

Between the Church and the State: Catholic and European Influences on Abortion Governance in Italy and Beyond

Danielle Pullan¹

<https://orcid.org/0000-0002-4020-7407>

Max Planck Institute for the Study of Societies
University of Cologne

Payton Gannon

<https://orcid.org/0000-0002-5204-7236>

Georgetown University Law Center

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Abstract

Supranational cultural institutions and communities play an interesting role in the development of abortion policy both historically and today. In this paper, we consider two such institutions: the Catholic Church and the European community. The Church is famously anti-abortion, and we describe the ways in which the Catholic position manifests itself in different countries. Conversely, almost all European countries have liberal laws that allow abortion on demand for 12 weeks of pregnancy. Italy sits at the intersection of European and Catholic identities. Italy adopted European-style liberal abortion laws early, but Italians continue to identify with the Church in surveys, which is one of the causes of high levels of conscientious objection by medical professionals. Italy's abortion policy pleases neither Catholics nor secularists. We explain this by understanding Italy's abortion law as liberal *de jure*, but its culture is still heavily influenced by Catholicism, resulting in limited abortion access *de facto*.

Keywords: abortion governance, Catholicism, European Union, Italy, Latin America, religion in politics

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1. Introduction

How do societies decide to regulate moral questions in an era of increasing globalization, pluralism, and religious difference? We review abortion policy development as influenced by two major institutions: the Catholic Church and the European community. These two pillars of Western society have grown and developed together, influencing each other and each influencing various nations in Europe and their former colonies. In this examination, we disentangle one from the other by looking at the countries that sit at the intersection of Catholic and European identity, particularly Italy.

To those unfamiliar with Italy, it may seem like an unconventional place to study abortion. One might wonder whether, due to its geographic and historical proximity to the Church, abortion is even legal in Italy. On the contrary, however, Italy adopted a liberal abortion law earlier than almost any other Catholic country, and it has furthermore been very committed to maintaining this policy despite attempts at reform. Inspired by this tension in the Italian case, we thus ask ourselves: how does the Catholic Church seek to influence abortion policies, and why is it more successful in some countries than in others? What role, if any, does Europe, understood broadly as inclusive of the EU institutions as well as specific other European countries, play in influencing abortion policy in countries that are both Catholic and European?

In this paper, we make both theoretical and case-specific arguments. First, we develop a theory about the ways that Catholicism and Europeanism influence abortion policies by exploring several shadow cases. This theoretical contribution could profitably be applied to understand the determinants of other European and/or Catholic countries' morality policies. We then apply this theory to the Italian case, where we argue, perhaps surprisingly, that Italian abortion policy is much less Catholic than a layperson might assume, in large part due to the historical antagonism between the Church and the Italian state. Catholicism plays a role in the implementation of Italian

abortion governance, but not the letter of the law. Despite having a secular State that wrote secular laws, the Italian Nation (Anderson 2016) remains committed to some Catholic values that undercut the effectiveness of this law.

2. Existing Literature

Our arguments grow out of the robust literature on religion and politics, as well as general policy literature. We begin from a historical institutionalist approach in our analysis of the relationship between the Church and individual states, as well as the relationships between states (Grzymała-Busse 2015; 2023). We understand the Church as an institution to wield soft power (Nye 2005) in the realm of statecraft, sometimes engaging in slightly harder ways in countries that were amenable to the Church taking over some state functions (Kissane 2003). We consider each state's history with the Church in addition to its modern-day religiosity following path dependency theory (Mahoney & Schensul 2006): historical efforts by the Church to influence policy still have lasting effects today, because the country has continued down that path for many years, even if it does not have a close relationship with the Church today.

Building on the morality policy literature, we understand abortion policy to be worthy of separate study because we would not expect it to develop and be influenced in the same ways as redistributive policies or along the lines of class conflicts (Kreitzer et al. 2019). Abortion policies are more similar to policies on LGBTQ+ rights (Knill & Preidel 2015), euthanasia (Burlone & Richmond 2018), and drug use (Euchner et al. 2013) in terms of what motivates policymakers (Kreitzer et al. 2019) and how people develop their attitudes on these topics (Kurzer 2001). The Catholic Church has historically involved itself in morality policy debates, and other scholars have considered why the Church was more successful in some arenas than others (discussed in Section 6.3).

Demographer Gianpiero Dalla Zuanna summarizes the challenge of evaluating the impacts of the Catholic Church's involvement in such policies: "An understanding of how and to what extent religion influences marital and reproductive behavior in a particular geographical context during a specific time period thus requires historical reconstruction. In addition to analyzing Church principles and values, one must also examine the behavior of the individuals involved: theologians, the Church hierarchy, parish priests, and the parishioners themselves" (Dalla Zuanna 2011, 1). As political scientists of the historical institutionalism school, we would argue that in addition to these micro and mezzo level actors, national and supranational institutions and actors must also be considered. Thus we turn to the development of the modern European state and the international European community, evaluating how these various institutions influence one another as well as interacting with the Church as another political player.

For the secular components of our analysis, we turn to more traditional political science theories for how policies develop. Policy diffusion theory (Shipan & Volden 2012) suggests that states that are geographically proximate or culturally or legally intertwined in some other way will influence each other. As the peoples of Europe coalesced into modern states, some of them were influenced heavily by the Church, as well as by each other (Grzymała-Busse 2023). Some scholars have already explored the similarities among European nations – and particularly European Catholic nations' – stances on abortion, though with an emphasis on individual attitudes rather than institutional influences (Jelen et al. 1993). At the same time, the right for each state to determine its own abortion policies is an explicit principle of European treaties, and there is some cross-national variation in both abortion policies (Center for Reproductive Rights 2023) and abortion access (Pullan 2023). While European values like free movement may draw states closer together, it can also emphasize their differences, such as when abortion patients travel from one country to another in search of care that is denied by one state but available in another (Garnsey et al. 2021).

Nation theory can also provide guidance in evaluating communities. Anderson (2016, p.6) famously defined nations as “imagined political communities” where nations are “imagined” as “both inherently limited and sovereign.” In this theory, Nations are distinct from States and governments; one State often contains many Nations. Nations are bound by a shared mythology and history, but not necessarily formal institutions. Anderson explains how nationalism as a concept rose contemporaneously with the decline in influence of traditional cultural and religious institutions. Nations are thus shaped by religion, but also sometimes defined in opposition to religious institutions. This paper will use nation theory to shed light on the difference between the Nation of Italy, referring to the people and their cultures and values, and the State of Italy, the constellation of formal institutions that build policies and regulate domestic and international behavior, as well as how the nation and the state interact.

This paper also contributes to a growing literature on abortion access in Europe and especially in Italy, where conscientious objection is a defining feature of its policy, as we will discuss below. Other scholars have sought to explain why Italy has such a high rate of conscientious objection (Gannon 2023; Pullan 2022a; Minerva 2015), analyze the effects this law has on patients (Gerdtts et al. 2016; Guzzetti et al. 2021; Zanini et al. 2021) and doctors (De Zordo 2018), how the Italian law came to be from a legal perspective (Caruso 2020), and how the law’s implementation affects demographic trends such as abortion rates and patient characteristics (Autorino et al. 2020; Aiken et al. 2021; Fiala et al. 2022).

3. Case Selection and Method

To explore the competing influences of both Catholicism and Europeanism on abortion policy, we qualitatively explore a variety of country cases. In the following sections, we delve into what makes a country Catholic or European and, consequently, what an archetypical Catholic or

European abortion policy looks like. We develop these pictures by exploring representative cases that fall into three groups: Catholic and European, Catholic but not European, and European but not Catholic. This allows us to identify patterns among the Catholic and European countries that can be used to untangle which elements are most related to which influences. In these cases, we consider components of the policy itself (e.g. the circumstances under which abortion is permitted, requirements for access such as waiting periods or counseling, and conscientious objection) as well as attributes of the policy development process, such as the historical timing, political process, and the historical development of Church-state relations.

We evaluate how important both abortion as a policy area and the Catholic religion were to the state's priorities, as well as the religiosity of the people living in that state, understanding that these may not be congruent. The State may have a more or less contentious relationship with the Church as a political actor for a wide variety of historical reasons, and the people may be more or less committed to their religious and cultural association with the Church. Taken together, these evaluations describe the relationship between the Church and the State and allow us to position the abortion policy as closer to one or the other of these institutions.

Anderson's nation theory can also clarify this proposition: a State or government may be secular, even if at least one of the Nations living in that State ties religion deeply to its existence (Anderson 2016, ch. 2). This is certainly true for Italy: Catholicism is a cultural value held by many Italians, but as we will explore in further detail below, the State apparatus developed a strong opposition to Catholic institutions. Our case selection is partially based on which countries have distinctive Nations and States, to shed a light on the influences of the people and their culture of the nation versus the influences of the formal State institutions.

Thus, we develop our understanding of Catholic abortion policy and European abortion policy through the exploration of ten shadow cases. For the intersection of Catholic and European, we take Ireland, Portugal, and Poland. We argue that these three represent the

spectrum of Catholic-European abortion policies and policy development trajectories and that while there are other countries that might be considered both Catholic and European, they are generally similar to one of these three (e.g. Spain to Portugal, Malta to Poland). For Catholic countries outside of Europe, we include Uruguay, Mexico, and Argentina, again with an aim towards a representative image of countries that fit this profile. These three countries reflect different levels of religiosity among the people as well as differing histories of legalization of abortion. We notably excluded countries where abortion is completely illegal, as this is more of an anti-abortion policy. For our final set of non-Catholic European countries, we include countries with more religious pluralism like the UK and Germany, as well as less religious countries like the Netherlands and Sweden.

We then apply this understanding of Catholic versus European influences on abortion policy to the Italian case. We select Italy not only out of personal interest, but because it is often stereotyped as the heart of Catholicism. It is true that in many ways, Catholicism and Italian identity are inextricably tied, but we argue that this connection is cultural and tied to the Nation, not legal, and that in fact the Italian State apparatus is quite secular. Our theory explains why a country with such seemingly strong ties to the Catholic Church has an abortion policy that is actually quite liberal on paper: secular European influences and the history of antagonism by the Church as a political actor drove Italy to adopt a European-style policy, where other countries that had closer state relationships to the Church adopted policies that more closely followed the Church's ideological teachings.

4. Catholic Abortion Policy

4.1 The Church's Stance and Role in Policymaking

Though there is no mention of abortion in the Bible, the Catholic Church today is vocally and consistently anti-abortion. The Church lobbies for policies preventing or limiting abortion all over the world. The Church's influence is less prominent in recent decades as more and more younger people live together before marriage, engage in premarital sex, and use contraceptives, all of which are forbidden by the Church (Caltabiano & Dalla Zuanna 2021).

4.2 Catholic Countries

What makes a country a "Catholic country"? Historically, countries often had an official state religion, but this is less and less common in the West (Pew Research Center 2017b). What can be clearly measured is the religious denomination of a country's citizens, as well as how often those people attend religious services and how important they evaluate religion to be in their lives and their cultures (Pew Research Center 2017a; Pew Research Center 2018). Particularly in Europe, many states co-developed with the Church and/or adopted the Church's administrative structures as templates for their new state structures (Grzymala-Busse 2023).

In countries with a substantial Catholic presence, the Church can have a significant influence on both policy choice and social attitudes towards certain behaviors (Fahey 1998, Troy 2008, Kowaleski 1993). The Catholic Church affects policy by taking public positions and lobbying, and it also has a substantial influence over a populous' attitudes about abortion, gay marriage, sex, and other social issues rooted in clergymembers' position at the pulpit (Grzymala-Busse 2015, Jelen, O'Donnell & Wilcox 1993, Thornton 2003, Dobbelaarere & Perez-Agote 2015). This is not to suggest that Catholic countries always act in lock-step with the wants or

values of the church, but that the opinion of the Church holds sway over people's beliefs and policies generally (Grzymala-Busse 2015, Thorton 2003, Holman et al 2020). Borowik & Grygiel (2023) test this in Poland, finding that the Church is only able to influence citizens' attitudes to a limited degree on so-called biopolitical topics like abortion, in vitro fertilization, and homosexuality. Additionally, Agnew (2010) explores the geopolitical strategy employed by the Catholic Church as compared to other religious denominations as a matter of the Church's survival in a modern context, including a shift from the traditional centers of Catholicism in Europe to former colonized States in the wake of cultural change in Europe. Catholic-affiliated social movements (Vaggione 2017) and economic and political power structures (Blofield 2006) also play a role in shaping a country's cultural values to be aligned with their religious beliefs. We therefore consider a combination of variables including the religiosity of the population, power of the Church politically and socially, and history and development of the Church in each State (Anderson 2016, Grzymala-Busse 2015) when we describe a country as "Catholic."

In this section, we review the history of the state, its policies on abortion, and how this intersected with the state's relationship with the Catholic Church. This list is not exhaustive but is meant to highlight the key variations in Catholic countries' abortion governance. Because we will contrast Catholic influence with European influences below, we must consider Catholic countries that are not European, to observe how Catholicism influences abortion policy separately from the influence of Europe; this is why we include several Latin American examples that similarly have a history with the Church and/or a sizable Catholic population.

There is much valuable scholarship about the role of the Catholic Church in the development of the modern secular state, particularly in Europe. The Church's infrastructure and hierarchy have existed longer than European States. As borders shifted, kingdoms and empires rose and fell, and modern forms of government began to develop, throughout it all, the Church had a presence in each community (Grzymała-Busse 2023). Bishops served as regional

administrators, and there was ongoing conflict between the pope and various kings over who should be entitled to appoint bishops and other clergy members. The position of the Church in a given territory often largely depended on the personal relationships between royals and clergy, and particularly how successfully the Church was able to maintain control of its historical institutions (Grzymała-Busse 2023, p.43).

4.3 Catholic European Countries

4.3.1 Republic of Ireland

For many years, the Republic of Ireland (hereafter Ireland) was seen as the quintessential Catholic country when it came to moral issues like abortion, divorce, and marriage equality. Throughout the 1980s-2000s, repeated attempts to liberalize in these areas were rejected. The tide turned, however, in 2018 when the Irish people voted to repeal the previous restrictions and allow abortion to be regulated by the parliament, thereby legalizing abortion. This passed by an overwhelming majority, but after a very heated campaign, which has been studied by many scholars of social discourse (Brown & Calkin 2020; Ralph 2020).

Ireland's Catholic identity is fundamental to its national identity (Calkin & Kaminska 2020; Kozłowska et al. 2016), supporting Irish independence from Britain by differentiating the two peoples (Grzymała-Busse 2015). More than many states, Ireland deeply integrated the Catholic Church into its State functions, particularly those related to children and mothers (Kissane 2003). Thus the State had a structural interest in appeasing the Church, as the removal of Church support would leave the state with significant gaps in welfare provision. While their geographical neighbors were liberalizing abortion laws, the Irish State remained against abortion, adopting the Eighth Amendment to the Irish constitution in 1983 (Field 2018). This amendment declared the life of a pregnant person and the life of a fetus to be of equal weight, which meant that abortion

was only permitted if the pregnant person's life was in danger. Irish voters reaffirmed over and over again their commitment to not legalizing abortion.

So what changed to cause such a stark reversal in 2018? As demonstrated by parallel liberalizations on marriage equality and divorce, the influence of the Church over both State institutions and the Nation's hearts and minds had waned. Scandals in the Church, combined with an already decreasing identification with religion and increased support for religious pluralism, led the Irish public to vote in favor of regulating abortion by a dramatic margin (Calkin & Kaminska 2020; Inglis 2007). Today, abortion in Ireland is legal in the first 12 weeks of pregnancy on request. Services are provided at hospitals throughout the country thanks to a robust peer-to-peer support network of doctors willing to perform abortions (Stifani et al. 2022).

4.3.2 Portugal

Portugal, like Ireland, resisted abortion liberalization, not allowing voluntary abortions until 2007 (Feio 2021). Portugal today has a conscientious objection provision, and 80% of doctors are conscientious objectors as of 2013 (most recent data available)(Feio 2021). This has led to reports of struggles to access abortion (Feio 2021).

Portugal has been deeply Catholic since its founding (Vilaça & Oliveira 2015), but in 1911 was proclaimed a secular republic (Vilaça & Oliveira 2015). Between 1911 and 1974, Portugal experienced radical political change, with the Catholic Church being reinstated as the state religion and then removed in favor of a secular government again (Vilaça & Oliveira 2015). There are serious National anti-clerical leanings because of the role of the clergy during Portugal's period of military dictatorship (Vilaça & Oliveira 2015).

Portugal's moves towards liberalization occurred following highly public abortion court cases (Stifani et al. 2018). As a result, the law was reformed to allow abortion in cases of fetal

abnormality, rape, and threats to the life and health (including mental health) of the pregnant person, but abortions in Portugal remained rare (Vilar 2002). In the 1990s, an attempted referendum failed to liberalize the law (Stifani et al. 2018). Finally, in 2007, the Portuguese won the right to voluntary abortions. There is limited research on abortion in Portugal, and we recommend it as well as an interesting case for future research.

4.3.3 Poland

The Polish history of abortion governance is complex and different from that of most other countries considered in this paper, primarily because Poland first adopted a very liberal abortion law and later a very conservative one under different regimes (Krajewska 2021; Mishtal 2017). Today Poland allows abortion only in cases of rape or the life of the pregnant person. Poland draws media attention as the second-most conservative abortion law in the EU (following Malta's complete ban), and as one of the few countries in the world that is actively limiting abortion access rather than expanding it.

To summarize, the Polish nation has been dominated by various foreign rulers throughout its history, with only short periods of independence until the formation of the Third Polish Republic in 1989. Poles have long been Catholic, and the Church served as a constant throughout eras of significant change in the ruling State, making Catholicism extremely important to the Polish Nation (Grzymała-Busse 2015, ch. 4). The Church has consistently had access to state actors that allowed them to influence policy (Grzymała-Busse 2015, ch. 4). Religiosity and church attendance in Poland are the highest in Europe (Halman et al. 2022).

Like many communist countries, in 1956 Poland adopted a very liberal abortion policy. In this era, abortion became the primary method of family planning (Calkin & Kaminska 2020). In the late 1980s, a rapid decline in the official abortion rate began, and in 1993 a new law was adopted

that only allowed abortion to save the pregnant person's life or health, or in cases of fetal abnormalities or rape (Ciaputa 2019). In 2020, the fetal abnormality indication was removed, making the already conservative law even more restrictive (BBC News 2020).

4.4 Catholic Countries Outside Europe

4.4.1 Uruguay

Uruguay has a strained relationship with the Catholic Church: Catholicism is the largest practiced religion, but the plurality of people in Uruguay do not identify with any religion, making it the least religious country in South America (Soper & Fetzer 2018). Uruguay became the first Latin American country to allow abortion in 2012 (Wood et al. 2016), but it is still technically criminalized with specific exceptions (Berro-Pizzarossa 2023). Both individual doctors and entire facilities can be conscientious objectors (Wood et al. 2016; Berro-Pizzarossa 2023). Nationally, 30% of doctors are objectors, and in some regions it is much higher: 80% according to Wood et al. (2016) or 100% according to Berro-Pizzarossa (2023).

Despite the low level of Catholicism in Uruguay compared to the rest of Latin America, the Catholic Church still exerts its influence through presence in public spaces, though this is resisted by the State (Da Costa 2018). Going back to the colonial era, Uruguayans always fiercely resisted the Spanish colonists' efforts at conversion (Soper & Fetzer 2018). When Uruguay was founded, though the leaders were Catholic, they did not view religious hegemony as fundamental to national identity. Uruguay officially embraced a secular state in 1861, significantly earlier than most of Latin America (Fernandez Anderson 2016). Unlike in the majority of Latin America, Catholicism is not the official religion of Uruguay and religious instruction is banned in public school (Fernandez Anderson 2016), which scholars have described as *laïcité* (Da Costa 2018).

Against this backdrop, it is fair to question whether Uruguay is actually a Catholic country at all. We include it in this analysis for several reasons: firstly, despite this history, the Catholic Church has substantial soft power (Nye 2005) and affects the Nation. Secondly, it is a common case study in abortion policy literature because of their position as the first in its region to legalize (Berro-Pizzarossa 2023). Thirdly, the Uruguayan journey through laïcité (Da Costa 2018) is similar to Italy's Nation-State dynamics, which we will discuss in more detail below. It is undeniable that Uruguay has a history with Catholicism, even though the Church and the State have developed in separate directions.

4.4.2 Argentina

In 2020, the Argentinian parliament legalized abortion up to 14 weeks of pregnancy. The law requires that the procedure be performed at no cost to the patient within ten days (Ruibal 2023), but despite this, abortion access is difficult for many pregnant people because of conscientious objection (Latourrette 2023). This law was particularly significant because the current pope, Francis, is from Argentina and the first Latin American pope, a move interpreted as the Vatican's recognition of the importance of Latin America to the Catholic Church (Donadio 2013).

The Argentinian government first took up the topic of abortion legalization in 2018, but the bill ultimately failed in the Senate. Due to the sustained pressure from activists, in just two years, they were able to return this topic to the legislative agenda in a move that was heralded as the beginning of a "marea verde" or "green wave" across Latin America (Casas 2021). Prior to this law's passage, abortion was available in cases such as a threat to the pregnant person's health, or a pregnancy resulting from rape. Pope Francis and the Catholic Church were seen as a driving

force behind the anti-abortion movement, but the pro-abortion activists won this battle (Daby & Moseley 2021).

4.4.3 Mexico

In 2021, Mexico also took steps toward abortion legalization. The Supreme Court declared the criminalization of abortion to be unconstitutional, but this was distinct from declaring abortion fully legal and required further action at the state level. In 2023, the Mexican Supreme Court went a step further and overturned all federal penalties relating to abortion (Associated Press 2023). This ruling will require all federal healthcare institutions to provide abortions to those who request them (Associated Press 2023). Some of Mexico's states, however, still criminalize abortion in their state penal codes (Associated Press 2023).

Catholicism was fundamental to the founding of Mexico. A priest is credited with lighting the match of Mexican independence, and initially only Catholics were allowed to be citizens (Agren 2016). The Church and the State would then go through centuries of tension and conflict, with the State trying to control the Church (Agren 2016).

There are also concerns that despite the recent court ruling, cultural opposition to abortion remains strong, and the right for medical personnel to object on conscience grounds has been enshrined in Mexican law since 2018 (Kitroef & Lopez 2021). Prior to the Supreme Court ruling in 2021, abortion was legal in Mexico City and the state of Oaxaca, but conscientious objection impeded access (Küng et al. 2021). These regions experience similar problems to Italy: longer waits for patients seeking abortion and increased stress and work for nonobjecting doctors (Küng et al. 2021).

4.5 Summarizing Catholic Abortion Policy

As we come to see, abortion policies differ significantly even among Catholic countries. Both European and Latin American Catholic countries continue to liberalize their abortion law, with some exceptions. Catholicism informs global cultural values in many different ways, and the Church has been more or less involved in the politics of different nations. From the six cases above, we can extract policy elements that are typical of a Catholic abortion policy, summarized in Figure 1 and Table 1.

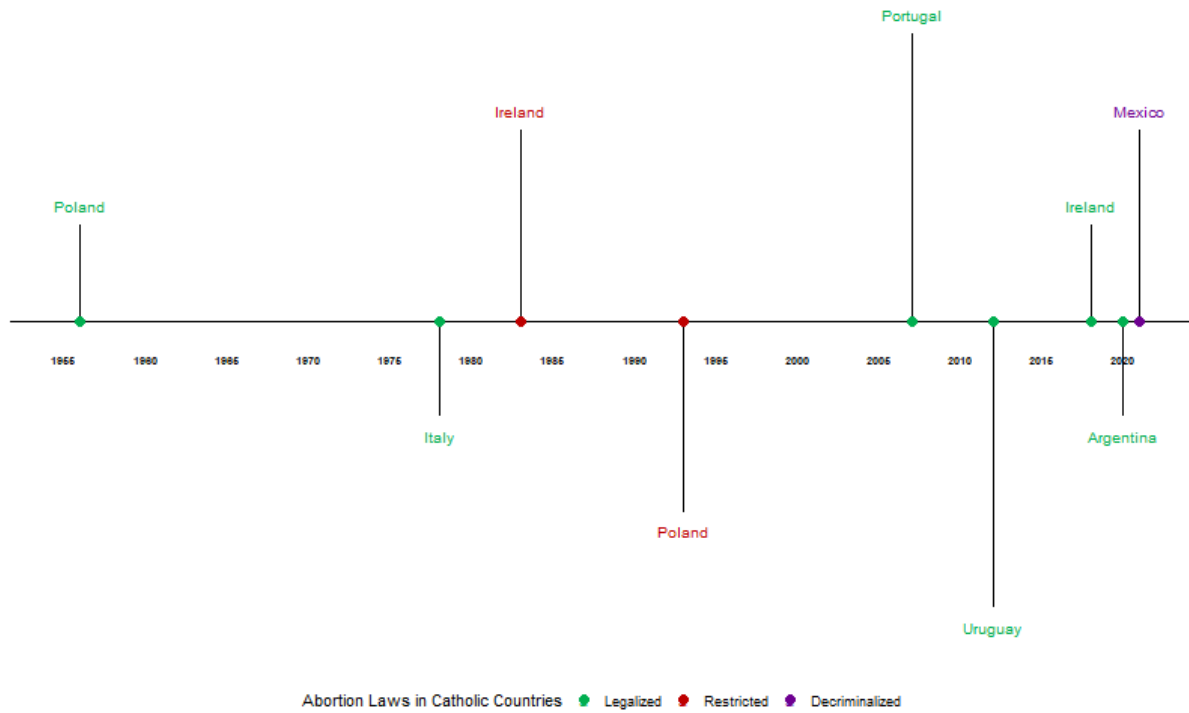
These policies allow for conscientious objection among care providers or sometimes entire healthcare structures. Counseling and waiting periods for abortion seekers are usually required. There is variation in how Catholic countries handle therapeutic abortions (those deemed medically necessary later in pregnancy due to risks to the pregnant person's health, or when the fetus is incompatible with life), with some allowing it all the way until birth and others placing a limit around the time when the fetus could in principle survive on its own with medical assistance ("viability"). Catholic countries generally legalized abortion relatively recently, with three of the six cases we explore here legalizing in 2018 or later. Each country reviewed here has an individual relationship with the Catholic Church, and we see variation in the level of Catholicism in the population as well as the degree to which the State adopts Catholic priorities.

5. European Abortion Policy

In this section, we will explore the national and supranational institutions that evaluate abortion policy, review the key court decisions, and highlight representative examples of country-level abortion governance approaches across Europe.

In policy studies, the phenomenon of policy diffusion describes cases where countries

Figure 1: Historical timeline of abortion legalization in Catholic countries



Source: Compiled by authors from the preceding sections

Table 1: Provisions of Abortion Regulations in Catholic Countries

Country	Gestational Limit: Elective	Gestational Limit: Therapeutic	Waiting Period	Mandatory Counseling	Cost	Conscientious Objection
Ireland	12 Weeks	None	3 days	Yes	Free	Yes
Portugal	10 Weeks	24 weeks	3 days	Yes	Free	Yes
Poland	Abortion only allowed in rare circumstances					
Uruguay	12 Weeks	None	5 days	Yes	Free	Yes
Argentina	14 Weeks	None	None	None	Free	Yes
Mexico	Legalization and restrictions differ by region					Yes
Italy	12 Weeks	Viability	7 days	Yes	Free	Yes

Source: Compiled by authors from the preceding sections

with cultural, social, and geopolitical ties seem to “catch” a policy from a neighbor and adopt it as their own (Shipan & Volden 2012; Berry 1990). Feminist institutionalist scholars (Krook & Mackay 2011) have observed policy diffusion in other gendered policies, such as gender quotas (Krook 2006; Piatti-Crocker 2019) and mainstreaming (True & Mintrom 2001). We extend this line of thinking to abortion policy, arguing that it has diffused throughout Europe, leading to a European cultural consensus of relatively similar positions across the continent.

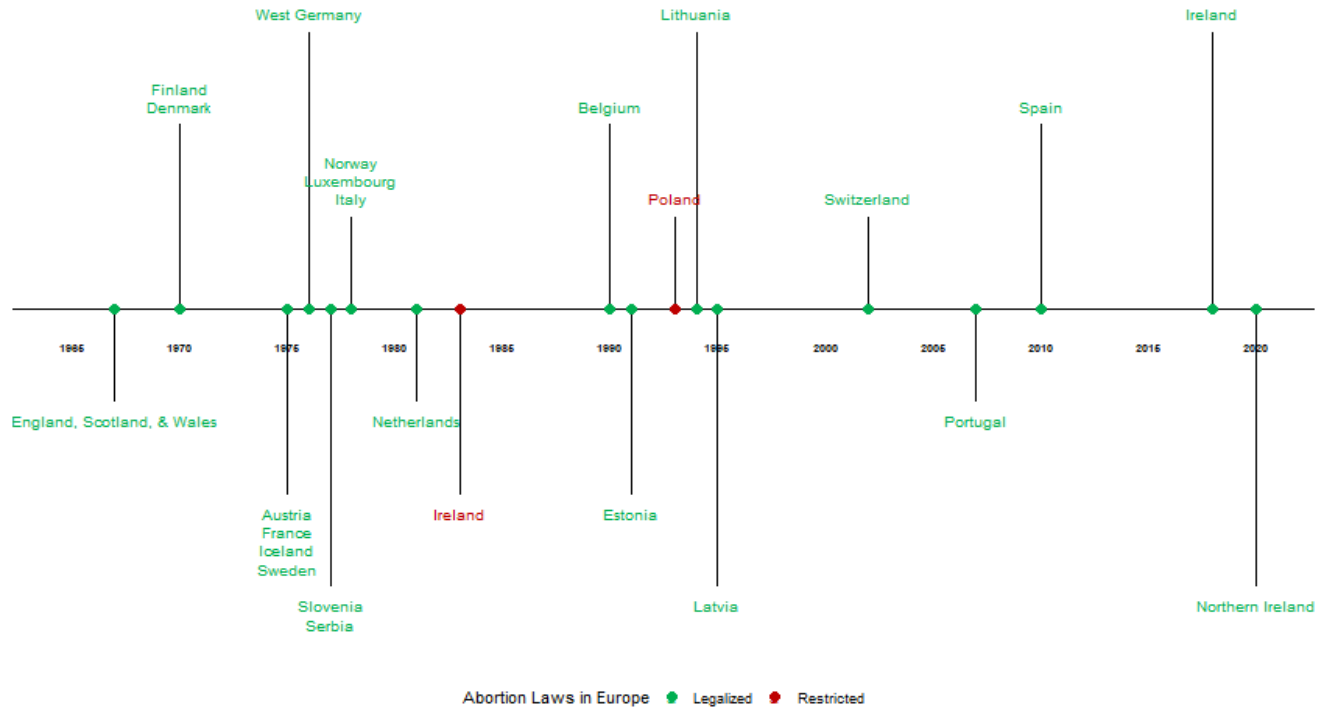
Abortion laws in Europe fall into a few distinct time periods (Figure 2). First to legalize abortion were communist countries, a phenomenon that is studied by other scholars but is beyond the scope of this paper (Hyne 2015). The first European effort to limit abortion was in Ireland in 1983, as discussed above. This move inserted a prohibition on abortion into the Irish constitution, but abortion had never been legal in Ireland; this strengthened their commitment to prohibiting abortion and made it more difficult for pro-abortion activists to legalize abortion. The only country in Europe to have once legalized abortion and taken significant steps to restrict it is Poland. Notably, these are both countries where Catholicism had a strong influence.

Among secular European countries, abortion became increasingly accepted and was legalized in more and more countries, with former communist countries reaffirming their choice to keep abortion legal in the early 1990s. A handful of countries legalized after the year 2000, but for most, this issue of abortion was settled in the 1970s.

Particularly in the Schengen area where borders are open between European countries, travel for abortion is a well-documented phenomenon (Sethna & Davis 2019; Garnsey et al. 2021). This is one way in which the European Union’s lack of a uniform abortion policy nonetheless has an effect on abortion access.

Religious pluralism and the separation of church and state are explicit values of the European Union (Council of Europe 1950; European Parliamentary Research Service 2022), but most people in Europe still identify as Christian. Most European nations can be clearly

Figure 2: Timeline of National Abortion Laws in Europe



Source: Abort Report 2023

categorized as either Catholic or Protestant based on what religion is practiced by their citizens, with the closest balance in Germany (42% Catholic, 28% Protestant) (Pew Research Center 2017a). Only the Netherlands has a plurality of people reporting no religious affiliation.

Similarly, abortion governance is not uniform across the European Union or the broader European community (Katsoni 2021; see Table 2). As this diverse community of states has increasingly harmonized their policies across many areas, recognition of a right to abortion is not required for membership (Pullan 2022b). The European Convention on Human Rights includes a right to life, but it does not take a stance on whether this is meant to apply to fetuses or if it privileges the life of the pregnant person (Council of Europe 1950).

Table 2: Policies restricting abortion in European Countries

	Austria	Belgium	Croatia	Cyprus	Czech Republic	Denmark	Estonia	France	Germany	Greece	Hungary	Iceland	Ireland	Italy	Latvia	Lithuania	Luxembourg	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain
Mandatory Waiting Period		x		x					x		x		x	x	x		x	x		x		x		x
Mandatory Counseling		x							x		x	x		x		x		x		x		x		
Conscientious Objection Allowed	x	x	x		x	x	x	x	x	x	x		x	x	x		x	x	x	x	x	x	x	x

Countries not listed do not employ any of these three abortion restrictions but may employ others. Sources: Anedda et al. (2018); Hänel (2019)

European treaties spend much text defining and protecting the shared values of human rights across the EU. Conscientious objection is fundamentally rooted in human rights claims: the right for individual doctors to practice their own religion and moral values. The right to bodily autonomy is also rooted in the human rights of abortion seekers. In this way, the European Union and the Vatican are sometimes in tension (Mishtal 2014). We now turn to case studies of national European laws to determine what characterizes a European abortion policy.

5.1 Sweden

Sweden has a very liberal abortion policy. As such, Sweden has the highest abortion rate in Europe and one of the highest rates of medication abortion use (RFSU 2020). In 2018, 93% of abortions were medication abortions, and 84% of abortions took place before 9 weeks (RFSU 2020). Sweden also has a nationalized healthcare system; thus, abortion is covered for free like other medical procedures. Sweden is seen to have one of the most progressive abortion policies because it is widely available, free for patients, and on demand (European Parliamentary Forum for Sexual and Reproductive Rights 2021).

In 1938, Sweden was one of the first countries to legalize abortion in at least some circumstances (RFSU 2020). For the next 40 years, Sweden had many reforms to their abortion law, and in 1975, they legalized abortion on demand in the first 18 weeks of pregnancy (RFSU

2020). Abortion is allowed after 18 weeks with approval from the National Board of Health and Welfare.

Sweden is one of the six EU countries that does not have a conscientious objection provision (Anedda et al. 2018). In 2020, two midwives brought a case against Sweden in the European Court of Human Rights, arguing that they were not hired because they refused to participate in abortion and this violated their religious freedom (RFSU 2020). The Court refused to take up the case, saying that Sweden had the right to enact their own abortion laws (Grimmark v. Sweden 2020). A spokesperson for RFSU, a major Swedish reproductive health nonprofit, summarized the Swedish approach to abortion care: "It is not a human right for nursing staff to refuse to provide care." (Elks 2020).

5.2 United Kingdom

The UK's abortion policy is managed on multiple levels: in the devolved parliaments of Scotland, Wales, and Northern Ireland, as well as in Westminster. England, Wales, and Scotland have the same abortion laws, but Northern Ireland has its own. Abortion has been legal in England, Wales, and Scotland since 1967 (Office for Health Improvement & Disparities 2022). Abortion is legal on broad social grounds, which is interpreted as on demand before 24 weeks. The UK has nationalized healthcare, and 99% of the abortions performed every year are free to British residents covered by the National Health Service (NHS) (Office for Health Improvement & Disparities 2022). As one of the earliest countries to legalize abortion, England became a destination for international abortion seekers who could not get an abortion at home, especially abortion seekers from the Republic of Ireland before 2018 (Sethna 2019; Garnsey et al. 2021).

Northern Ireland criminalized all abortions until 2020 (Pierson et al. 2022). It is also noteworthy that the Republic of Ireland's abortion referendum took place in 2018 and their new

law took effect in 2019, so inevitably, access for residents of Northern Ireland, which has an open border with the Republic of Ireland, became easier. Today, abortion policy in Northern Ireland is similar to the policy for the rest of the UK (Pierson et al. 2022).

The UK is an interesting case to consider for many reasons, including the history of the British Empire and, thus, the greater levels of diversity seen in the UK as compared to other European countries. Despite having its own national church(es), British culture accommodates more religious pluralism (Pew Research Center 2018). There was never a concern about undue influence from the Catholic Church in the UK, as the Anglican Church was founded specifically to avoid papal influence (Milton 2017). Despite having very similar religious tenets to the Catholic Church, the Anglican Church was by definition not a threat to the state, as it is led by the British Monarch. In contrast to other cases we have reviewed here, particularly the Republic of Ireland, the Catholic Church did not have sufficient power or institutional influence in the British case to push its dogma into policy, demonstrating that the mere presence of such beliefs or believers among the population is quite different from the political power associated with the Church as an institution and the pope as an actor. The UK stood out early in the European abortion landscape as a destination for people from many cultures, and its cultural attitudes on abortion also reflect pluralism and individual freedom.

5.3 The Netherlands

The Netherlands have a reputation for having a very liberal abortion law due to their late gestational limits: voluntary abortions are permitted up to 22 weeks. Beyond this, abortion is still available in case of threat to the life or health of the pregnant person, including their mental health. There is a waiting period of five days after requesting the abortion, and abortion is

performed for free for residents of the Netherlands but at a cost to foreigners (Government of the Netherlands 2022).

Dutch abortion policy developed from the bottom up, with individual patients and doctors adopting change before policy actors caught up. By the 1960s, it was widely acknowledged that illegal abortion was common, and in the liberalizing climate of sexual politics that swept the West, more women seemed emboldened to ask for it (Outshoorn 1986). The Dutch government's initial response was to delegate this issue to the professional associations of doctors, but the doctors could not reach consensus. Meanwhile, the infrastructure to provide abortions grew, to the point where abortion was effectively available on demand, despite the absence of a law officially allowing this. A bill legalizing abortion was finally passed in 1981 and went into effect in 1984 after three more years' delay to work out the details of policy implementation (Outshoorn 1986).

On the timeline of European abortion laws, the Netherlands looks to have legalized after the rest of Western Europe, but in a reversal from what we see in many Catholic nations, abortion access *de facto* actually exceeded abortion access as defined *de jure* in the law. Culturally, the Dutch people experienced the same shift in public morality and perception of abortion as their European peers, but due to the complexities of the Dutch political system and the specific parties and individuals that were in power during this period, formal legal approval was delayed (Outshoorn 1986).

5.4 Germany

In Germany, abortion is regulated under the criminal code (Deutsches Strafgesetzbuch (StGB) § 218 und 219). Officially, it is still a crime to have or provide an abortion, but these crimes are not punished if the patient undergoes mandatory counseling and observes a waiting period (StGB § 218 (1) 1-3). Functionally this means that abortion is available on demand (StGB § 218

(1)1). After 12 weeks, abortion is only permitted if the pregnant person's health is in danger (StGB § 218 (2)).

Abortion is a morally complex issue in German culture because of their history. Abortion has long been criminalized to some degree, but penalties were reduced in the Weimar Republic of the early 1900s (Ferree 2002). Then under the Nazi regime, abortion was heavily punished among Aryan women but encouraged for Jews and other groups. After World War II, it remained criminalized in both East and West Germany until the 1970s. East Germany passed what was at the time the most progressive law in Europe in 1972, allowing abortion on demand until 12 weeks. When East and West Germany reunified in 1990, their laws had to be reconciled. This led to the compromise that remains in place today, where abortion is formally illegal, but permitted under certain conditions (Ferree 2002).

There has been little momentum to change the German abortion law since the early 1990s, with the exception of one provision that regulated the dissemination of information about abortion. Section 219a of the criminal code prohibited doctors from publicly sharing any information about abortion, on the grounds that this was "promoting" or "advertising" abortion services. Dr. Kristina Hänel was famously fined for providing clinical information about the type of abortions performed in her practice on her website. In June 2022, this provision was repealed (Schuetze 2022).

5.5 Summarizing European Abortion Policies

European abortion policies look distinctly different from Catholic ones. While most European cases do allow for conscientious objection, there is no consensus on whether waiting periods or counseling should be required. The median date when European countries passed their abortion laws is 1978, representing a wave of policy diffusion among secular and Protestant

countries that did not affect the policies in most Catholic countries. Healthcare and ethics experts were key actors in these policymaking processes, introducing a different element to the debate that was largely absent in Catholic countries.

6. Application to the Italian Case

Italy's abortion black-letter law looks like that of its European neighbors. It allows on-demand abortion in the first 90 days (Law 194 of 1978, § 4) which is interpreted as 12 weeks (Gannon 2023) of pregnancy and allows therapeutic abortions in cases of fetal abnormality or life of the pregnant person until 21-24 weeks (depending on local definition) (Gannon 2023). Italy's abortion liberalization journey does not follow the pattern of other Catholic states: Law 194 was passed in 1978, despite condemnation by the Church and Church-affiliated civil society organizations (Mattalucci 2017). Italy also held a referendum in 1981 reaffirming the 1978 abortion law that liberalized access in the country. The vote to reaffirm the abortion law passed by a higher proportion (70%) than the vote to keep divorce legal (60%) that occurred in 1974 (Mori 1984). In the following sections, we argue that Italy's difference from other Catholic countries on these morality issues is in part due to tension between the Catholic Church and the Italian State.

6.1 Italy and the Church

When considering Church-State relationships, Italy is in a unique position because of its geographical relationship with the Vatican. When Italy was unified in 1861, it claimed much of the land of the Papal States until only the Vatican remained in the hands of the Pope. From 1870 to 1929, the Pope considered himself a prisoner in the Vatican, and Catholics were forbidden by the Church from participating in Italian politics (Grzymała-Busse 2015, ch. 3; Thornton 2003).

Mussolini negotiated the Lateran treaties, which were ratified in 1929, ending the period of antagonism between the Church and the Italian Government and establishing Italy as a Catholic State (Thornton 2003). After World War II, the Church was closely aligned with the Christian Democratic Party, which controlled the government from 1945 to 1981, though there were still tensions between Church and State (Grzymała-Busse 2015, ch. 3). Toward the end of this period, Italy legalized divorce and abortion against the Church's express wishes (Thornton 2003).

In 1984 Italy officially became a secular State, which threatened the authority not just of the Church in local Italian communities, but the pope himself (Grzymała-Busse 2023). In order to protect its own position, the Church had successfully delayed the organization of the Italian State well into the modern era by engaging in their own political machinations. The tension between the Church and the secular State in Italy persists, as modern politicians debate the appropriate role for religion and religious values in policy decisions (Thornton 2003). Culturally, Italians still identify strongly with the Catholic Church and identify Catholicism as an integral part of Italian nationalism (Pew Research Center 2017b), but they also attend church less and less often (Vezzoni & Bilocati-Rinaldi 2015) and increasingly support secular values (Pew Research Center 2018).

6.2 Italy and Secular Europe

Italy is influenced by the cultural identity of Europe and is also subject to its supranational bodies, specifically the courts of the Council of Europe and the European Union. Italy was found to be in violation of the European Social Charter twice in recent history. In 2014 in *IPPF v. Italy*, the International Planned Parenthood Federation asserted that Italy risked the health of pregnant people due to high rates of conscientious objection, which caused a lack of access to abortion services despite the procedure being legal in the first 90 days of pregnancy. The case also alleged

that Italy discriminated against the medical procedure itself by treating abortion differently than other legal medical procedures. On both issues, the Committee found in favor of IPPF, concluding that Italy violated the European Social Charter by making abortion services too hard to access.

The European Committee of Social Rights had a similar finding in *CGIL v. Italy* (2015). This complaint raised the same questions as the case by IPPF and added issues about the employment of nonobjectors in Italy. CGIL (*Confederazione Generale Italiana del Lavoro*) is the largest union for public service workers in Italy. Most doctors in Italy are employed by the state-run hospitals and are thus members of this union. CGIL alleged that nonobjectors faced longer work hours, heavier workloads, and harassment in the workplace. The Committee reaffirmed that Italy was violating the rights of patients because of the high level of conscientious objection, but also acknowledged the rights of doctors. They also found that the state was not violating nonobjecting doctors' rights in terms of workload and hours, but it was violating their rights by not having any systems to prevent or report harassment. As with many supranational judicial institutions, however, the Committee lacks the power to enforce these suggestions.

Italy has been chastised by European courts, but these court decisions did not ultimately result in much change. Abortion access remains difficult due to the high number of conscientious objectors, and working conditions for nonobjecting doctors remain undesirable (Pullan 2022a; Gannon 2023). While European values and contentious relations with the Church may have led Italy to adopt a secular abortion law earlier than most Catholic countries did, there is little social will to change the status quo, resulting in a situation that both pro-abortion and anti-abortion advocates find objectionable (Pullan 2022a).

6.3 Pulled between the two

Despite this long and fraught history between the Italian government and the Catholic Church, the overwhelming majority of Italians still consider themselves Catholic (78%) and the Church plays an important role in the culture of Italy (Pew Research Center 2017b). It is important to note, however, that actual church attendance rates have been decreasing over time (Vezzoni & Bilocati-Rinaldi 2015). Since the Church lost its chief party ally in Italian politics in the 1990s, its agenda-setting powers have diminished, but it still plays a less direct role by counseling its members on the morality of social issues (Grzymała-Busse 2015).

Morality policy scholars Knill, Preidel, & Nebel (2014) have explored the role of the Catholic Church in policymaking in Europe, theorizing that the combination of how Catholic (measured in share of the population) and how religious (measured in regular church attendance) a country's population is affects the Church's success in influencing policy. With a larger, more religious Catholic population, the Catholic Church has greater power to mobilize its members for political purposes, affecting the speed of adopting reforms (Knill et al. 2014). This hypothesis explains why the two European countries that did not perform same-sex marriages (at the time Knill & Preidel published (2015)) were Italy and Ireland. But despite being more Catholic and more religious (by the aforementioned definitions) than Italy, Ireland adopted a permissive policy on same-sex partnerships in 2010, leaving Italy as the only country in Western Europe that had not, at the time the article was written, adopted any policy (Knill & Preidel 2015).² The authors conclude that this is because Italy had institutional opportunity structures that favored the position of the Catholic Church, and Ireland did not.

Schmitt et al. (2013) also observe that Italy stands apart from other Catholic countries, in this case Spain, by failing to adopt any change that either liberalizes or restricts the morality

² Since 2016, Italy allows same sex civil unions, but not marriages

policies of prostitution and same-sex marriage. The authors apply veto player theory (Tsebelis 2002) to morality policy, concluding that the Catholic Church has built and maintained a coalition that is both larger and more ideologically congruent in the Italian political context than in the Spanish one. This allowed the Church's coalition to block changes proposed by progressive actors and retain the status quo in Italy but not in Spain. Calkin & Kaminska (2020) have similar findings, concluding that the relationship between the Catholic Church and the local political players allows the Church to function as a veto player in Ireland but not in Poland. These studies suggest that the Catholic Church does not influence all countries' policies in the same way or with the same success. With the Church's ability to influence policy highly dependent on the details of a country's political system and party makeup, this suggests that Italian politics explain Italy's outlier position on morality policies: the Italian State defined abortion policy for itself, with minimal concessions to the Church.

Italy's Law 194 proposed what appeared to many to be an eminently reasonable compromise: abortion would be broadly legal, but no individual would be compelled to support this service, nominally based on their freedom of conscience. As we have described above, this combination led to ineffective policy implementation and difficulties accessing abortion *de facto*. By privileging the position of the conscientious objector, Italy effectively undercut its European-style secular policy with a strong tool for the Church to use. Unlike in the other countries we have examined that allow conscientious objection, in Italy the Church has been explicit about its attempts to encourage conscientious objection among gynecologists who are Church members (Caldwell 1986), and has maintained Italy's cultural zeitgeist against personal involvement in abortion through both overt and covert strategies. This is, however, not an inherent component of the law, but rather a facet of implementation and culture.

Italy exists at the intersection of the Catholic and European worlds, and these dual identities pull its abortion policy in opposite directions. Despite liberalizing its abortion law on a

similar timeline to other European countries and despite adopting similar legal provisions, Italy struggles to provide abortion access *de facto* because of Italy's Catholic impulses and social values. Other Catholic countries have adopted similar conscientious objection provisions, and they, too, see cultural resistance (in the Nation, per Anderson 2016) to their relatively liberal abortion laws (made by the State). Thus, evaluating the success of Italy's abortion liberalization depends on what one means by success. On the ground, we see struggles similar to those in Portugal, Uruguay, and Mexico, where stigma, conscientious objection, and Catholic social values in the Nation make access to services difficult, leaving both doctors and patients isolated (Gannon 2023; Pullan 2022). The tension between Catholicism expressed through conscientious objection and the secular principles of healthcare and safety written into the law makes its implementation neither fully Catholic nor fully European.

7. Conclusion

We have proposed an approach to disentangle the competing influences of the Catholic Church and secular Europe on abortion policy in Catholic European countries. Our focal case is Italy, where we argue that – perhaps surprisingly to those unfamiliar with Italian history, law, and culture – the formal State institutions and particularly Law 194 which governs abortion are much more influenced by European policy norms than by Catholic ones. We substantiate this argument by exploring cases that are European and Catholic, Catholic but not European, and European but not Catholic. We contextualize this analysis in the religion and comparative politics literature, engaging policy diffusion theory (Shipan & Volden 2012), key works about the influence of the Church on modern European states (Grzymala-Busse 2023; 2015), and nation theory (Anderson 2016). In future research, this methodology could be applied to other country cases not discussed

in this paper, such as France, Malta, Spain, etc., and also expanded to include other institutions that might affect abortion governance.

As other Catholic countries both in and out of Europe have begun liberalizing their abortion laws in recent years, some (e.g. Portugal and Uruguay) have adopted similar laws to Italy. However, by trying to accommodate both secular and Catholic preferences in the regulation of abortion, a country ensures that neither camp is satisfied. *De jure* abortion access can be rendered *de facto* impossible due to conscientious objection (Fiala et al. 2017). Catholic teachings about abortion are fundamentally in tension with secular international norms as supported by the European Union and non-Catholic European countries. The tension is so difficult to navigate that European courts have weighed in on Italy's situation, judging that Italy has failed in its obligation to implement its own democratically-adopted laws. Italy is torn between the secular values of the State, and the deeply rooted Catholic values of the Nation.

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