations are less likely to perceive abortion as a "women's issue."

During the last third of the 20<sup>th</sup> century, and through the first decade of the 21<sup>st</sup>, the question of legal abortion has been a very controversial issue in many nations around the world. The general trend has been toward increasing liberalization and ease of access to legal abortion, although there has been substantial resistance to government policies which render abortion easier to obtain, and certain nations (most notably the United States) have made changes in abortion policies which have had the effect of restricting abortion access.

In this study, we examine public attitudes toward abortion in two nations which have made their abortion laws more restrictive in recent decades: El Salvador and Poland. We seek to discern whether these policy changes are consistent with public opinion in these countries, and to understand the sources of support for or opposition to legal abortion.

In order to gain further insight into mass attitudes toward abortion in El Salvador and Poland, we compare each nation to a comparable, geographically proximate nation in which there have been few, if any, increases in the restrictiveness of abortion policy. We compare public attitudes toward abortion in El Salvador to those in Mexico, and abortion attitudes in Poland with similar patterns in the Czech Republic.

### **Abortion Policies in Four Nations**

We begin this study with a brief examination of changes in policies toward abortion in each of the four nations considered here. In general, abortion policy has been made more restrictive in El Salvador and Poland, and has been relatively stable in the Czech Republic, and somewhat liberalized in Mexico (Tuman, et. al., 2010). The accounts of the latter two countries are complicated by the post-Communist trend toward privatization in the Czech Republic (which has reduced government support for abortion) and by Mexican federalism (in which a

number of states have passed largely symbolic pro-choice laws in response to a very permissive policy in the Federal District of Mexico City.

### Mexico

Mexico, officially known as the United Mexican States, is a federal system similar to the United States where each state has the ability to restrict or liberalize abortion as long as the laws of the state do not violate the Mexican Constitution. Because of this, access to abortion in Mexico varies throughout the nation. The Mexican government addressed abortion in 1931 by making abortion illegal in the Mexican Code for the Federal District except when the abortion is caused by the negligence of the mother, continuation of the pregnancy endangers the life of the mother, or in pregnancy resulting from rape. In the case of rape, the pregnant woman needs to petition the state's attorney general for permission to have the abortion. In all cases the performing physician must obtain the consent of another physician unless the delay in doing so would place the mother in further harm. This criminal code outlines punishment on illegal abortions for both the mother and for the provider (UN Report-Mexico, 2003: Haussman, 2005).

Over the years, many Mexican states and the Federal District of Mexico City have passed additional laws governing abortion. For the purpose of brevity only a few of the state and federal laws will be listed. First will be a listing of two laws which have restricted access to abortion in Guanajuato and Queretaro, Mexico. In February of 1987 the Criminal Code of Guanajuato restricted abortion to only being allowed when the pregnancy is the result of rape. In the same vein, the state of Queretaro amended its Criminal Code in July of 1987 to only allow abortion when the pregnancy is the result of rape as well, but this revision to the code was suspended in 1991 (UN Report-Mexico, 2003: Haussman, 2005; Elu, 1999).

In response to those restrictions, many states passed law liberalizing access to abortion. In August of 1982 the Criminal Code of Jalisco was amended to allow abortion when continuation of the pregnancy presents a serious threat to the health of the mother. This differed from the federal code in that the federal code allows for abortion only if the mother's life is in danger. In September of 1982 the Criminal Code of Coahuila was changed to allow for abortion if there is good reason to believe that the fetus will suffer from severe genetic or congenital defects. The Yucatan made a unique change to its Social Welfare Code in November of 1987 by allowing abortion if the mother already has 3 children or if another child would place serious financial constraints on the mother. Going well beyond the changes of the Yucatan, the state of Chiapas amended its Criminal Coded in October of 1990 allowing for abortion on medical grounds in cases of rape, genetic defects, for family planning purposes if agreed upon by the "couple," or if the pregnant woman is single. This is important because except for some minor details it basically allows for abortion on demand. And as to the matter of abortion on demand, in April of 2007 the Federal District of Mexico City legalized abortion without restrictions up to the twelfth week of the pregnancy (UN Report-Mexico, 2003: Haussman, 2005; Elu, 1999).

The 2007 legalization of abortion in Mexico City has created blowback throughout Mexico. Since the Mexico City law went into effect, eighteen out of thirty-one Mexican states have enacted laws granting personhood from the moment of conception. The state of Baja California enacted a law in 2008 bestowing "personhood" rights from the moment of conception. This law was challenged in the Mexico Supreme Court in 2011, but the challenge failed to obtain the number of votes needed to overturn the law (Ellingwood, 2011).

#### El Salvador

In 1956 the Penal Code of El Salvador outlawed abortion with no exceptions. However, interpretation of the "general principles of criminal law" in the Penal Code allowed for abortion if it was necessary to save the life of the mother. In 1973, The Penal Code of El Salvador was amended to clear up the ambiguity of the "general principles of criminal law" to allow for abortions to be performed if it was the only means to save the life of the mother, if the pregnancy was the result of rape or statutory rape, or if there were foreseeable serious fetal deformity. Additionally, this new law recognized the concept of *honoris causa*, and reduced penalties on women who caused their own abortions or sought an abortion in order to protect their own reputation (UN Report-El Salvador, 2003).

In April of 1998, The Penal Code of El Salvador was once again amended to remove all exceptions to the prohibition against abortion thus making abortion for any reason a criminal act. This is the legal code that still exists in El Salvador (UN Report-El Salvador, 2003). The Code also mandates punishment for inducing abortion for both the mother and anyone who assist in the abortion as two to eight years imprisonment. Inducement of abortion without the consent of the mother is punishable by four to ten years imprisonment. For health care providers who assist in an abortion the punishment is imprisonment for six to twelve years. The criminality of abortion is actively pursued by prosecutors in El Salvador with police and medical investigations with prosecutions being common (Hitt, 2006)

The Constitution of El Salvador was amended in 1999 to state that human life begins at conception, thus awarding legal status to fetuses. Article 1 of the El Salvadorian Constitution declares:

El Salvador recognizes the human person as the origin and the end of the activity of the State, which is organized to attain justice, judicial security, and the common good. In that

same manner, it recognizes as a human person every human being since the moment of conception. In consequence, it is the obligation of the State to secure for the inhabitants of the Republic, the enjoyment of liberty, health, culture, economic well-being and social justice.

To this date, abortions under any circumstances are illegal in El Salvador.

## Czech Republic

Originally the Czech Republic was part of the Austro-Hungarian Empire before the end of the First World War in 1918. The monarchy of the Austro-Hungarian Empire held a very unfavorable view of abortion and in 1852 passed Act 117/1852 of the Empire Code which made abortion illegal and leveled heavy punishment for breaking the law (Sracek, 1988). Even though abortion was illegal in the area that was later to be designated Czechoslovakia, it is estimated that up to 100,000 abortions were performed yearly in the first part of the 20<sup>th</sup> century (Uzel, 1994; Srecek 1988).

Czechoslovakia was formed in 1918 by the Armistice ending WWI. The newly formed country kept the existing law concerning abortion established under the Empire Code of Austro-Hungary. However, there was a movement to reduce the restrictive nature of the law by women's groups, doctors and others. This effort seceded in a modification of the law to allow abortion if it was necessary to save the life of the mother as outlined in section 144 of the 77/1920 official code.

In 1948 a coup d'état brought Soviet backed communist rule to Czechoslovakia. With the change in political ideology a general trend to a more liberalized abortion policy began, but it was not an immediate change. The first change occurred in 1950 with the passing of criminal law 86/1950 which legalized abortion if carrying the fetus to term created a serious health hazard for the mother or if there was evidence of genetic defect (UN Report-Czech, 2003). Still, because

abortion was still highly restricted, illegal abortions rates remind high at an estimated 100,000 per year even though women receiving abortions could be imprisoned for up to one year and the person performing the abortion could face up to ten years imprisonment (Srecek, 1988).

In 1957, the Abortion Act (68/1957) was passed in Czechoslovakia which made abortion much more accessible to women. This change came after two years of debate and discussion over liberalizing the abortion laws. Under the new act abortions could be sought if the mother already had a large number of children, housing problems existed that would have made child rearing difficult, or if the mother was single (Uzel, 1994). Abortions could not be granted on the simple request of the mother, but instead had to be approved by a commission of state and medical professionals. This act also removed legal punishment against women who obtained illegal abortions and reduced the prison sentence for the provider from ten years to five (UN Report-Czech, 2003).

From 1957 to the mid 1970s access to abortion became more difficult to obtain. In 1963 abortion was restricted by charging fees for abortion whereas before it had been funded by the state. Additionally under this new regulation, the abortion had to be performed locally, meaning the mother could not travel to better facilities or receive am abortion away from her town of residence. These restrictions caused a drop in the rate of legal abortions performed throughout the country. Throughout the late 1960s and early 1970s there was a general trend among the governing commissions which judged the need for abortion on a case by case basis to be more restrictive, but with the tough economic conditions of the mid 1970s, which placed financial burdens on many of the citizens of Czechoslovakia, the commissions became more liberal with their approvals (Uzel, 1994).

In 1986 the abortion law was amended to remove the commission from the decision making process for abortions under twelve weeks gestation. A woman was not allowed to have two abortion within a six month period unless the woman was over 35, had had two previous deliveries, or if the pregnancy was the result of rape. If the woman was under the age of 16, a legal representative had to consent to the procedure. If she was between the age of 16 and 18, her legal representative merely had to be informed of the procedure. After 12 weeks of pregnancy, a commission was necessary to approve an abortion, and was restricted to allowing abortions only in the case that the mother's life was in danger, or if there was evidence of fetal impairment. All abortion had to be performed in a hospital (UN Report-Czech, 2003).

Communism fell in June of 1990 allowing for free elections for the first time in 40 years. Although there was an increase in religiously minded organizations and politicians participating in Czechoslovakian politics, abortion remained legal and fairly liberalized with the only change being a reduction in state financial support, which had gradually returned after the 1963 legislation, for the performing of abortions. The Czech Republic peacefully separated from Slovakia in 1993, but this caused no change in the abortion policy for the Czech Republic other than abortions services which had received state financial support were ended except when medically necessitated. To this date abortion remains legal and fairly easy to obtain in the Czech Republic.

### Poland

Under Article 130 of the 1818 First Sovereign Legal Code of Poland, abortion was a criminal act if it was performed without the consent of the mother. A criminal act of this nature could result in a punishment of three to ten years of hard labor. But according to Article 323 of the same code, an abortion performed with the consent of the mother, to include a self-induced

abortion, was treated as a misdemeanor with punishment being one to three years of house detention. There were no exceptions as to why the abortion was performed (Plakwicz & Zielinska, 1994). This law remained in effect till after WWI. Between 1818 and 1918 Poland went through several changes in government structure with finally the Republic of Poland being created at the end of the First World War.

In 1932, articles 231-234 were added to the Polish Penal Code by the president of the Republic of Poland that allowed for abortions as long as they were performed by a physician, and the pregnancy resulted from either a crime or it endangered the life of the mother. In addition, the law required the assent of two other physicians that the procedure was necessary because the pregnancy meet one of the two aforementioned conditions (Okalski 1998; UN Report-Poland, 2003). This remained the legal status of abortion for the next two decades till the communist formally came to power in 1952 and a dialogue was started about liberalizing the restrictions on abortion.

Law No 61, adopted by the Polish Parliament (Sejm) in 1956, expanded access to abortion by removing the necessity for the approval of other physicians and by creating the additional category of "difficult living conditions." This became somewhat of a catchall phrase meaning that a woman could receive a legal abortion as long as she could find a physician willing to perform the abortion, and who would agree that it was being done because to continue the pregnancy would place "difficult living conditions" on the mother (UN Report-Poland, 2003). Various changes were made to the law till the fall of communism in 1990, but practically all of the changes made obtaining an abortion easier.

Starting in 1990 access to abortion became increasingly more difficult in Poland. In April of 1990 the minister for health and social welfare issued a directive that required women who

wished to obtain an abortion under the "difficult living conditions" standard to seek approval from two separate gynecologists and a general medical practitioner. This was followed in 1993 by the Sejm passing legislation that completely eliminated "difficult living condition" as a reason for seeking an abortion. After this new law was enacted a woman could obtain an abortion only if there was a serious threat to her life or health, if the pregnancy was the result of a crime (rape, incest), or if there was serious and irreversible damage to the fetus. This law additionally required that all abortions had to be approved by two separate physicians and by a prosecutor in the cases where the pregnancy was the result of a crime (UN Report-Poland, 2003).

In 1996, the Sejm moved to liberalize the abortion laws and allow for abortions once again under "difficult living conditions," but also for "precarious personal situations." Under the new law a woman requesting an abortion had to submit a written request for the abortion, receive counseling, and then wait three days after the counseling before the abortion could be performed. This measure was passed, but it was struck down in 1997 by Poland's Constitutional Tribunal on the grounds that abortion violated the Constitution's implied guarantee of the right to life (UN Report-Poland, 2003; Jelen & Wilcox 2005). The reversal of the 1996 legislative effort returned Poland to the restrictive abortion law of 1993 which are still in effect today. In 2004, Poland joined the European Union, but Poland has made no changes to its abortion laws nor was it required to by its membership in the European Union.

# **Data and Method**

Data for this study were taken from the European and World Values Survey (WVS) for 1995-1997, and 1999-2000. We analyze data from two nations in Latin America (Mexico and El Salvador) and two from the former "Eastern bloc" of Central Europe (Czech Republic and Poland).

The dependent variable is a 10 point scale measuring abortion attitudes. The number 1 is labeled "Never Justifiable" and the number 10 is labeled "Always Justifiable." Because the dependent variable is nearly continuous, the multivariate models described below are estimated using Ordinary Least Squares regression (OLS).

In the multivariate analyses, the effects of several predictors are considered. Two items are used to measure respect for human life and attitudes toward sexual morality. On the same 10 point scale used to measure abortion attitudes, respondents were asked to assess the justifiability of euthanasia and homosexuality. Although the euthanasia item is a controversial measure of more generalized respect for human life, it has frequently been used in previous research (Cook, et. al., 1992). We assume that the fetus and the terminally ill patient share the characteristic of innocence, in that neither is morally responsible for her/his fate. Thus, the respondent's attitude toward "ending the life of the terminally sick" may be a defensible measure of general "life attitudes," and seems clearly preferable to other possible operationalizations, such as attitudes toward military spending or the death penalty.

We use a 10 point scale tapping attitudes toward homosexuality as a measure of a more general orientation toward sexual morality. Again, this is controversial, but some previous research has suggested that such an item loads strongly on a common factor with attitudes toward adultery and "casual sex" (Jelen, 2008).

Since the abortion issue involves issues of women's rights, we include two items measuring women's roles. "Housewife fulfilling" is a Likert scale reading "Being a housewife is just as fulfilling as working for pay." Similarly "Working Mom" is a Likert item reading "A working mother can establish just as warm and secure a relationship with her children as a mother who does not work. These items appear to tap attitudes toward female participation in the

paid labor force, and attitudes toward "traditional" conceptions of motherhood, and appear to be empirically distinct (Jelen 2008). The "housewife" item was recoded so that low scores indicate a more traditionalist response.

The effects of three religious variables were considered in the analyses presented below. Church attendance was measured by a single item, ranging from 1 for "more than once a week to 7 for "never, practically never." In a measure of "confidence in churches," respondents were asked whether they had "a great deal," "quite a lot," "not very much," or "none at all" confidence in churches (as part of a battery of items measuring confidence in a variety of national and international institutions). A third religious variable was a measure of religious orthodoxy. This was an index of items reflecting whether the respondent believed in God, an afterlife, and hell, which was computed by taking the individual mean across all three items Denominational affiliation was not included, since this variable has a limited variance in all four (primarily Catholic) countries. Finally, the analysis includes controls for the respondent's age, gender, and level of formal education.

# **Findings**

The first major finding of this study is that the national policy differences that motivate this inquiry appear to be related to differences in public opinion. The WVS data indicate that there are substantial differences between the Latin American nations and the Central European nations in attitudes toward abortion. As Figure 1 indicates, Mexicans are substantially more likely to regard abortion as justified than citizens of El Salvador, and Czechs hold more permissive attitudes toward abortion than Poles. Although it is difficult to assess causality with

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<sup>&</sup>lt;sup>1</sup> This index had a reliability (Cronbach's alpha) of ..606 for El Salvador, .660 for Mexico, .793 for Poland, and .846 for the Czech Republic.

cross-sectional data, the marginal distributions of the dependent variable suggest a correspondence between public opinion and public policy in the four nations considered here.

# Figure 1 About Here

When attention is turned toward the sources of national differences in abortion attitudes between the Latin American nations under examination, there are interesting similarities and differences. Perhaps not surprisingly, the coefficients associated with the euthanasia and homosexuality items are statistical significant, and in the expected direction. The effects of the measures of respect for life and sexual morality appear somewhat stronger for Mexican respondents than for those in El Salvador. Gender is significantly related to abortion attitudes in Mexico, but not in El Salvador, while the reverse is the case with respect to education.

### Table 1 About Here

The effects of religious variables are not consistent between Mexico and El Salvador. Confidence in churches is negatively related to "pro-choice" attitudes in Mexico: A finding which may reflect the historical importance of anti-clericalism in Mexican politics (Tuman, et. al., 2010). Church attendance is significantly related to abortion attitudes in both countries, although the sign of the coefficient is (unexpectedly) positive in El Salvador.

Perhaps the most interesting difference between the models explaining abortion attitudes in El Salvador and Mexico is the fact that the effects of both feminism items are statistically significant in Mexico, but not in El Salvador. This finding suggests that Mexican respondents tend to regard abortion as at least partially reflecting expectations about the appropriate roles of women in society, but Salvadorans do not regard abortion as a "women's issue." The "women's role" frame on abortion seems plausible only in Mexico.

A similar pattern exists when the central European countries of Poland and the Czech Republic are compared. Attitudes toward human life and sexual morality are significantly related to abortion attitudes in both countries, and the effects of religious variables in Poland and the Czech Republic are broadly similar. One difference is that confidence in churches is strongly and negatively related to abortion attitudes in Poland, but not in the Czech Republic. As in Mexico, this result may reflect the controversies over the appropriate public role of the Catholic Church in recent Polish history (see Tamadonfar and Jelen, 2006).

### **Table 2 About Here**

As was the case in the Latin American comparison, the most interesting difference between Poland and the Czech Republic is the virtual irrelevance of feminist attitudes to abortion among Polish mass publics. Among Czech respondents, both measures of feminist attitudes are significantly and positively related to abortion attitudes, while the effects of these variables are not statistically significant among Poles, and the "working mother" item has an unexpected negative sign. As was the case in the Latin American nations, women are significantly more "pro-choice" than men in the Czech Republic, but not in Poland.

#### Discussion

The most important findings of this study can be summarized rather easily. First, there are a number of broad similarities with respect to the correlates of abortion attitudes in the four countries considered here. In all four nations, even indirect measures of respect for life and sexual traditionalism are strongly and significantly related to abortion attitudes. The salient attitudinal aspects of the abortion issue thus appear to be very similar across nations, and indeed, across disparate regional settings.

Second, there are differences in the effects of religious variables on abortion attitudes in the nations examined here. In three of the four, church attendance is negatively (the expected direction) related to abortion attitudes, while the effects of religious observance are positive in the multivariate model estimated for El Salvador. Confidence in churches is negatively associated with pro-choice attitudes in Mexico and Poland. In both of these countries, the political and legal roles of the Catholic Church have been the subject of recurring controversy.

Third, and most importantly, the effects of different feminist attitudes on public views of abortion are strong and significant in Mexico and the Czech Republic, but not in El Salvador and Poland. It is not immediately clear why this might be the case. There clearly exist active movements in Poland and El Salvador, and, at least in the case of Poland, abortion has been an extremely contentious issue (Jelen and Wilcox, 2005). Nevertheless, the evidence presented here clearly suggests that, at the level of the mass public, abortion does not appear to be regarded as a "women's issue" in either Poland or El Salvador. This somewhat surprising finding poses an interesting question for further research.

Figure 1:

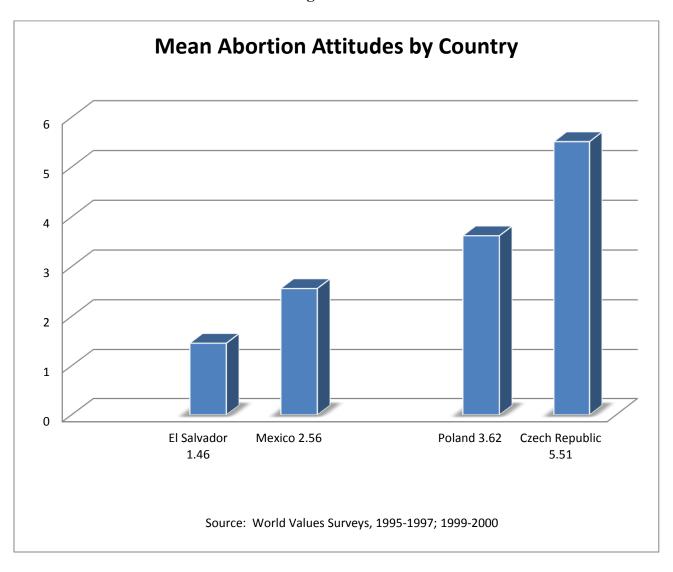


Table 1:

Multivariate Comparison of Sources of Abortion Attitudes, El Salvador and Mexico
(OLS Regression)

El Salvador	Mexico
.144**	.292***
.171***	.271***
009	174*
.058*	086*
111	030
.055	.176*
029	.143*
119	445**
.155*	023
041	017
.590	1.343*
.171	.306
1106	1199
	.144** .171*** 009 .058*111  .055029 119 .155*041  .590 .171

&mean of belief in God, afterlife, Heaven, Hell

Source: World Values Survey, 1995-1997 (El Salvador) and 1999-2000 (Mexico)

<sup>\*</sup>significant at .05

<sup>\*\*</sup>significant at .01

<sup>\*\*\*</sup>significant at .001

Table 2:

Multivariate Comparison of Sources of Abortion Attitudes, Poland and Czech Republic (OLS Regression)

	Poland	Czech Republic
Justify Euthanasia	.253***	.262***
Justify homosexuality	.209***	.315***
Confidence Churches	850***	124
Church Attendance	138**	167***
Religious Orthodoxy&	776**	414*
Housewife fulfilling	.122	.254**
Working Mom	040	.147*
Gender	123	117
Education	.078	017
Age	034	164*
Constant	.789	;496
Adjusted R2	.404	.374
N	848	1577
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&mean of belief in God, afterlife, Heaven, Hell

Source: World Values Survey, 1999-2000

<sup>\*</sup>significant at .05

<sup>\*\*</sup>significant at .01

<sup>\*\*\*</sup>significant at .001

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