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Right to life or right to governance?

A discourse analysis of Texas' and Mexico's abortion policies
from September 2021

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Abstract

The aim of this thesis is to conduct a discourse analysis on Texas' and Mexico's abortion policies from September 2021 by applying Bacchi's 'What's the problem represented to be?' method, together with a theoretical framework based in reproductive governance and SRHR. The research questions are: what is the problem of abortion represented to be in these policies, and to what extent the discourses presented in said policies align with the views on abortion communicated by the Catholic Church. The results show that the policy enacted in Texas represents abortion as an immoral and dangerous social issue by adopting the right to life viewpoint. The discourse presented in this policy appears to have many similarities with that of the Catholic Church's. Mexico's policy, on the other hand, represents abortion in the first trimester as a necessary procedure both from a medical and human rights viewpoint. Late-term abortion is however perceived negatively due to the increased development of the foetus and the constitution's wanting to preserve the human life. There are hardly any similarities found between the discourse presented by the Mexican Supreme Court in their ruling to decriminalise abortion in the first trimester and the Catholic Church's discourse regarding abortion.

Key words: abortion, Texas, Mexico, reproductive governance, SRHR.

Nyckelord: abort, Texas, Mexiko, reproduktiv styrning, SRHR.

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1. Introduction

In the first week of September 2021, with only six days apart, the American state of Texas and Mexico enacted two new opposing policies regarding abortion. On September 1st, the Texas Heartbeat Act was set in motion by the Texas Legislature, prohibiting abortion from the moment an embryo shows signs of cardiac activity, in the bill referred to as “fetal heartbeat” (SB 8 2021, p. 1). This means any type of abortion is prohibited from gestational week six, as medical research has shown that initial cardiac activity begins at around that time (Planned Parenthood). The set time frame that permits abortion was met with a lot of criticism from abortion proponents, as it is argued that most pregnant people are unaware of their pregnancy this early, especially as it takes about five weeks for the gestational sac to appear on a uterine ultrasound. This legal framework results in patients having only one week to obtain an abortion (Cauterucci 2022). On September 7th, in the northern state of Coahuila, the Mexican Supreme Court unanimously ruled that it is unconstitutional to penalise abortion in the first trimester, setting a legal standard to decriminalize abortion in the whole country (SCJN 2021b, p. 33). It is however up to each state to set a limit for selective abortion. These rulings received strong reactions, with some groups either celebrating or denouncing the decisions. In both cases, the Catholic Church was a vocal partaker. Texas Catholic Conference of Bishops (TCCB) applauded the Texas Heartbeat Act, stating “we celebrate every life saved by this legislation” (2021), while the Episcopal Conference of Mexico (CEM; from Spanish Conferencia del Episcopado Mexicano) referred to the Supreme Court’s ruling as a “murderous law” on Twitter (2021c; my translation).

Abortion has been and still is a contested matter for many, and often appears in various public and political debates, most notably regarding women’s reproductive rights, bodily autonomy, and more recently as a moral question of life. In today’s political climate, women’s reproductive rights, especially access to abortion, seem to be consistently on the agenda. Women’s bodies have become a political battlefield with many different actors trying to push forward laws and policies that directly affect women and their health. However, in many cases these laws have a more conservative undertone with a focus on restricting women’s freedom of choice (Pizzarossa 2018, p. 12-13). As mentioned above, the Catholic Church is one of the louder and more influential voices on this topic worldwide, especially in places with big Catholic communities such as Texas and Mexico. Due to their beliefs in ‘right to life’, motherhood and procreation, the Catholic Church, as an institution, puts a lot of resources in

supporting laws that restrict or criminalises abortion (Reuterswärd's 2021, p. 24). Therefore, from a feminist and SRHR point of view, I want to analyse the representation of abortion in Texas' and Mexico's policies from September 2021 and examine to what extent the discourses presented in these policies align with those of the Catholic Church's. It is important to note that the aim is not to compare Texas and Mexico with each other, as it would be an unfair analysis to compare a state with a country. The objective is to compare the discourses presented in the policies, how they represent abortion, as well as possible similarities or differences between the Catholic Church's narrative of abortion.

1.2 Background

Historically, the topic of abortion has been of great importance to the Catholic Church worldwide. In the eyes of the Church, abortion violates some of the fundamental principles of Catholic philosophy, such as "human life as divine intention, procreation as the basic function and sacred obligation of marriage, and motherhood as women's primary mission" (Maier 2012, p. 158). Specifically in Texas and Mexico, the Church has had strong influences in the political, social, and cultural arenas. Mexico has been described as the home to the world's second largest Catholic population (Jurczak 2018), where the Church has been perceived as a moral authority for many decades (Reuterswärd 2021, p. 25). Although legal restrictions due to the democratisation of Mexican political system in the year 2000, together with an ever-growing feminist movement, have led to the Catholic Church losing its direct political influence, the Church still holds a strong grip on many political elites and has had a long-lasting truce with the government (Singer 2017, p. 12-15). Additionally, many social and cultural norms in the country have been influenced and are reproduced by the Church. The Catholic Church in Mexico (and around the world) strongly believe in 'right to life' being the utmost important right that every individual should possess from the moment of conception to natural death, meaning unborn foetuses are perceived as rights-bearing citizens in the same way as an adult person (Maier 2012; Reuterswärd 2021; Singer 2017).

In the US, religious congregations are also legally constrained from having direct involvement in politics, with religious pluralism making it hard for any faith-based group to claim authority nationwide. However, the Catholic Church has gained a lot of political influence through coalition with the Republican party, consequently gaining more power in Republican states, such as Texas (Grzymala-Busse 2015, p. 239). Since then, the Catholic Church has worked on

reframing certain topics into more moral and cultural issues, specifically abortion after the legal case of *Roe v. Wade* in 1973 (p. 245). Today, TCCB estimates that 30% of the population of Texas is Catholic (N/A), with the Church being a strong cultural and political institution that continues to play an important role in both private and public life in Texas.

1.2 Purpose and research questions

The purpose of this paper is to analyse how the policies enacted in Texas and Mexico in September 2021 problematise and represent abortion by applying Bacchi's method 'What's the problem represented to be?'. Additionally, inspired by this method and the context presented above, this paper aims to use a feminist's perspective with a theoretical framework of reproductive governance to analyse to what extent the discourses regarding abortion presented in the policies align with the views and narrative on abortion expressed by the Catholic Church. The research questions are:

- What is the problem of abortion represented to be in these specific policies?
- To what extent do the (discourses expressed in the) policies align with the views on abortion communicated by the Catholic Church?

1.3 Literature review

There is a great amount of literature surrounding the nexus between the Catholic Church and its influence in various sectors in Mexico. Regarding abortion rights, much of the literature deals with decriminalization of abortion in Mexico City in 2007 and the roles feminist movements, the Catholic Church, and democratization of Mexico have played in the process towards this outcome. Three articles that stood out and provided the necessary context for my own research are Maier's (2012), Singer's (2017), and Reuterswärd's (2021). All of them describe the Catholic Church's patriarchal conservatism and how women's reproductive rights have become a prime subject of cultural dispute in Mexico. Maier's and Reuterswärd's texts use the above-mentioned decriminalization of abortion in Mexico City as a point of departure to further discuss the legal and moral aspects surrounding abortion rights and the discourses stemming from them. They comment on how decriminalisation of abortion in Mexico City led to 17 other Mexican states further instilling stricter regulations around abortion to secure their right to life stance. Both texts explain the main actors found in the discussions on reproductive

rights, specifically why abortion is such an important matter for the Catholic Church, the societal and cultural norms that the Church reproduces and how they affect regulations regarding abortion, as well as the impact that the Catholic Church has on the elites through education. The Church's influence over certain communities in Mexico appears to be another aspect that politicians and elites favour, as this monopoly could mean more votes and support for those who publicly associate themselves with the Church. Singer's text approaches this topic from a different angle by interviewing women who identify as Catholics who simultaneously have had abortions and/or work in clinics that provide abortion. These interviews showcase a decline in people's trust in the Catholic Church as an institution. It also comments on the fact that this distrust does not affect people's personal faith. Many still see themselves as avid believers, however, they do feel that certain teachings of the Church are outdated or that the Church should not meddle as much in the politics and policies of the country. All three of the texts do note that the Catholic Church's position as a moral authority is on the decline, but that there is still a lot of work that needs to be done, especially for the feminist movements.

Regarding the Catholic Church's position in Texas, it was slightly harder to find academic literature discussing it. There are many news articles and opinions published that specifically deal with the Texas Heartbeat Act, explaining what the policy entails and pointing out its inconsistencies with medical research. There are also plenty of articles and opinions published by proponents of the Texas Heartbeat Act, whereof most of them come from pro-life and/or religious organisations, praising the new policy for protecting the rights of a foetus. Besides using empirically based news articles to get a better understanding of the Catholic Church's influence in Texas, I also relied on websites, such as Pew Research Centre and various online encyclopaedias to obtain seemingly objective information regarding the Catholic Church's history and position in Texas (as well as Mexico). I also used the TCCB's and the Republican Party of Texas' websites to gain an insight into their values and opinions, especially regarding abortion and the Texas Heartbeat Act. Nevertheless, an article that was of great importance in understanding the current situation in Texas after the bill was passed was that of Cauterucci's (2022). It was an interview-based article with the medical staff at Houston Women's Reproductive Services clinic, showing the reality that many women in Texas are now experiencing. The medical staff describe the feelings of fear, guilt, and anguish that they are constantly seeing from their patients that are there to obtain an abortion. Most of the time the staff cannot fully help them as their pregnancies are in such early stages that the ultrasound

machines do not pick anything up, even though they all have positive pregnancy tests. The article also provides life stories of the medical staff, explaining their personal experiences with abortion and how this procedure has benefitted their lives. It also touches on the cruelty of the bill that forces pregnant patients to wait 24 hours after receiving the ultrasound for them to be sure in their decision. This, together with the six-week ban, gives patients only a few days to ensure that they are pregnant, make the decision to either proceed with the pregnancy or have an abortion, and then actually find the time to have the abortion. These interviews capture the desperation and uncertainty of the current situation in Texas post enactment of the bill that so many other articles and statements from of SB 8 proponents do not do.

Throughout my research, it was notably easier to find general information on the Catholic Church's position in the US and the way religious institutions can affect policies. *Routledge Handbook of Religion and Politics*, edited by Heynes (2008), provides an overview of Catholicism's history in the US and how the Church became such a prominent institution. In addition, a book that became of great importance for my research is Grzymala-Busse's (2015). Her book gives an extensive account of how religious institutions, specifically the Catholic Church, have been able to claim power in various countries around the world and influence policies in those areas. By focusing on six democracies (Ireland, Italy, Poland, Croatia, Canada, and the United States) and with the help of in-depth historical analysis, she breaks down various ideologies, events, and other contributing factors that have led to the Catholic Church's growth or demise in these nations. Her discussion on the position of moral authority, specifically the importance of it in fusing the national identity with religious values, makes up the foundation for my analysis of the Catholic Church in Texas and Mexico. Additionally, her explanation of religious pluralism in the United States, together with the Church's history with the Republican party, provides the necessary background not only to understand how the Catholic Church became prominent in the country, but also allows me to conduct my own research on Texas, rather than basing it on speculative articles.

To conclude this literature review, I would like to discuss how my own research might benefit the field or what new points of view it might add. It is clear that there is a good amount of research done on the Catholic Church's influence in Mexico, especially in relation to decriminalisation of abortion in Mexico City. The ruling from September 2021 to decriminalise abortion country-wide is very recent, hence it is the right time to now focus on this policy instead and discuss what such decriminalisation mean for Mexico, the Catholic Church's

authority, and what effects can come out of it. Additionally, applying Bacchi's 'What's the problem represented to be?' method provides a new angle of analysis, as it puts the policy into focus while simultaneously relating it to social, political, and cultural contexts. The before-mentioned texts of Singer (2017), Maier (2012), and Reuterswärd (2021) approach the topic of abortion and the Catholic Church with different methods, such as interview-analysis, and analysis of feminist movements v. the Catholic Church. Regarding Texas and its abortion policy, it is also a recent ruling that should receive more attention. While various aspects of the Texas Heartbeat Act have been discussed in news outlets, and different types of movements have presented their opinions of it, I think it is also necessary to conduct research that positions this policy in a broader context, as well as providing an in-depth discursive analysis that pinpoints certain points and values that might be overlooked. As presented above, there is also a lack of research on the Catholic Church and its position in Texas, which is surprising considering the amount of power the Church has in predominantly red states. I believe it is important to analyse the possible connections religion might have with national identity, as well as to research the similarities between various dominant discourses to understand the process of governing through reproductive rights. With women's reproductive rights consistently being on the political agenda and functioning as a point of contention for many, any research that is conducted in hopes of understanding the various structures, ideologies, and institutions that restrict women's rights is necessary and of importance.

2. Theoretical framework

2.1 Sexual and reproductive health and rights

Sexual and reproductive health and rights (SRHR) can be described as a fundamental aspect of a nation's health, social, economic, cultural, and political sectors. For a long time, SRHR were perceived as merely a health issue, but many reports have found that SRHR are "essential for the achievement of social justice and the national, regional and global commitments to the three pillars of sustainable development: social, economic and environmental" (Starrs et al. 2018, p. 2642). SRHR encompass various aspects related to sexuality, gender, and reproduction, such as, but not limited to, unbiased sexual education, safe abortions, contraception, gender norms, and gender-based violence. Most notably, their proponents advocate for everyone's right to make decisions freely regarding their own bodies, without any judgement or coercion, and with

access to necessary information and facilities that can guide and help individuals in their decision-making progress (ibid). In a Programme of Action released by the International Covenant on Economic, Social and Cultural Rights in the year 1994, reproductive rights were for the first time linked to human rights, shifting the focus from family planning programmes to women's empowerment and promoting free choice in regard to childbearing (Starrs et al. 2018, p. 2644). This led to SRHR receiving more attention from supranational organizations, such as the UN and WHO, and putting issues related to sexual and reproductive health on the global agenda and as part of human rights. Today, SRHR has been embedded in one of the Sustainable Development Goals created by the UN. It is part of the 'Gender Equality' goal, where the aim is for all the world countries to work together in achieving gender equality and to empower all women and girls (The UN N/A).

Since then, the language around SRHR has evolved tremendously, with more people recognising the benefits that access to SRHR brings to well-being, and the importance of including various groups within a population, such as adolescents, men, and LGBTQ+ people in education and support measures regarding sexuality and reproduction. Simultaneously, there is still a great amount of work that needs to be done to achieve globally the sort of accessibility and quality of SRHR that their proponents strive for (p. 2646). As mentioned above, SRHR are composed of several different elements that are interconnected and dependent on each other. However, norms regarding gender, sexuality and reproduction vary greatly depending on religious, social, cultural, and political settings of a place. Due to this, issues regarding SRHR are approached in many different manners and are often viewed as moral, ethical, or philosophical questions (Pizzarossa 2018, p. 12). Sexual rights and abortion are two aspects of SRHR that to this day are often perceived in a negative way and encounter stronger opposition than others, in turn affecting the general dialogues surrounding SRHR (p. 13). For SRHR to progress improvements have to be made that allow individuals to have freedom of choice over their own bodies by confronting and evaluating the barriers created by various systems, such as policies, the economy, and social values and norms. As Starrs et al. state: "achieving sexual and reproductive health rests on realising sexual and reproductive rights" (2018, p. 2642).

2.2 Reproductive governance

The concept of 'reproductive governance' is used as a theoretical and analytical tool in this paper. Morgan and Roberts (2012) coined this term to aid in "tracing the shifting political rationalities directed towards reproduction" (p. 241). Reproductive governance was developed

with Latin America as the backdrop. However, the authors hoped that it could be used in other geographical contexts, which I will be aiming to do in my analysis by applying it not only on Mexico but also Texas, USA. Morgan and Roberts describe reproductive governance as various mechanisms through which national and international actors, such as donor agencies, churches, state institutions, and NGOs, enforce economic, cultural, legislative, and ethical injunctions to produce and control reproductive behaviours (p. 243). It is argued that although reproduction is in most cases represented to be something private, sacred, and apolitical, it is in fact deeply connected to governance and the construction of essential structures and systems like nation-states and economies (p. 244). There are two building blocks that create the foundation for reproductive governance: moral regimes and biopower.

Moral regimes is a concept that refers “to the privileged standards of morality that are used to govern intimate behaviours, ethical judgements, and their public manifestations” (ibid, p. 242). Morgan and Roberts (2012) comment how this idea builds on Foucault’s term ‘regimes of truth’ and Fassin’s theory of ‘politics of life’ (p. 242). Regimes of truth refer to historical mechanisms that have the authority to produce ideas that become perceived as true, while politics of life functions as a theory of governance but also a way to evaluate the meaning of humans and their existence. Moral regimes are usually assessed in relation to other beliefs that might be perceived as immoral in order to legitimise them. When applying this concept to reproduction, the focus shifts to ideologies related to sexual identities and behaviours, family planning, and social reproduction. The importance of specific aspects of reproduction varies depending on the context and the ideal values that are being promoted (ibid). The second foundational part of reproductive governance is Foucault’s theory of governance, specifically biopower. Foucault argued that biopower, or biopolitics, is a way for state actors or governments to produce large-scale management of populations. He described sex as “one of *the* exemplary sites for the deployment of biopower in modern European nation states” (ibid p. 243; italics in the original). Morgan and Roberts proceed to explain that although sex and reproduction are connected, through time the understanding of sex and reproduction as distinctive domains has emerged, making reproduction and practices related to it a new arena for governance on national and international levels (ibid p. 243-244). It is with this new perception of reproduction that reproductive governance becomes an important analytical tool when analysing and discussing topics such as abortion.

Morgan and Roberts briefly touch on the topic of universal human rights and how reproductive governance can be applied in this area, which I believe is important to mention in the relation to this thesis' analysis. They argue that reproductive governance is being used to construct new actors and subject positions to whom human rights could be prescribed to. By creating new subject positions, supporters of the issue in question are enabled to declare any opposition as immoral or as an attempt to take away someone's rights, thus allowing various actors to be pitted against each other (2012, p. 243). The human rights discourse has become a vital part of the contemporary abortion debate, specifically, the idea of the right to life, and the discussions surrounding the beginning of life. Although the aim of this thesis is not to provide a concrete answer to such questions, these aspects will be addressed further on as part of the analysis. Therefore, it is important to understand how the concept of reproductive governance can be related to human rights.

2.3 Poststructuralism and discourse analysis

The method and methodology used in this thesis draw influences from poststructuralist theory, which in its turn also influences the way the analysis is conducted. Therefore, before delving into the method chapter, it is necessary to discuss poststructuralism more thoroughly to understand in what ways this theory underpins this research. Poststructuralism has been used in various fields since the 1960s, especially in the social and political sciences. It predominately focuses on the construction and roles of different social identities, and the relationships between structure, agency, and power (Howarth 2013, p. 1). According to this theory, certain entities, such as categories, institutions, discourses, and social hierarchies that are presented as natural and fixed are in reality social and historical constructions used to promote and preserve the existing narratives. Such entities adopt to the contemporary social and political climate and can change over time (p. 61). Social categories that we identify with or are placed in, such as those of gender, sexuality, race, nationality, and age, are here seen to be created by the same dominant forms of knowledge. As these categories are defined and affected by external systems, they become vulnerable to disruptive effects of these powers, producing conflicting tensions in us that affect the way we interpret the world (p. 62). The aim of poststructuralism, then, is to deconstruct, denaturalize, and critique these seemingly fixed concepts and social forms by showcasing the underlying role of ideologies and power structures that reproduce them (p. 64). It encourages us to question dominant forms of knowledge production and universal truths, as it is believed that such things do not exist on their own but are rather

produced by dominant power structures and actors to set limitations, create hierarchies, and push those that are categorised as different or unfit to the periphery.

Poststructuralism sees language as the optimal object of analysis due to discourse being perceived as a crucial element in perpetuating dominant narratives. Through discourse, various binaries and categories are produced and reproduced to further the ideas and values that are of benefit to the ruling institutions, ideologies, and other systems of power. Foucault's concept of regimes of truth (mentioned above) and his ideas on discourse (mentioned below) are of great importance to poststructuralist theory and its methodology (Howarth 2013, p. 4). In analysing discourse, poststructuralism also urges us to not solely focus on the language used in a text but also consider historical, social, and political contexts of the discourse. As mentioned before, various elements, such as identities and categories, are products of their time and can change depending on the circumstances, therefore it is necessary to situate them in the applicable context when analysing them. There is a lot more that can be said about poststructuralism and the existing discussions between theorists on key concepts related to this theory, however, my goal was to introduce some main tenets of poststructuralism and how it relates to discourse analysis to provide a background for the method and methodology chapter. This following chapter will proceed to build on this theoretical framework and showcase more in-depth how policy analysis can function as discourse analysis.

3. Method, methodology and material

3.1 'What's the problem represented to be?'

The main method and methodology used in this thesis is Bacchi's 'What's the problem represented to be?' (WPR). Bacchi's approach to policy analysis stems from the notion that focus should be positioned on problem representation rather than problem solution. She argues that policies themselves produce problems as they are laced with interpretations and judgements from political actors, hence the proposed solutions are dependent on the representation conveyed in the policy, as the problem representation itself can be understood as a tool of governance (1999, p. 2). By shifting the focus to problem representation, this method allows us to "consider competing constructions of issues addressed in the policy process, and the ways in which these constructions leave other issues untouched" (p. 4). The

WPR approach draws on social construction theory and poststructuralism regarding the ideas of knowledge production and construction of categories and concepts. This method supports the social constructionist argument that what is presented as ‘fixed’ categories are in actuality socially constructed and can have differing meanings depending on the historical context. By adopting this viewpoint in policy analysis, it becomes possible to challenge these ‘fixed’ categories, re-evaluating where they stem from and how they are used in various practices, such as governing (Bacchi 2009, p. 264). Poststructuralism underscores the role of political influences in shaping these concepts and categories, the functions they eventually have in political practices, and how subject positions can be constituted within policies. It depicts concepts as ‘contested’ since their prescribed meaning can and does change dependent on time, place, and the political actors that are using them. This aspect of poststructuralism is an important addition to policy analysis as this approach argues that constructions of problems created by governments have a long-lasting effect due to their privileged position (p. 33). By adopting these theories, WPR becomes a tool for critical reflection on the ways we are governed through various discourses but also how these discourses have gained such prominent positions.

Bacchi points out several important aspects to take into consideration when using the WPR method: discourse, context, frames, and raw material. I will first briefly explain the last three aspects here, while discourse will be explained more in-depth in the following paragraph. Context and frames are two facets that should be established early on into the analysis of problem representation in a policy. They provide the necessary background information, as attention to context helps us explain specific factors dependent on location, institution, and history (1999 p. 7), while the concept of frames aids in asking questions related to how the problem is shaped in the policy and what is left unspoken or unproblematized (p. 11). In the case of this analysis, as the topic of abortion revolves around women’s rights, my aim is to analyse possible similarities between the presented discourses in the policies and those of the Catholic Church’s. Lastly, on the aspect of raw material, Bacchi underscores the importance of not only using policy documents as material but also public statements, media representations of the problem, and theoretical analyses. She argues that it is crucial to take into consideration how other academics in the field reflect on policy and the problems represented in it, therefore various theoretical analyses are an important part of raw material in the WPR method (p. 11). The exact material for this analysis will be discussed in-depth under the ‘material’ section.

Discourse holds a crucial position in the WPR approach as it is a foundational part of how a problem is represented in a policy. Bacchi's interpretation of discourse in policy takes inspiration from Foucault's usage of the term to emphasize the connection between knowledge practices and power relations (Goodwin 2012, p. 29). Therefore, discourses in WPR are described as "socially produced forms of knowledge that set limits upon what it is possible to think, write or speak about a 'given social object or practice'" (Bacchi 2009, p. 35). With a focus on discourse, the focal point becomes how arguments and subject positions are structured and represented in policies. The aim is to challenge these 'fixed' categories and immutable truths to show that they are in fact contested and can change depending on the discourse (Bacchi 1999, p. 41). According to the WPR approach, policy is a cultural product that is context specific, therefore, the interpretations and meanings produced in a policy are shaped by the socio-historical contexts (Goodwin 2012, p. 29). To aid in the deconstruction of discourse, Bacchi (2009) introduced six questions that can be used in analysing different components of a policy, with 'what is the problem represented to be' as the starting point and the main analytical questions. Although all of the questions are interrelated, Bacchi stresses that it is not necessary to apply all of them in one's analysis, but it is helpful to be aware of them when conducting an analysis. I will not be listing all of the six questions that Bacchi explains in her book, however, I believe it is important to mention that I will be paying special attention to three of them. These are: what presuppositions or assumptions underpin this representation of the 'problem?'; what is left unproblematic in this problem representation? Where are the silences?; and what effects are produced by this representation of the 'problem'? The first two questions are of aid in forming the analysis, while the third one functions as a point of reflection for the discussion chapter. I chose to focus on these aspects due to the aim of the thesis but also due to time and scope constraints.

3.2 Material

The raw material used for this analysis consists of policy documents, public statements by the Catholic Church, and theoretical analyses from other scholars in this field. Policy documents are the main source, as one of the aims of this thesis is to analyse the problematisation of abortion in these policies. In the case of Texas, I am analysing the Texas Heartbeat Act, formally referred to as Senate Bill 8 (SB 8), that can be accessed through Texas Legislature Online website, where all the official policy documents are stored. The Supreme Court of Mexico has not published an official document for their bill, however, on their website they

have published all the transcripts from their various hearings where the members of the Mexican Supreme Court deliberate cases and policies. Therefore, I am using official transcripts from the 6th and 7th of September 2021, as those were the days the Supreme Court was deliberating the abortion policy in question. Although the documents containing official transcripts are richer in information than SB 8, much of that information is not functional for my thesis as it revolves around practical procedures, such as voting, and dialogues between members of Supreme Court that do not necessarily aid me in my analysis. Due to this, I believe both types of policy documents do provide equal amounts of data required for the analysis. It is also important to mention that the official transcripts from the Mexican Supreme Court are fully in Spanish. I am not a native Spanish speaker; however, I have studied Spanish both on gymnasium and university levels, meaning I have sufficient amounts of knowledge of and experience with the language to be able to understand and translate written documents. I have also chosen to use a translator application ‘DeepL Translator’ to aid me in translating the documents from Spanish to English, as I want to ensure that the information that I am interpreting and analysing is translated correctly. From my experience, this application has been the most accurate regarding translation of documents and longer texts, therefore I feel comfortable using it. Lastly, I want to mention that after the first translation mentioned in the analysis, I will cease to point out after single one of them that they are translated by me. Unless mentioned otherwise, every citation taken from the Supreme Court’s documents or the CEM’s social media accounts are translated by me from Spanish to English.

The second part of the raw material consists of public statements made by the Catholic Church in Texas and Mexico. I am using statements they have made regarding abortion and the policies in question during the time these policies were enacted. These statements are primarily sourced from their official websites and/or public social media accounts of the Catholic Church. The aim of using public statements is to acquire a clear understanding of the Catholic Church’s opinion on abortion policies through their own words. Their arguments are not analysed in the sense of determining whether they are correct or false, rather they are used as empirical information on their opinion. Lastly, I am using theoretical works from other scholars to aid in my analysis. The scholarly works used predominately concern churches as institutions and how they can affect policies and politics and provide historical and cultural context to the Catholic Church’s position in Texan and Mexican societies. The aim of these theoretical analyses is to get an insight into and utilize the already existing research concerning policies, but also provide

a historical context for this specific matter as to be able to conduct a comprehensive analysis by following the guidelines of the WPR approach.

3.3 Ethical considerations

From an ethical point of view, my approach to this research can be described as grounded in feminist ethics. Feminist ethics are based on two significant pillars: “women’s interests ought not to be set systematically in the service of men’s” and “women’s experience must be taken seriously” (Lindemann 2019, p. 18). The aim of feminist ethics then becomes to highlight and critically evaluate existing power structures and how they affect individuals as well as the relationships they create that tie said individuals together. According to this approach, such systems create and utilize categories, such as race, class, sexuality, and gender to maintain their forces of structural control. Many of these categories are usually connected to a master narrative of a specific culture or region and are used to dictate how one should live, which in turn can help to legitimize dominant power structures with similar objectives (p. 15). Feminist ethics also takes a stance against the idea of absolute objectivity that many non-feminist ethicists believe in. Feminists argue that every person has their own beliefs and experiences that taint their viewpoint. Even by stripping them away it would still be impossible to reach full objectivity. Therefore, it is more productive to be forthright about one’s subjectivities and the possible impact they can have on one’s research (p. 20).

Feminist ethics can be seen as a way of doing ethics rather than just being a theoretical branch of ethics. It is closely connected to feminist politics and the way feminists conduct research. This thesis’ analysis revolves around problematisation of abortion in policy and the possible influences the Catholic Church might have had. Religion is one of the categories that is used in master narratives all around the world to promote a certain way of living and can become a power structure on its own. Due to this it is important to acknowledge the difference between religion as an institution and religion as a part of an individual’s personal faith. By using the term ‘the Catholic Church’ I am choosing to approach religion as an institution in my research. ‘The Catholic Church’ encompasses top level groups such as the conference of bishops that operate as a social institution to promote and standardize Catholic beliefs and practices. Individual followers of Catholicism do not belong to this category as their way of practicing religion is a subjective matter and thus not should be analysed by an outsider when conducting such type of research. If this was an anthropology or sociology-based analysis, it would in turn

be appropriate to include such individuals in the analysis. Additionally, policy-based research was an intentional choice made with feminist ethics in mind. While it does not provide an in-depth analysis of people's experiences with abortion, it discusses the systemic powers that can influence policies regarding abortion, which subsequently affect people and their lives. Abortion is an emotionally loaded and difficult topic to discuss, especially if you are someone who has first-hand experience with it, therefore it is important to find a way to research it without commodifying other people's pain and experiences for personal gain.

4. Analysis

The analysis part is divided into two main subchapters – Texas' abortion policy and Mexico's abortion policy. Each subchapter is further divided into smaller sections entitled subject positions, social relations, and health. These sections represent central themes found in both policies, while simultaneously creating a structure that allows the reader to navigate through the analysis.

4.1 Texas' abortion policy

The Texas Heartbeat Act (SB 8) was enacted on the 1st of September 2021 and has been deemed by some news outlets as the most restrictive abortion law in the US currently (Rabin 2021). This bill prohibits abortion from the moment a “fetal heartbeat” is detected, which generally happens at around gestational week six. In the bill, fetal heartbeat is described as “cardiac activity or the steady repetitive rhythmic contraction of the fetal heart within the gestational sac” (SB 8 2021, p. 1). The law focuses on restricting access to abortion by penalising whoever aids or abets in the performance or inducement of abortion, including anyone from taxi drivers to medical staff who knowingly participate in a person's journey to obtaining an abortion (ibid p. 6). Abortion is only allowed if there is no detectable heartbeat or if there is a medical emergency threatening the patient's life (ibid p. 4). However, the bill fails to further explain what possible medical emergencies that would legally cause abortion to be allowed, and instead the focus lies on describing in detail all necessary documentation that medical staff and the patient would have to sign. If no detectable heartbeat is found and the patient can proceed with abortion, they first must wait 24-hours after receiving the mandatory sonogram, and only afterwards are they able to undergo an abortion. The bill does not penalise individuals who

want to obtain abortion, but it states that this factor together with previously mentioned exemptions should not be perceived as the bill “[creating] or [recognising] a right to abortion before a fetal heartbeat is detected” (ibid p. 5). Regarding the act of penalisation, the bill describes how it is upon private citizens to bring a civil action against a person who breaks this law (regardless of their relationship to the defendant), rather than state employees or governmental entities (ibid p. 6).

4.1.1 Subject positions

As stated in the method chapter, when analysing presuppositions or assumptions that underpin a problematization in policies it is crucial to look at cultural values and premises that might function as their foundation. This can be achieved by focusing on the discourse presented in the policy, i.e., how the language is used to create meaning through binaries, categories, and key concepts. One of the categories that is repeated continuously throughout the policy is ‘unborn child’. Unborn child is the term explicitly used to refer to a foetus and is presented as the primary subject position in the policy. The term ‘foetus’ only appears in a few places throughout the text, specifically in the very beginning of the policy where it is explained in medical terms what ‘unborn child’ means (SB 8 2021 p. 2), in a paragraph that focuses on what the medical staff should tell the patient when showing the results of a sonogram (p. 21), and in a sentence that is part of an “abortion and sonogram election” survey form that the patient needs to fill out before undergoing abortion (p. 22). However, in the official and signed version of the bill that I am using for this thesis, the term ‘foetus’ used in the survey form is crossed out and exchanged with ‘my unborn child’. Such deliberate usage of unborn child v. foetus showcases already the type of values this policy could possibly convey. Unborn child is a more emotionally loaded expression than foetus due to the general understanding and connection people have with the word ‘child’, while foetus functions as a medical term. This dichotomy is visible in the policy as the word foetus solely appears in medical contexts or in paragraphs directed towards medical staff. The fact that foetus was crossed out and exchanged with unborn child in the paragraph regarding future survey forms for pregnant patients can be viewed as a strategic attempt to stir emotions of guilt and possibly hinder a patient from undergoing an abortion. Additionally, it furthers the idea promoted by pro-life movements that a foetus, although unborn, is already to some extent a full human being deserving of the equal level of rights that are provided to a born person. Therefore, by putting the foetus in the main subject

position and discursively generating emotional connotations around it implies that the rights of a foetus are more significant than those of the pregnant person.

The second subject position, that receives noticeably less recognition, is the woman. The only parts of the policy that centre on the woman focus on what type of information she should receive before undergoing abortion. This information includes a list of possible health risks related to abortion, a brief sentence on risks associated with carrying a child to term, but also a mention of benefits of prenatal care, and an extensive explanation of what the doctor should say when showing a mandatory sonogram to the patient before proceeding with abortion. The bill also notes that a woman's consent to abortion or her opinion of the law being unconstitutional are not seen as a legitimate defence in court (SB 8 2021 p. 7). Based on the information provided in SB 8, it can be argued that the state only promises to provide support to women who hold the values of and conform to the viewpoints presented in the policy. It also showcases that a woman's consent to having an abortion or her having a differing opinion of abortion from what is presented in the policy are insignificant factors in the decision-making process that directly affects her body, thereby removing her freedom of choice. The mandatory sonograms can also be seen as a way to further induce moral shame and prohibit the patient from undergoing a procedure on their own terms. It can thus be presumed that a woman's opinion and well-being are of less importance than to what her body can offer to society and the state in regard to procreation. In texts informed by the concept of reproductive governance, it has been discussed that reproduction plays an important role in the creation of systems like nation-states, therefore it is not an impossible argument to make that a state would benefit from gaining more control over women and the choices they make regarding their bodies. An additional point that I believe is important to elaborate on regards the actual category of 'woman' used in SB 8. The policy indicates that a woman is the only subject that is able to get pregnant. This can be described as a cisnormative and transphobic view of gender that excludes any other person who is able to conceive a child but might not identify as a woman. Such non-inclusive discourse possibly showcases an already existing narrative of binary gender roles while at the same time further promoting it.

4.1.2 Social relations

The terms surrounding SB 8, specifically the aspect of penalisation, showcases the theme of social relations in a distinctive manner. As mentioned above, the bill does not allow state or

governmental employees to bring a civil action against those who are supposedly breaking the law. Only private citizens can do that. The reason is that after the famous Roe v. Wade law case, the Supreme Court proclaimed it to be unconstitutional for a state to regulate access to abortion as it violates a woman's right to privacy as assured by the Fourteenth Amendment (Encyclopaedia Britannica 2021). Therefore, by putting the responsibility on civilians to keep others accountable in the name of law secures the legality of this bill in front of the Supreme Court and the American constitution. I believe this aspect of SB 8 not only promotes a certain type of vigilante behaviour, but also shows how the policy problematizes abortion to the public. The authority it provides to regular citizens to deem a stranger guilty by suing them suggests that abortion can be perceived as a public issue and a crime that should concern everyone. By providing a monetary reward to the plaintiff if they win the case (10.000 USD as stated in the policy, p. 7), two distinctive groups are created in the population, where one group is awarded for their behaviour (i.e., opposing abortion) while the other group is punished. This can encourage the idea that abortion should be perceived as unacceptable and morally wrong in the eyes of society. Initially when the bill was enacted, a religious, pro-life organisation in Texas, called Texas Right to Life, created a website that allowed people to anonymously report those who they believe have aided someone in getting an abortion. After several attempts the website was closed down by the web hosting platform and is not running currently (Kornfield 2021). However, one can argue that this vigilante attempt to enforce the law showcases attitudes promoted by SB 8 regarding abortion, while simultaneously creating a space where uncertainty and violence can be fostered in society. Such efforts predominately affect pregnant patients and various essential workers, such as taxi drivers and medical staff, as they might feel too scared to either use certain public services or serve pregnant clients in case it might result in them hypothetically 'aiding' someone in getting an abortion. The Texas Heartbeat Act also states that the accused, even if it is falsely, will still have to pay for all the legal expenses while the plaintiff does not (SB 8 2021, p. 6-7), further creating uncertainty and fear in the community.

4.1.3 Health

Other notable categories and key concepts continuously mentioned in the policy are heartbeat and health. In the beginning of the policy, under the 'legislative findings' section, it is presented that the "fetal heartbeat has become a key medical predictor that an unborn child will reach live birth" and that "cardiac activity begins at [a] biologically identifiable moment in time, normally

when the fetal heart is formed in the gestational sac” (SB 8 2021 p. 2). These statements are allegedly supported by contemporary medical research that is, however, not referenced anywhere in the policy or on the Texas Legislature website. Towards the end of the policy when the concept of health is discussed more thoroughly, the focus is put on various possible health hazards and complications a woman risks experiencing due to abortion, such as breast cancer, infertility, and haemorrhage. The possible health risks that a woman can experience by carrying a child to term are not mentioned in the same way as the risks related to abortion but rather referred to in a more general sense by simply stating that a doctor should mention them to the patient (p. 19). These two key concepts, together with the above-mentioned use of the term ‘unborn child’, portray a certain binary that the discourse found in SB 8 is creating regarding having and not having abortion. Referring to early cardiac activity of a foetus as a heartbeat and stating that having a heartbeat is an indicator that the foetus will survive to birth carries the same emotional connotations that the term ‘unborn child’ does and creates a space for moral shaming of anyone who believes differently. Such sweeping statements fail to include any other factors that are needed for or can affect the development of a foetus. Additionally, by mostly focusing on health risks that a woman can experience due to abortion further enforces the idea of abortion being a ‘social problem’ by also portraying it as a dangerous medical procedure that can lead to permanent and severe health issues. Not having an abortion could then be understood as the obvious ‘right’ choice, both from moral and health-based viewpoints.

Additionally, the bill fails to acknowledge the fact that prohibiting access to abortion does not actually stop abortion – it only prohibits access to safe abortion. In the policy it states that the aim is to protect both “the health of the woman and the life of the unborn child” (SB 8 2021 p. 2), however, to protect the health of the women would entail allowing them to safely undergo a medical procedure that they might deem necessary, such as abortion. As I mentioned several times above, the unborn child holds the main subject position in this policy, and much of the SB 8’s discourse could be interpreted as portraying abortion as an immoral act that first and foremost hurts the unborn child. To state that the woman’s health is a priority can be perceived as a false statement when the patient’s health is portrayed as an afterthought in comparison to a foetus. The bill does not recognize pregnancies as a result of rape or incest as legitimate reasons for abortion, which is another indicator that the woman’s health is not actually a priority when creating the SB 8. Dismissing a person’s trauma and forcing them to carry an unwanted pregnancy to term further perpetuates said trauma and provides more emotional, mental, and physical damage to a person. Several months after the enactment of the Texas Heartbeat Act,

Cauterucci (2022) conducted interviews with the medical staff from Houston Women's Reproductive Services clinic, where they described the anguish, fear, and uncertainty their patients have been feeling since September 2021. The six-week ban, together with the fact that it takes around five weeks for the gestational sac to appear on an ultrasound, have given women only a few days to figure out if they are actually pregnant, during which they have to wait the mandatory 24-hour period after receiving the ultrasound, as well as decide if they actually want to have an abortion or not. This has led to many patients cancelling their second doctor's appointment or feeling remorseful for either taking abortion pills or not taking them. The clinic's staff has commented on how this law does more than just hamper people's access to abortion, "it distorts [their] decision-making process" as many patients feel like they do not have enough time to fully make an informed decision (Cauterucci 2022, N/A). Yet again, this underscores the argument that a woman's health is not of importance, instead it could be argued that having control over her body and governing reproduction are the actual aims.

Another aspect regarding women's SRHR that is important to discuss in regard to the SB 8 is teen pregnancies. Plan International argues that "teenage pregnancy increases when girls are denied the right to make decisions about their sexual and reproductive health and well-being" (N/A). This point is completely overlooked in the Texas Heartbeat Act; therefore, I believe it is crucial to address it here. Teenage pregnancies can have long-term effects on a person's mental and physical well-being, as well as on their financial and academic situations. Research have shown that pregnant teens experience postpartum depression at a rate twice as higher than their older counterparts (Nall 2016). Not only that, but they also experience more stress, general depression, and suicidal ideations. Regarding physical health, teenage mothers have the poorest physical health in comparison to other types of women, as they often neglect their health while carrying their children or have limited access to food due to reasons such as precarious living conditions. Many teenage mothers struggle financially and often times are not able to complete higher levels of education. Additionally, teen pregnancy increases the chances of still and preterm birth, while born children of teenage mothers can face more difficulties in various aspects of their lives, potentially creating life-long cycles that can affect future generations (Nall 2016). For a policy that seemingly uses a right to life discourse, while simultaneously stating that it protects the health of the woman, its disregard of such a crucial consequence that might be perpetuated due to banning abortion, is hard to comprehend. Teen pregnancy affects the quality of both girls' and unborn fetuses' lives, hence, the lack of attention provided to it

in the policy further forces to question the legitimacy of its claims to protect anyone's health or well-being, as it rather comes across as a tool of control of women's bodies.

4.1.4 The Catholic Church

Before delving into the Texas Heartbeat Act and the similarities it might have to the Catholic Church, it is important to understand how a specific religious institution can have strong influences in a country with religious pluralism and a constitutional order which keeps state and church apart. Catholicism arrived in the US together with European settlers and has been a big part of the American society since the seventeenth century (Heynes 2008, p. 1). However, the modern US being a relatively 'young' nation, built on immigration, and housing many different minorities, has led to religious pluralism. Religious pluralism means freedom of religion and religious acts relating to any religion as long as it falls under the law, but it also means that it is hard for one religion to achieve authority over the nation and have the ability to set demands for policies on a federal level (Grzymala-Busse 2015, p. 9; Segers 2009, p. 77). Despite that, the American national rhetoric is saturated with Judeo-Christian ethics that have become a vital source of moral values and a determining characteristic factor for when choosing political candidates (ibid). Additionally, since the 1980s, New Federalism has been introduced in the American politics, giving state governments more authority over policy making (Heynes 2008, p. 57). With the Catholic Church already being a well-established institution in the US, and then endorsing the Republican party on top of it, has led to it achieving more influence in religious, red states, such as Texas. Currently, Texas is governed by the Republican party, which in their 2020 platform they have vowed to protect "unalienable, God-given rights of life, liberty, property, and the pursuit of happiness of all, including the unborn" (p. 7) and support "the affirmation of traditional Judeo-Christian family values" while opposing "the continued assault on those values" (p. 8). Specifically regarding abortion, the Republican Party of Texas endorses abolishment of abortion by stating that life begins at conception and noting that they want to enact legislations that would "ignore or refuse to enforce any and all federal statutes, regulations, orders and court rulings" that deny the 'right to life' (p. 32).

The Catholic Church in Texas is represented by TCCB, where they function not only as a religious institution for the faithful, but also as a "public policy arm" of their board of directors before Texas Legislature to address issues that relate to Catholic morals and social teachings (TCCB N/A). In their legislative agenda, they have stated that they oppose, inter alia, abortion,

funding for abortion providers, advancement of gender ideology, and support proposals that recognize the sacredness and permanency of marriage (TCCB N/A). As mentioned above, the Catholic Church in the US have been very vocal against abortion, especially since the legal case of Roe v. Wade took place in the 1970s. Not only does abortion contradicts their belief in the right to life from the moment of conception to natural death, but it also threatens the ideas of motherhood and procreation. Considering their opinions on marriage and gender ideology, it could be argued that abortion also threatens the dynamic of the nuclear family, consisting of a father, a mother, and children, as well as the role women have in society. When the policy was enacted in September, TCCB released an official statement titled “‘Heartbeat’ law adds to Texas’ respect for mothers and families”, showing their support for the Texas Heartbeat Act. In it, they described abortion as “killing of another person [that] takes place within the body of a woman”, while simultaneously stating that abortion, as a procedure, is not healthcare, nor does it help women. They also added that opponents of this law who argue that heartbeat is a misleading term and rather use expressions such as “embryonic cardiac activity” or “electrically induced flickering of embryonic tissue” are solely attempting to “dehumanize the unborn”, which TCCB finds “disturbing” (2021). The sentiments that the Catholic Church holds regarding abortion align with the discourse presented in SB 8. The way TCCB and SB 8 approach abortion has a strong moral undertone. The biggest difference is that TCCB is more explicit in their way of describing abortion with words such as “killing” and referring to medical terms as “disturbing”, while SB 8 condemns abortion in a more neutral tone. However, the message and the values exhibited still resonate with each other – abortion is morally bad and whoever partakes in it is immoral.

It could be argued that much of the Catholic Church’s power comes from its position as a moral authority. Having such status increases the chance of political influence without actually taking part in politics or policy-making decisions. Moral authority can be described as a political resource that turns institutions into credible representatives of a nation (Grzymala-Busse 2015, p. 8). By turning issues related to reproduction into moral questions, directly gives institutions with high moral authority an upper hand as the masses turn to them for guidance in the process of making their own decisions. This kind of power is not only an advantage for the Catholic Church in the sense that it allows the Church to sustain its supremacy in society, but it also functions as a tool of governance for both the Church and the government in place. As described above, American national rhetoric is more or less permeated with Judeo-Christian ethics, however, each state can be affected by that to varying degrees depending on how it is

governed. Texas has been a republican state since the 1980s and the Republican Party of Texas described it as “the strongest Republican state in the nation” (N/A). Due to the long-lasting cooperation between the Republicans and the Catholic Church, and the strong similarities in opinions and values found between the Republican Party of Texas and the Catholic Church, it is possible to argue that the Catholic Church is deeply connected to Texas’ identity in more ways than just morally. Such a fusion between religion and national (in this case state-wide) identity allows an institution like the Catholic Church to participate in the construction and governing of a nation or a state. Circling back to the topic of abortion, the Catholic Church’s opinion of abortion arguably affects how abortion is perceived by the public or by politicians as the Church holds a strong moral authority. What further strengthens their aim to present abortion as a moral issue is this fusion between religion and national moral character. Portraying abortion as an attack on mothers, families, and the lives of unborn children in a space such as Texas where the governing party’s values lay in protecting the traditional family, can also be translated into abortion being an attack on the nation. Women and children are often portrayed as the part of the population that need the most protection, therefore, condemning abortion in the name of their health and well-being, can be perceived as the Catholic Church indirectly stating that they are protecting the nation. This produces the idea that reproduction needs to be governed for the sake of the nation’s interest, while at the same time positioning people and actors with contradicting, or as the Catholic Church referred to them as “disturbing”, opinions as immoral. Such a binary between what is moral and immoral only further legitimises the Church’s authority.

4.2 Mexico’s abortion policy

On the 7th of September 2021, in the state of Coahuila, Mexico’s Supreme Court (SCJN; from the Spanish Suprema Corte de Justicia de la Nación) ruled unanimously that it is unconstitutional to penalise abortion in the first trimester, setting a legal standard for the rest of Mexican states to decriminalise abortion. The Supreme Court Chief Justice referred to this ruling as “a historic day for the rights of all Mexican women”, stating that “a new path of freedom, clarity, dignity and respect for all pregnant women, but above all, for women, begins” (SCJN 2021b, p. 33; my translation). This ruling was prompted by a legal case from 2017 that challenged the constitutionality of Coahuila’s law which allowed the imprisonment of women for up to three years for abortion (Verza 2021). SCJN declared that such laws violate article 4 in the Mexican constitution that guarantees reproductive rights and access to health services for

any citizen (2021a, p. 51). The Supreme Court also ruled that unborn fetuses cannot have the same rights as a born person, instead their rights and protection should evolve simultaneously with their biological development (p. 38). While this decision forces Mexican courts countrywide to decriminalise abortion in the first trimester, every state has the freedom to determine the time frame for when elective abortions are eligible, as each state has the jurisdiction over penal codes that govern abortion (Reuterswärd 2021, p. 22). If the states do not oblige, the Supreme Court has the authority to intervene due to their actions being unconstitutional and further push for change in local legislations. Prior to this ruling, four states in Mexico had decriminalised abortion up until gestational week twelve, while all states permitted abortion in cases of rape, with some states also allowing abortion in cases where the mother's life is in danger (p. 40).

4.2.1 Subject positions

In this policy, the woman holds the main subject position, as the discussion is approached from a human rights viewpoint where the woman is positioned in the centre of every argument. The Supreme Court also points out the decision to add 'people with gestational capacities' when it is applicable, rather than solely referring to the subject of 'woman', acknowledging the fact that not only people who identify as women can get pregnant (2021b, p. 14). The focal point presented in the discussion on decriminalising abortion in the first trimester revolves around the fact that an individual should have the freedom of choice to decide what they want to do with their bodies and their right to autonomy. By referencing several articles of the Mexican constitution that vow to protect and ensure a person's privacy, autonomy, legal equality, and human dignity, the Supreme Court states that women should be able to "construct their life history and destiny autonomously, free from impositions and transgressions" (2021a, p. 11-12). They further develop their stance by adding that prohibiting women and people with gestational capacities from terminating their pregnancies implies that their "dignity and personal autonomy can be modulated and restricted according to assumptions based on a social construct that /.../ configures them only as instruments of procreation" (p. 12). As mentioned above, the Supreme Court chose to approach the topic of abortion from a human rights point of view by continuously referring to the UN and the Inter-American Court of Human Rights and their definitions of what reproductive rights should entail. This discourse is very visible in their court documents as they consistently discuss how definitions presented by international and supranational human rights' institutions interrelate with the Mexican constitution's aim to

ensure reproductive rights for all. The Supreme Court argues that the UN and the Inter-American Court of Human Rights do not see an unborn foetus as a right bearing individual in the same way as a pregnant person, which they believe should be taken into consideration when discussing national laws pertaining to abortion. The SCJN's choice to position women and persons with gestational capacities at the forefront of the discussion reflects this standpoint.

The Supreme Court, however, does underscore that their decision to decriminalise abortion should not be perceived as them fully supporting abortion or as them discarding the life of the foetus. While the constitution vows to protect and ensure reproductive rights, it also aims to protect human life in general, therefore, their aim is to showcase that the Mexican law provides protection for the lives of both the woman and the unborn foetus (2021a p. 13, 27). The SCJN discusses in detail how it is of interest of the state to secure the preservation and development of a foetus due to its potential of becoming a person, but that the discussion around abortion in the first trimester should not revolve around competing rights of two human beings, rather it is a conversation about women's freedom of choice and the ownership of their own bodies (p. 27). By taking into consideration various strands of scientific research, the Supreme Court believes that the rights of a foetus should increase the more it develops biologically and anatomically: "as the organism's capacity to feel pain, experience pleasure, react to its environment and survive outside of the womb increases, so does its viability to be a person; consequently, the State's obligation to protect it increases" (ibid). They follow up this statement by adding that "this protection, which the State must provide to the product of gestation, cannot be absolute or nullify the rights of women" (ibid). In a latter passage they clarify that a foetus acquires the capacity to feel pain, hunger, pleasure, and other similar feelings when it develops a nervous system, which in their opinion should be the timeframe when the state is obliged to provide the foetus with the rights of a born person (ibid p. 37). They argue that this is a complex matter as their focus primarily lies on the women's and persons with gestational capacity rights, however, the development of a foetus should also be taken into consideration, therefore, clarifying that women's right to decide is not absolute (ibid).

The language used around abortion showcases that the SCJN recognizes the importance of this procedure being accessible, at least in the first trimester, and represents it as a necessary right for women and people with gestational capacities. It is however crucial to point out the inconsistencies in their logic, where they on one hand argue for women's personal autonomy and right to shape their own lives "free from impositions and transgressions", but on the other

hand deny women the absolute right to decide over their bodies by stating that late term abortions should be penalised (2021a p. 16). This in turn imposes impositions and transgressions on women and people with gestational capacities that the Supreme Court is allegedly taking a stance against. Nevertheless, this aspect does not diminish the significance of the SCJN's narrative around abortion. By basing their arguments and opinions in human right's discourse, and using objective, inclusive and gender-neutral terminology, they create a different, more positive, representation of abortion. It moves (to some extent) the conversation from opinions of what is morally right or wrong, to a discussion about freedom of choice and bodily rights, while simultaneously centring individuals who are primarily affected by pregnancy and further protecting and ensuring their rights to a safer future.

4.2.2 Social relations

Continuously throughout their discussion, the SCJN underscores that their reasoning on decriminalising abortion in the first trimester stems from a judicial perspective rather than basing it in moral or religious narratives (2021a p. 11). To aid in their decision-making process, the Supreme Court took into consideration argumentative statements and opinions presented to them by experts and non-governmental organizations to better understand various existing viewpoints regarding the topic of abortion (2021b, p. 18). They also wanted the new policy to reflect social and cultural changes happening in Mexico, while staying consistent with the state's values and principles based in democracy, secularism, and plurality (2021a, p. 11). The SCJN acknowledges the presence of "religious or moral parameters" but considers them as part of a person's private life that help them in making intimate and personal decisions on their own. They follow up this statement by adding that "no one can force anyone to terminate a pregnancy if their personal conviction is against abortion. They should simply not do it. But there must always be the option for those who think differently" (p. 15). To conclude, they once again reiterate that this matter revolves exclusively around women's and persons with gestational capacity rights, something that is recognised by the constitution (*ibid*). While this point will be developed further under the Catholic Church subchapter, it is important to mention here the weight of the Supreme Court's decision to characterize religious and moral beliefs as personal opinions, and rather focus on the human right's aspect of abortion. As mentioned in the introduction, for many decades the Catholic Church has been a strong moral authority in Mexican society, not only influencing the public, but also politicians and policies. By choosing to leave out religious and moral views when enacting laws on a polarising topic, such as

abortion, whose opponents are heavily influenced by the Catholic Church, it could be perceived as the SCJN distancing themselves from them, while simultaneously showing support for social movements that are fighting for equality and women's rights. The SCJN also discusses that it is essential to overcome "the false debate between those who are pro-life and those who are not pro-life" by arguing that "we are all in favour of life. It is just that some of us are in favour of women's lives being lives in which their dignity is respected, in which they can fully exercise their rights" (ibid p. 25).

Besides adopting the UN's conceptualization of reproductive rights, the SCJN also refers to their terminology around gender and gender-based violence. They discuss an apparent connection between reproductive rights and gender, and how policies created in this area mostly affect women. They describe how an abortion is a painful experience and a difficult decision to make for any person. The Supreme Court further develops this point by stating that social norms regarding gender and reproductive rights in Mexico have led to stigmatisation of women, especially marginalised ones. They argue that criminalising abortion consequently means criminalising poverty as such laws predominantly affect the poorest by either forcing them to undergo dangerous and clandestine procedures or proceed with an unwanted pregnancy, worsening their already difficult economic and/or social position (2021a p. 32). The SCJN points out that lack of sex education and general protection of women are two big factors that reproduce stigmatisation of women in Mexico. Regardless of the decision a pregnant woman makes she will be categorised in one way or another. If a woman decides to proceed with an unwanted pregnancy and later give the child up for adoption – she will be seen as a good woman. If she gets pregnant due to ignorance or lack of information – she is irresponsible or did not take care of herself. If she gets pregnant because she wanted to have sex – she is promiscuous, which translates to bad. If she has an abortion – she is selfish and immoral (2021b, p. 8). To combat such reductionisms, the Supreme Court acknowledges the need for inclusive sex education, access to contraceptives, and legal termination of pregnancy. Additionally, they see a need for societal change in how women and their bodies are perceived (2021a, p. 22). Criminalising abortion will not solve any issues, as people in desperate situations will find a way to still acquire it. Criminalising abortion only "ensure[s] that more women will die in the search for a solution to all the difficulties that pregnancy and unwanted motherhood entail for them" (p. 19). It can be argued that the decision to decriminalise abortion in the first trimester is not solely about abortion, but also functions as a step towards gender equality. By underscoring the connection between gender and reproductive rights, and

showcasing how restricted access to necessary procedures, such as abortion, unproportionally affects marginalised people, SCJN positions the discussion in a wider political and social context. Becoming aware of the interconnectedness between gender and various social issues (and structures) is a crucial step in achieving any sort of social change. Therefore, the gender- and human rights-based discourse surrounding SCJN's ruling to decriminalise abortion is both changing how reproductive rights are talked about and, simultaneously, creating space for other necessary discussion related to social justice.

4.2.3 Health

The court documents categorise abortion as both a public health and social justice issue. The social justice aspect of it has already been discussed in-depth above, therefore, this section will focus on health-based discourses regarding decriminalisation of abortion. Abortion, primarily clandestine abortions, can have emotional, psychological, and physical consequences for the bodies of women and persons with gestational capacities. Many people die prematurely when undergoing this procedure in dangerous and illegal settings, while others can suffer irreversible injuries, such as becoming permanently sterile. Besides lack of proper medical assistance, the criminalisation of abortion and forced pregnancies can also lead to pregnant people carrying to term but then giving up their children for adoption or putting them in foster care. The SCJN argues that such decisions can lead to more psychological and emotional trauma, not just for the parent but also for the child (2021a p. 23). Additionally, the Supreme Court points out that mandatory counselling should not be forced upon patients who want to receive abortion. Instead, patients should be aware that they have an opportunity to receive objective and authentic counselling before or after the procedure, but that it is not a mandatory step. The argument for this lies in the idea of respecting the individual's autonomy at all times and allowing them to experience such a procedure on their own terms. Forcing them into a mandatory counselling session during their abortion journey is here perceived as invasive, rather than functioning as a tool to provide a safe space for the patient's feelings (2021b, p. 14).

Overall, the Supreme Court did not spend a lot of time discussing the health aspect of abortion in comparison to the amount they spent focusing on the social justice part of it. They did acknowledge the possible medical complications women and persons with gestational capacity can experience when undergoing clandestine abortions, and the mental and emotional strain an

unwanted pregnancy can put on a person, but not a lot was discussed regarding the foetus and its health besides what has already been mentioned above. As the ruling to decriminalise abortion in Mexico is approached from a women's rights viewpoint, it is understandable that the majority of the attention and arguments revolve around women and their bodies, rather than that of the foetus. This policy also deals with abortion in the first trimester, when it is assumed that the foetus does not have equal rights due to its lack of a nervous system and the ability to feel any emotions, making it unnecessary to discuss its health to the same extent as the pregnant person's. An interesting point that the SCJN makes in their court documents while discussing possible health consequences that patients undergoing illegal abortions can experience is the number of actors that indirectly or directly participate in clandestine abortions while only women and persons with gestational capacity get punished both socially and through criminal charges (2021a, p. 23). I believe this is an important aspect to consider as women are more often than not solely blamed for abortions, rather than people taking into consideration the systematic powers and master narratives that create norms and regulations that eventually force women and persons with gestational capacity into situations where illegal and clandestine abortions are demanded. Blaming and penalising actors who provide such procedures might not be a productive step as it will not stop abortions from happening. Instead improving sexual education and access to contraception will aid in combating unwanted pregnancies, while at the same time forcing people to reconsider existing norms and opinions regarding women's bodily autonomy and reproductive rights.

4.2.4 The Catholic Church

Catholicism was brought to Mexico by conquistadores in the 16th century, swiftly establishing the Catholic Church as an authoritative institution and creating a strong relationship between state and church (Encyclopedia.com 2022). The Catholic Church became not only a prominent religious institution, but also a cultural and moral authority, merging native customs with those of Catholicism's (ibid). In 2014, it was estimated that more than 80% of Mexicans identify as Catholics (Pew Research Centre 2014). Many social norms regarding gender, womanhood, and sexuality found in Mexico today have been highly influenced and/or shaped by the Catholic Church. When speaking of abortion, it is important to acknowledge 'marianismo', a gender ideology that "equates ideal femininity with self-sacrificing motherhood" that is commonly used as "the backdrop within which women navigate abortion decisions" (Singer 2017, p. 19). While marianismo has received a lot of criticism in the contemporary Mexico, it still holds a

strong hold on society as it argues for family values by portraying abortion as a selfish act which occurs at the expense of the family and simultaneously contradicts God's will. Marianismo derives from Guadalupe, a Mexican manifestation of Virgin Mary, locally referred to as "the Mother of the Mexicans" and usually depicted as pregnant (ibid). Guadalupe is also commonly used by the Catholic Church and pro-life movements when protesting against abortion (ibid). It becomes clear that Guadalupe is not only a religious symbol, but a national symbol of Mexico, consequently aligning the values connected to her image with those of the nation. By using a configuration of a selfless pregnant woman both as an ideal for womanhood and as a symbol for the nation's guardian creates an expectation of how Mexican women, especially mothers, should behave and think. Anything that stands in contrast to a selfless mother is not only possibly perceived as a deviation from a certain gender norm, but also as a threat to the nation of Mexico. The Catholic Church's utilization of Guadalupe when protesting against abortion strengthens its position as a moral authority by creating a link between a seemingly moral issue and the interest of the nation, which simultaneously categorises people and actions that support abortion as immoral.

During the two days the Supreme Court was deliberating if they should decriminalise abortion in the first trimester, the Catholic Church's representative in Mexico, the CEM, published several tweets further underscoring their stance regarding abortion. In the tweets released on the 6th of September 2021, the CEM expressed that they hoped the SCJN ruling would grant equal protection for both the mother and the unborn child, without discriminating anyone based on their stage of development (CEM 2021a). They followed up this tweet by adding that they hoped that the Supreme Court would recognise the "fundamental right" of medical staff to conscientious objection so that they are not forced "to participate in an act that goes against their very personal convictions or their faith" (CEM 2021b). On the 7th of September 2021, the CEM released another tweet, calling the new abortion policy a "murderous law" and stating that they hoped other individuals' decision regarding life "is not conditioned by an ideology, but is motivated by faith, hope and love" (CEM 2021c). Their choice to refer to the Supreme Court's human rights-based approach to abortion as "conditioned by an ideology", while simultaneously describing a decision they would prefer with words such as faith, hope, and love, appears rather hypocritical. One could argue that their preferred ruling is also conditioned by an ideology, just of a different kind, while the SCJN's ruling is equally as motivated by faith, hope, and love that is being asked for in the tweet. The Catholic Church's opinion of abortion is highly influenced by patriarchal ideologies, such as the above mentioned

marianismo, promoting traditional values regarding gender and sexuality. One of the biggest differences between ideologies promoted by the CEM and the SCJN is the subject they are fighting for. As has been made clear throughout this analysis, the SCJN's arguments position women and persons with gestational capacity at the forefront, primarily focusing on their rights and health. The CEM, on the other hand, promotes the idea of the right to life by focusing on the foetus. Although one of the CEM's tweets expresses hope for an abortion law that grants equal protection to the woman and the unborn child, the Catholic Church's stance regarding the right to life from the moment of conception will always lead to the foetus' rights being prioritised more than the woman's, making it impossible for them to have equal protection. Additionally, the CEM's wish for the Supreme Court to recognize personal beliefs as a legitimate reason to deny another person medical care would directly affect women if such law came into effect. Such ruling would not align with the CEM's tweet about wanting a law that provides support for both the woman and the foetus as a policy granting conscientious objection would solely have negative consequences for women and their health, making the Catholic Church's statement seem insincere and once again hypocritical.

However, it is important to note that the Catholic Church's moral authority in Mexico has been in the decline in recent years. Contributing factors to this change have been the state's attempts to secularize and democratise the country since the 20th century, an ever-growing feminist movement, and global pederasty scandals involving the Catholic Church. All of this has led to the Church's reputation, as well as its strong political and institutional influences, diminishing (Singer 2017, p. 20). Increasing numbers of Mexicans have claimed that although they see themselves as Catholics, their trust in the Catholic Church as an institution has decreased due to the Church's double moral standards, referring by this to its tendency "to publicly champion a set of moral positions and norms while breeching them in private" (ibid). A different study has also shown that many Catholics would like to see some of the Church's teachings revised, especially regarding contraception (Pew Research Centre 2014).

In the court transcriptions from the SCJN's ruling to decriminalise abortion in the first trimester, they mention that their decision should acknowledge cultural and social changes happening in society, along with respecting the values of the state, such as democracy and secularism. Therefore, taking into consideration the Catholic Church's prominent position in Mexican society, it would be possible to assume that the societal shift that the SCJN is referring to might be to some extent related to the changes happening to public opinion about the

Catholic Church and its morals. A crucial aspect to point out regarding claims to the position of moral authority is that it is a frail stance to have, and that it can be easily “taken away” if the institution regarded as a nation’s moral representative behaves in self-seeking or unethical ways (Grzymala-Busse 2015, p. 12). As stated above, people in Mexico have been losing trust in the Catholic Church’s morals due to its unethical and hypocritical acts, which in turn would mean that the Church’s authority as a moral agent, as well as its societal and political influence, have subsided to some extent. Circling back to the SCJN’s abortion ruling, the lack of a pro-life narrative, which is mainly reproduced by the Catholic Church in Mexico, is very apparent. Not only that, but it could also be argued that it is in some measure discarded, as the Supreme Court chose to classify religious and moral beliefs as personal principles that should not have an influence in the court room when discussing a policy of such nature. Such a clear distinction between what is perceived as a subjective opinion and what is perceived as admissible in the eyes of the Supreme Court when enacting laws that directly relate to gender, sexuality, and women’s rights aligns with the above mentioned cultural and social shift happening in Mexico. It also forces one to consider possible long-lasting effects on how similar topics might be approached on a judicial level from now on, and how it might affect the Catholic Church’s institutional authority.

5. Discussion

The aim of this thesis is to analyse Texas’ and Mexico’s abortion policies from September 2021 by adopting Bacchi’s (1999; 2009) ‘What’s the problem represented to be?’ method together with a theoretical framework that focuses on reproductive governance and SRHR. The research questions are, as follows:

- What is the problem of abortion represented to be in these specific policies?
- To what extent do the (discourses expressed in the) policies align with the views on abortion communicated by the Catholic Church?

In this chapter I will try to provide answers to these questions, while also adding one of Bacchi’s sub-questions - what effects are produced by this representation of the ‘problem’? - to discuss possible effects these policies might have, as I believe it is important to consider not

only what the enactment of these bills have done for the representation of abortion, but also the long-lasting outcomes that they might produce. It is important to also mention again that two other sub-questions from Bacchi's method - what presuppositions or assumptions underpin this representation of the 'problem'?; and what is left unproblematic in this problem representation? - were used as points of departure when conducting the analysis, so these points will also be discussed below.

The first research question revolves around the problematization of abortion found in Texas' and Mexico's abortion policies. When comparing the two policies, it becomes clear that they hold very different positions regarding abortion. The SB 8, from Texas, approaches abortion from a moral point of view, putting the foetus and its rights in focus. The bill criminalises abortion from the moment a 'fetal heartbeat' is detected, which usually happens at around gestational week six. The SB 8 does not criminalise pregnant people directly, however, it focuses on penalising those who aid and abet in the pregnant person's journey to receive an abortion. The bill encourages private citizens to file lawsuits against those who they believe are breaking this law by promising monetary gain if they win the case. I believe this specific aspect of the SB 8 provides a revealing first glance of how abortion is being represented. It creates this idea that abortion is a social issue that the whole community should be involved in trying to combat. As I mentioned above, it also divides people into two opposing groups, where those who are against abortion get awarded, and those who are in support get penalised. Another aspect showcasing how the Texas Heartbeat Act represents abortion is found in its intent to present it as a moral issue that breaches foetus' rights. The language used throughout the policy when referring to a foetus consists of emotionally loaded expressions such as unborn child and heartbeat. This sort of terminology directly affects the way a reader interprets the subject in question, possibly creating a visual image of a foetus in its later stages of development and making it harder to approach this topic from a more objective stance or even taking into consideration other people affected by this bill. I believe the use of these expressions is deliberate, as the bill itself states that it is based on medical research, while also providing a glossary explaining various terms using medical terminology, but then choosing to use emotionally loaded language throughout the rest of the policy. Compared to Mexico's abortion policy, that solely used medical terms when referring to a foetus, and also underscored that religious and moral beliefs should be perceived as personal opinions, it can easily be argued that the discourse presented in SB 8 was a deliberate choice to generate certain type of feelings and values.

The discourse found in Mexico's abortion policy regarding abortion had a completely different tone than the one found in Texas. While SB 8 represented abortion as an immoral and lawbreaking act, the Mexican policy presented abortion as a public health issue that is necessary for the well-being of women and persons with gestational capacities. The Mexican Supreme Court approached abortion from a human rights-based point of view by centring women and their needs in nearly every argument presented. They chose to use medical research, opinions from non-governmental organizations, and discourse provided by the UN and the Inter-American Court of Human Rights regarding reproductive rights in their decision-making progress. This led to a ruling that decriminalises abortion in the first trimester in the whole of Mexico. The SCJN argued that no supranational nor international human rights organisations perceive the foetus as a rights-bearing citizen, and that criminalising abortion only negatively affects women, specifically poor women. However, the Supreme Court believes that with the development of a foetus, its rights should also grow accordingly, and therefore only decriminalises abortion in the first trimester, as after that timeframe a foetus develops a nervous system that allows it to feel emotions and be more aware of its surroundings. In the discussion surrounding abortion, the Supreme Court dedicated a lot of time to discussing reproductive rights in a general sense, and the importance of approaching this topic from a gender aspect. While they made it clear that abortion is not something they condone, they still elaborate on how criminalising abortion unproportionally affects marginalised women and people with gestational capacities. The tone used when representing abortion in this policy appeared hopeful, as it is laced with determination to improve women's rights and their access to reproductive health in Mexico. The Supreme Court also acknowledges that there is more left to do, especially regarding sexual education, contraceptives, and norms affecting gender and sexuality. This comment ties in with the discussion provided in the theoretical framework chapter where it is stated that for SRHR to be fully realised, the different elements that constitute it need to be also protected and supported (Starrs et al. 2018, p. 2642). Even with decriminalising abortion and making it legally available, cultural and social stigma created by religious and patriarchal ideologies can prevent people from seeking medical help or taking care of their sexual health.

Both policies and the interpretations provided in this analysis of how they represent abortion showcase very differing approaches to SRHR. The Texas Heartbeat Act seems to disregard possible health benefits that abortion might have, consequences of such a strict abortion ban,

or even causes that might force someone to have an abortion. This is of big contrast to Mexico's abortion policy that instead is seemingly advocating for SRHR in its fullest and acknowledging the fact that more needs to be done than just decriminalising abortion in first trimester. However, this compels one to question to what extent Mexico, both governmentally/judicially and societally, is willing to change to be able to further advocate for and accept all of the elements that SRHR is composed of. Norms regarding sexuality and gender are heavily affected by the Catholic Church, as well as based in patriarchal values (Singer 2017, p. 19). Even with the Catholic Church slowly losing its power as a moral authority, these beliefs are still deeply rooted in society. Additionally, elites, such as politicians, in Mexico still support the Catholic Church for its monopoly over certain groups in population (Maier 2012; Reuterswärd's 2021; Singer 2017), which can stagnate the process of change, as different sectors in society need to be more or less involved for any progress to happen.

Regarding the Texas policy, one could argue that because of the SB 8's representation of abortion as an immoral and offensive social issue, rather than a public health or human rights matter, the lack of connection to SRHR is understandable. However, considering that abortion is a procedure seen as part of reproductive health and rights by supranational and international organizations, and is deeply connected to gender, it is crucial to reflect on these nuances. As stated in the analysis chapter, regarding reproductive health the Texas Heartbeat Act mentions various illnesses that a pregnant person can experience by getting an abortion, while simultaneously underscoring access to prenatal benefits and support. This selective information provided in the policy can appear as way to diminish the importance of SRHR, or at least certain elements of it. The many aspects of the bill, such as six-week ban, mandatory sonograms and 24-hour waiting period before you can actually get an abortion, and the right to life discourse portray being pregnant and giving birth as the only possible options. This forces one to consider the discussion provided around reproductive governance in theoretical framework chapter, where it is argued that reproduction has become a tool of governance for national and international actors that want to upkeep and reproduce certain values (Morgan and Roberts 2012, p. 244). By applying this point of view to the Texas Heartbeat Act, it makes it possible to argue that its discourse contains elements that seemingly portray abortion, and even SRHR, as dangerous and unwanted, while promoting values similar to those found in discourses from the Republican party and the Catholic Church, i.e., importance of motherhood and protection of nuclear family. A policy with such values then directly becomes an instrument to control women's bodies in the name of furthering the interest of the nation.

The second research question asks to what extent the (discourses expressed in the) policies align with views on abortion communicated by the Catholic Church, and as with the representation of abortion, Texas' and Mexico's policies showcase rather differing results. As explained above, both Texas and Mexico are strongly influenced by the Catholic Church's rhetoric. In both cases, the Catholic Church functions as a moral authority, with strong ties to the national (in Texas case, state-wide) identity. Additionally, representatives of the Catholic Church in Texas and Mexico hold parallel views regarding abortion, as they both promote the idea of the right to life, which consequently argues that abortion is a murder of a foetus. Simultaneously it can be argued that abortion also threatens the Church's beliefs regarding motherhood, family, and woman's social and cultural position in society. In the Texas Heartbeat Act, the similarities between the state's representation of abortion and the Catholic Church's narrative of it are quite visible. Arguments found in the policy show support for the right to life point of view, which is heavily promoted by the Catholic Church. The terminology used in SB 8 can also be found in the articles and paragraphs published on the TCCB website. Such similarities are of no surprise, considering the political and cultural environment of Texas. It has been a Republican-led state for a long time, and with the close relationship that the Catholic Church and the Republican party maintain, certain similarities are to be expected. What I find interesting is the seemingly deep connection between the Catholic Church and the state-wide identity of Texas. In the chapter discussing Texas' abortion policy, it was explained how in a nation with many different religions it can be hard for one of them to stand out and claim full authority. However, through New Federalism providing more independence to each state, the Catholic Church managed to become a crucial institution in some of them, specifically Texas (Grzymala-Busse 2015, p. 9; Heynes 2008, p. 57; Segers 2009, p. 77). Its position as a moral authority made it easier to combine religious values with national ones, and in turn become something of a representative for the people of Texas. Additionally, the Republican Party of Texas and the Catholic Church publicly present similar discourses regarding reproductive rights, sexuality, and family values, all in the name of protecting the people of Texas. Such interconnectedness between the state government and the Church, more or less provides the Catholic Church with the power of indirect governing. Therefore, while the Catholic Church might not have had direct influence on the Texas Heartbeat Act, its supposed position as a moral authority does influence the opinions of the public and of politicians.

Again, this can be related to the previous discussion of reproductive governance, specifically the aspect of moral regimes. As I explained before, moral regimes refer to privileged standards of morality that are used to influence and control intimate behaviours, ethical judgements, and how they manifest publicly (Morgan and Roberts 2012, p. 242). By assuming that the Catholic Church functions as a moral authority in Texas and also taking into consideration the similarities between its discourse regarding matters related to reproduction and discourse promoted by the governing party in Texas, i.e., the Republican party, it is possible to argue that the Catholic Church's standards of morality have to some extent become the default in Texas. The concept of moral regimes argues that to upkeep the legitimacy of certain moral standards they are usually positioned in contrast to those that are deemed immoral (Morgan and Roberts 2012, p. 242). If we apply this to the discourse found in the Texas Heartbeat Act, it could be argued that this policy is a manifestation of moral and ethical standards found in Texas regarding gender and reproduction. I want to reiterate that these arguments are not stating that the Catholic Church was directly involved in creating SB 8. The aim is to showcase the invisible structures, powers, and narratives that can have had influences in how certain topics are publicly perceived. In turn this can help to understand why, for instance, abortion is represented differently in various societies and what can be done to shift that.

In the case of Mexico and their abortion policy, hardly any similarities were identified between the discourse presented by the Supreme Court and the Catholic Church's one. The SCJN expressed several times that they are aware that the topic of abortion is surrounded by different religious and moral opinions, however, in their eyes, arguments based in such narrative are of subjective character and should only affect people's personal choices. I believe this decision both signals Mexico's attempt to distance itself from religious discourses, in hope of becoming a more democratic and secular country, and the possible decline in the Catholic Church's power. For several decades now the Catholic Church in Mexico has been struggling to keep up its institutional and moral authority, as Mexico has been experiencing social and cultural changes influenced by an ever-growing feminist movement and differences in state values, since the country began its democratisation process (Maier 2012; Reuterswärd's 2021; Singer 2017). The SCJN's attempts to include arguments from non-governmental organisations and medical research, while avoiding religious and morally based discourses in their decision-making progress showcases that. Nevertheless, it is important to acknowledge that although the Catholic Church's authority is seemingly decreasing that does not mean that the Mexican population will become less Catholic. As mentioned above, people in Mexico still identify as

Catholics, the biggest difference is that they have lost trust in the Church as an institution (Singer 2017, p. 19). This however means that the norms regarding gender and sexuality that have been heavily influenced by the Catholic Church are still a large part of society. One could argue that the SCJN's decision to only decriminalise abortion in the first trimester instead of fully decriminalising the procedure still to some extent aligns with the Church's idea of a foetus as a right-bearing citizen. However, the Supreme Court used the constitution and its interest in protecting human life as an argument, and with its attempt to distinguish between personal beliefs and what should be accepted in judicial decision-making progress makes it difficult to believe that there are any similarities between the two discourses.

I already discussed how the discourse found in the Supreme Court's ruling to decriminalise abortion appears to include a positive stance regarding SRHR and the possible actions that should be taken to develop it. Now I want to briefly touch on reproductive governance and how it can be applied here. The situation in Mexico is arguably less straightforward than in Texas, as there is a shift happening in how the public is perceiving the Catholic Church as an institution. As theorised before, the position of a moral authority is a frail one, where self-seeking actions can lead to a growing distrust in the community (Grzymala-Busse 2015; Singer 2017). The alleged double moral standards of the Church that people of Mexico have critiqued, with the changing tides in social and cultural arenas (Singer 2017), might be contributing factors to why the Catholic Church is being distrusted as an institution. In turn it can be argued that this might have had some effects on how the Supreme Court chose to approach the topic of abortion. These shifts then affect what type of values might be privileged in society. If we use this ruling from the Supreme Court as some form of public manifestation that showcases what type of morals are dominating in the country, then it could be assumed that the Catholic Church's position as a moral authority has weakened significantly. The discourse regarding this specific abortion policy does resemble the Supreme Court's aspiration to adapt to the state's values based in democracy and secularism. However, one abortion policy does not provide a complete picture of changes in attitudes or shifts in society, but it can be perceived as an indication of possible transformations that might occur in the future.

In the remaining part of this chapter, I will be discussing possible effects these policies might have in Texas and in Mexico. The most tangible effect produced by the Texas Heartbeat Act is the lack of access to safe abortion in the state. Due to the SB 8 allowing any citizen to file a lawsuit against an abortion provider for not complying with the law, abortion providers will

either be more cautious with their practice or avoid providing this medical procedure all together. This leads to patients who want abortion either travelling to a different state where abortion is allowed, following through with an unwanted pregnancy, or having an unsafe abortion. All of these options can have negative effects on the patients in need of abortion. To travel to a different state or proceed with an unwanted pregnancy are financially straining as some people might use all of their means to acquire an abortion somewhere else or risk losing their jobs due to not having the option of taking time off. Those who do not have the means to either travel or proceed with the pregnancy might consider getting an unsafe abortion. This option can also affect a person's finances, but more importantly it can lead to severe health problems or even death as these procedures are often done in unsanitary environments, using methods that might not be medically approved.

Other less tangible effects possibly produced by the SB 8 regard the topic of SRHR. As mentioned above, the SB 8 represents abortion as an immoral, dangerous, and criminal procedure that the whole community should jointly worry about. I believe such problematization of abortion might have a ripple effect on other aspects of reproduction and sexual health, for example contraception, sexual education, values and beliefs connected to virginity and sex in general. Texas is a Republican-led state, with the Catholic church as a strong moral authority that focuses on promoting and preserving traditional values. Their teachings of sexual morality and reproduction appear to be influenced by patriarchal attitudes towards women. Gaining control over one part of women's reproductive rights might lead to enactment of other policies restricting access to certain contraceptives, such as the morning-after pill, that is perceived as a more 'controversial' contraceptive, in some cases even compared to abortion medicine. Policies affecting how sexual education is thought in Texas' schools might also appear. While a policy prohibiting sexual education entirely might be unattainable, certain topics of what can be taught in schools might be forbidden in the interest of protecting certain state-wide values. Such changes would unproportionally affect various types of minorities that are already struggling with having representation and attaining rights that their white, cis, heteronormative counterparts are given. The Texas Heartbeat Act might also influence other states with similar political and social environments to also introduce more restrictive abortion laws. SB 8 provided a way to avoid violating the American constitution by putting the responsibility of suing anyone who aids a person in getting an abortion on regular civilians instead of giving the authority to state officials, which would count as unconstitutional. It could even lead to the Supreme Court overturning *Roe v. Wade*, which

would immediately put in danger abortion rights nation-wide. However, I believe a passing of such restrictive abortion law will also lead to more people engaging in feminist and pro-choice movements to protect freedom of choice and women's autonomy of their own bodies. SB 8 showed that women's reproductive rights are not a given right, no matter in what political context you are located in, therefore, a policy like this might also lead to positive effects in terms of creating a nation-wide movement fighting for social change and inclusivity.

Regarding Mexico, decriminalisation of abortion, even in the first trimester, is a big steppingstone towards an actual legalisation of abortion. Such policy shows a social, cultural, and political shift happening in the country that could affect other elements of SRHR, but also influence neighbouring countries. As I already discussed, the Supreme Court acknowledge that more needs to happen in terms of women's and reproductive rights, which creates hope for further improvements in gender and sexuality related areas. Having this legal standard that protects women's and persons with gestational capacity rights will possibly lead to more security in the lives of those most affected by criminalisation of abortion. However, it is important to remember that this ruling will not suddenly change their precarious position in society, for that to happen a lot more needs to be done, which the SCJN seems prepared to do. I also believe this ruling will affect how people think regarding norms that relate to gender and sexuality, and where they come from. Already some patriarchal norms promoted by the Catholic Church, such as marianismo, are less approved of in contemporary Mexico, which could possibly lead to other norms and values being questioned. Lastly, I think it will be interesting to see how the relationship between Mexico and the US will change due to these policies. Texas has a direct border with Mexico, specifically with the state of Coahuila where the ruling to decriminalise abortion in the first trimester occurred and is now fully enacted. This could lead to an increase in abortion tourism from Texas to Mexico, possibly affecting the already strained relationship between the two countries, or even creating space for new abortion policies in Texas to prohibit its citizens from traveling abroad to receive procedures such as abortion.

6. Conclusion

The aim of this thesis is to conduct a discourse analysis on Texas' and Mexico's abortion policies from September 2021 by applying Bacchi's 'What's the problem represented to be?'

method, together with a theoretical framework based in reproductive governance and SRHR. The research questions regard how abortion is represented in these policies, and to what extent the discourses presented in said policies align with those of the Catholic Church's on abortion. The results show that the policy enacted in Texas represents abortion as an immoral and dangerous social issue by adopting the right to life viewpoint. Discourse presented in this policy appear to have many similarities with that of the Catholic Church's. Mexico's policy, on the other hand, represents abortion in the first trimester as a necessary procedure both from a medical and human rights point of view. Late-term abortion is however perceived negatively due to the increased development of the foetus. There are hardly any similarities found between the discourse presented by the Mexican Supreme Court in their ruling to decriminalise abortion in the first trimester and the Catholic Church's discourse regarding abortion in general.

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