ORIGINAL ARTICLE

Women's Rights and Opposition: Explaining the Stunted Rise and Sudden Reversals of Progressive Violence against Women Policies in Contentious Contexts

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Abstract

International conventions and domestic laws have been enacted to prevent, punish and eradicate violence against women worldwide. However, these progressive policy initiatives have faced opposition in contentious contexts where policy rivals have contested their creation and implementation. Existing scholarship focuses primarily on progressive networks that have led to policy advances, such as violence against women (VAW) policies, while emerging literature has noted their limited impact and implementation. However, there is scant attention paid to one major underlying cause of limited impact and problematic implementation: that there is sustained opposition to these policies by policy rivals that resist and undermine progressive policies. We identify opponents and entrenched opposition to VAW laws in Mexico and Nicaragua in the 1990s and 2010s. We also identify how these opponents leverage ties with the state and utilise 'family discourse', framing progressives as anti-family, as strategies and mechanisms for stunting and even reversing VAW laws.

Keywords: transnational advocacy networks; women's rights; religion; violence against women; Mexico; Nicaragua; Central America and Latin America; progressive policy change; implementation; conservative groups

Introduction

A global human rights violation, violence against women harms women, men, and children's well-being, and also impedes democratisation.¹ When policies and institutions fail to protect women, it leaves them vulnerable to escalating abuse, and even murder.² When women are afraid to stay in their homes, or to venture out,

¹Martha Nussbaum, 'Women's Bodies: Violence, Security, Capabilities', *Journal of Human Development*, 6: 2 (2005), pp. 167–83; S. Laurel Weldon, *Protest, Policy and the Problem of Violence against Women: A Cross-National Comparison* (Pittsburgh, PA: University of Pittsburgh Press, 2002); Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford: Oxford University Press, 2007).

²Alicia Gaspar de Alba and Georgina Guzmán, *Making a Killing: Femicide, Free Trade, and La Frontera* (Austin, TX: University of Texas Press, 2010); Montserrat Sagot and Ana Carcedo Cabañas, 'When © Cambridge University Press 2019

it inhibits their ability to participate politically – even in basic ways such as voting or grassroots activism. In Latin America, violence against women is widespread and frequently met with impunity.³ A national survey finds that 46 per cent of women in Mexico have experienced intimate partner violence and 29 per cent have suffered some form of violence in the last 12 months by a current or former partner.⁴ Likewise, in Nicaragua non-governmental organisations (NGOs) estimate that up to 60 per cent of women have been physically abused at least once by a partner,⁵ and a third of Nicaraguan women living with a man have been subjected to domestic violence.⁶

Across Latin America, governments have signed international and regional conventions, such as the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁷ and the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (also called the Belém do Pará Convention). In the 1990s, all Latin American countries adopted first-generation VAW laws.⁸ Although one intention of the Belém do Pará Convention was to generate violence against women (VAW) laws throughout Latin America, these first-generation laws tended to focus narrowly on intrafamilial or domestic violence.⁹ More recently, there has been a regional diffusion of comprehensive second-generation laws that align more closely with the Convention and more directly attempt to prevent, punish and eradicate violence against women. Many newer laws also address the

Violence against Women Kills: Femicide in Costa Rica, 1990–99', in Rosa-Linda Fregoso and Cynthia Bejarano (eds.), *Terrorizing Women: Feminicide in the Américas* (Durham, NC: Duke University Press, 2010), pp. 138–56.

³Mala Htun, Cheryl O'Brien and S. Laurel Weldon, 'Movilización feminista y políticas sobre violencia contra las mujeres', *Foreign Affairs Latinoamérica*, 14: 1 (2014), pp. 2–13; Cristina M. Alcalde, *The Woman in the Violence: Gender, Poverty, and Resistance in Peru* (Nashville, TN: Vanderbilt University Press, 2010); Tamar Diana Wilson, 'Violence against Women in Latin America', *Latin American Perspectives*, 41: 3 (2014), pp. 3–18; Shannon Drysdale Walsh and Cecilia Menjívar, "What Guarantees Do We Have?" Legal Tolls and Persistent Impunity for Feminicide in Guatemala', *Latin American Politics and Society*, 51: 4 (2017), pp. 31–55.

⁴Instituto Nacional de Estadística y Geografía (National Institute of Statistics and Geography, INEGI), Panorama de violencia contra las mujeres en Estados Unidos Mexicanos: Encuesta nacional sobre la dinámica de las relaciones en los hogares (National Survey on the Dynamics of Household Relationships, ENDIREH) 2011 (Aguascalientes: INEGI, 2013), p. 151; Sonia M. Frías, 'Ámbitos y formas de violencia contra mujeres y niñas: Evidencias a partir de las encuestas', Acta Sociológica, 65 (Sept. 2014), pp. 11–36.

⁵Mariana Echandi, 'A New Start in Mexico: Leaving Domestic Violence Behind', United Nations High Commissioner for Refugees (UNHCR), 23 Sept. 2009, available at www.unhcr.org/4ab9d5556.html, last access 14 May 2019.

⁶Centro Nicaragüense de Derechos Humanos (Nicaraguan Centre for Human Rights, CENIDH), *Derechos humanos en Nicaragua 2009* (Managua: CENIDH, 2010), p. 164; Elizabeth Romero, 'Violencia contra mujeres "la cara oculta" de la inseguridad', *La Prensa*, Managua, 24 Oct. 2009.

⁷CEDAW General Recommendation 19 (1992) addresses violence against women.

⁸Sebastián Essayag, From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean (Panama: UNDP and UN Women, 2017).

⁹Lisa Baldez, *Defying Convention: US Resistance to the UN Treaty on Women's Rights* (New York: Cambridge University Press, 2014); Elisabeth Jay Friedman, 'Re(gion)alizing Women's Human Rights in Latin America', *Politics and Gender*, 5: 3 (2009), pp. 349–75.

widespread regional problem of femicide (gender-motivated, often brutal, killings of women).¹⁰

These new policy advances have yielded improvements, and it is widely recognised that women's advocacy has been a catalyst for the diffusion of progressive VAW policies worldwide.¹¹ However, those attempting to advance progressive VAW policy proposals have been met with obstacles and resistance to policy adoption and implementation.¹² Even regarding what may seem like a non-controversial issue of addressing violence against women, many policy initiatives to protect women from violence have been blocked, stalled and even dismantled by organised opposition efforts – resulting in limited policy impact and implementation. However, the dynamics of this resistance to progressive policy advances have been under-studied.¹³ Who opposes VAW policies? What are the dynamics of this opposition? What are the mechanisms and strategies utilised to pose obstacles to progressive policy creation and implementation?

We move beyond existing scholarship and identify conservative (and often religious) groups as 'policy rivals' that oppose and resist progressive policy creation and implementation. We argue that one major underlying cause of limited impact and problematic implementation – that has largely been left implied rather than made explicit in the scholarship – is that conservative policy rivals have mounted *sustained and organised opposition* to progressive policy advances. We also identify key mechanisms and strategies that policy rivals utilise to influence the state. Through case studies of policy change in Mexico and Nicaragua, we demonstrate how policy rivals have persistently utilised the mechanism of ties between religious elites and the state (religious–state ties) and strategically leveraged 'family discourse' to mobilise support for efforts to undermine progressive advances.

Policy advocates must influence policy-makers in order to create policy,¹⁴ as well as modify it after creation. One mechanism of influence is to exert it through

¹⁰David Carey Jr. and M. Gabriela Torres, 'Precursors to Femicide: Guatemalan Women in a Vortex of Violence', *Latin American Research Review*, 43: 3 (2010), pp. 142–65; Gaspar de Alba and Guzmán, *Making a Killing*.

¹¹Htun et al., 'Movilización feminista', pp. 2-13; Weldon, Protest, Policy.

¹²Maria Bevacqua and Carrie Baker, "'Pay No Attention to the Man Behind the Curtain!' Power, Privacy, and the Legal Regulation of Violence against Women', *Women and Politics*, 26: 3/4 (2004), pp. 57–83; Susan Franceschet, 'Explaining Domestic Violence Policy Outcomes in Chile and Argentina', *Latin American Politics and Society*, 52: 3 (2010), pp. 1–29; Mindie Lazarus-Black, 'The (Heterosexual) Regendering of a Modern State: Criminalizing and Implementing Domestic Violence Law in Trinidad', *Law and Social Inquiry*, 4: 8 (2003), pp. 979–1008; Sally Engle Merry, 'Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence', *Human Rights Quarterly*, 25: 2 (2003), pp. 343–81; Clifford Bob, *The Global Right Wing and the Clash of World Politics* (Cambridge: Cambridge University Press, 2012).

¹³Exceptions include: Merike Blofield, *The Politics of Moral Sin: Abortion and Divorce in Spain, Chile, and Argentina* (New York: Routledge, 2006); Bob, *The Global Right Wing*; Alice Kang, 'How Civil Society Represents Women: Feminists, Catholics, and Mobilization Strategies in Africa', in Maria C. Escobar-Lemmon and Michelle M. Taylor-Robinson, *Representation: The Case of Women* (Oxford: Oxford University Press, 2014), pp. 137–57; Pamela Neumann, 'Transnational Governance, Local Politics, and Gender-Violence Law in Nicaragua', *Latin American Politics and Society*, 60: 2 (2018), pp. 61–82; Walsh and Menjívar, ''What Guarantees Do We Have?''

¹⁴Michael Mintrom and Phillipa Norman, 'Policy Entreneurship and Policy Change', *Policy Studies Journal*, 37: 4 (2009), pp. 649–67.

relationships, such as existing ties between the state and policy advocates. Influence can also be exerted through strategic discourse that resonates with policy-makers and citizens. In our analysis of Mexico and Nicaragua, we find that ties between church and state were a powerful mechanism, linking conservative groups to policy-makers, that ultimately secured government support and stalled or reversed VAW laws. Mobilising government support is necessary for the blocking, stalling and dismantling of progressive laws and policies, and this conservative support is more likely when religious-state ties are strong, and even more likely when there is support within the state *and* pressure outside the state.

We also find that the strategy of leveraging family discourse was effective for mobilising opposition to these progressive laws. In Latin America, using discourse that frames progressive laws as a threat to the family is particularly salient and effective, as the sanctity of the family is enshrined in both deep-rooted cultural and religious beliefs. These mechanisms of church–state ties and the strategic framing of resonant family discourse worked together to influence policy-makers and successfully mobilise opponents to progressive VAW laws. We do not make strong claims of generalisation from two cases, but we expect that these factors would similarly make progressive policies more difficult to create and sustain in other countries.

The broader political context also has an impact on the potential influence of policy rivals. Specifically, the relative strength of women's networks vs. organised opposition shifted throughout different stages of the policy process in Mexico and Nicaragua. In Mexico, a local women's movement took advantage of a new political opportunity (a referendum) to broaden its coalition with democratisation activists and propose a feminist-led policy. Conservative opposition claimed that this proposal threatened the institution of the family. In Nicaragua, the Ortega government passed the VAW law, known as Law 779, when its legitimacy was under international scrutiny and later reversed it when this political moment passed. In these policy processes, the conservative opposition's relative strength over the women's networks emerged from the beginning in Mexico but not until later in Nicaragua, due to the political context. In contrast to Mexico, Nicaragua's government faced international pressure to adopt Law 779 early on in its policy process, thus limiting the opposition's impact on the Nicaraguan state until the intensity of international scrutiny waned.

Much scholarship has focused on explaining policy successes initiated by women's movement advocacy in areas such as family law and violence against women.¹⁵ However, there has been much less attention paid to how these policies have been blocked, stalled or even reversed. We address this gap in the literature by analysing how these progressive laws were obstructed at both the inception and implementation stages through an in-depth examination of two VAW laws, one in Mexico in the 1990s and one in Nicaragua in the 2010s. We also demonstrate

¹⁵See, among others, Mala Htun and S. Laurel Weldon, 'The Civic Origins of Progressive Policy Change', *American Political Science Review*, 106: 3 (2012), pp. 548–69; Dorothy E. McBride and Amy G. Mazur, *The Politics of State Feminism: Innovation in Comparative Research* (Philadelphia, PA: Temple University Press, 2010); Georgina Waylen, 'Informal Institutions, Institutional Change, and Gender Equality', *Political Research Quarterly*, 67: 1 (2014), pp. 212–23.

the historical persistence of conservative strategies and framing leveraged in opposition to progressive policies. In doing so, we highlight the fragility of progressive policy advances in contentious contexts of policy and political rivals.

Violence against Women Networks and their Rivals Scholarly Focus on Progressive Advances

There is a scholarly consensus that women's domestic and international advocacy engenders women's rights policies.¹⁶ Some of this literature notes that state feminism, the 'advocacy of women's movement demands inside the state',¹⁷ also contributes to the adoption of progressive women's policies. Most scholarship in this area focuses on how autonomous women's movements, women's transnational advocacy networks and international norms catalyse policy adoption and implementation. However, it is less frequently noted that the mobilisation of feminist networks outside the state is necessary for advancing progressive women's policies *precisely because* there is resistance to creating them – most often from conservatives.

Identifying VAW Policy Rivals: Conservatives vs. Progressives

With regard to the issue of violence against women, we identify conservatives vs. progressives as policy rivals with sharply contrasting ideologies that advocate competing policy aims. We refer to 'conservatives' as individuals and groups who promote a *patriarchal* 'family values and unity' approach to domestic abuse.¹⁸ In Mexico and Nicaragua, conservatives are usually associated with conservative Catholic or evangelical groups with strong ties to the state. Violence against women might seem to be less controversial than family law issues (such as divorce or abortion) for religious authorities and the state. However, patriarchal systems favoured by conservatives institutionalise and normalise violence against women across a range of contexts, including in the family, as evidenced in laws that historically or currently permit wife-beating or marital rape. Gwen Hunnicutt defines patriarchy as 'social arrangements that privilege males, where men as a group dominate women as a group, both structurally and ideologically – hierarchical arrangements that manifest in varieties across history and social space'.¹⁹ This includes patriarchal systems at the macro level (such as government, law, religion) and the micro level (such as families, intimate partner relationships).²⁰ Thus, patriarchy

¹⁶See, among others, Celeste Montoya, From Global to Grassroots: The European Union, Transnational Advocacy, and Combating Violence against Women (New York: Oxford University Press, 2013); Katalin Fábián (ed.), Domestic Violence in Postcommunist States: Local Activism, National Policies, and Global Forces (Bloomington, IN: Indiana University Press, 2010); Htun and Weldon, 'The Civic Origins'.

¹⁷Joni Lovenduski (ed.), *State Feminism and Political Representation* (Cambridge: Cambridge University Press, 2005), p. 4.

¹⁸Conservatives are not an entirely homogenous group, but this term accurately describes the vast majority of individuals and groups contesting progressive VAW laws. Nadine Jubb, 'Love, Family Values and Reconciliation for All, but What about Rights, Justice and Citizenship for Women? The FSLN, the Women's Movement, and Violence against Women in Nicaragua', *Bulletin of Latin American Research*, 33: 3 (2014), pp. 289–304.

¹⁹Gwen Hunnicutt, 'Varieties of Patriarchy and Violence against Women: Resurrecting "Patriarchy" as a Theoretical Tool', *Violence against Women*, 15: 5 (2009), p. 557.

²⁰Ibid.

can be understood as an organisation of the state and families that draws on religious and authoritarian rule by men over women and children.

Patriarchal norms promoted by conservatives institutionalise a wide range of practices, including women's subservience to men, a male sense of entitlement to the female body and women's service, and a gender hierarchy in which men (deemed heads of households) wield the power to physically discipline and punish women and children.²¹ Conservative policies often privilege 'the family' over women's rights.²² A family-focused perspective is central to patriarchal approaches to gender-based violence, as it subordinates women in the family and it 'does not focus on women's rights, but on a male-headed family unit. The emphasis on the family unit, instead of women.²³ Conservative family discourse privileges men and, at times, has extended to condoning physical violence under the guise of fatherly or male authority over women and children.

Progressive advocates of VAW policies can be broadly characterised as progressive women's networks and/or feminist transnational advocacy networks (TANs) with a focus on promoting women's autonomy and safety. Our application of the concept of TANs aligns with Margaret Keck and Kathryn Sikkink's conceptualisation that includes non-state actors (primarily women's organisations in our cases) who interact with key actors in the state and international organisations; their formation and coordinated actions are motivated by principled ideas or values.²⁴ Progressive policies addressing violence against women overlap with feminist aims insofar as these policies challenge traditional gender hierarchies and aim at women's empowerment, along with the goals of providing prevention, prosecution and eradication of violence against women.²⁵

Ideological divisions between conservatives and progressives result in contrasting discourse and framing of the issue of violence against women, and differing policy proposals to address it. While conservatives view women's attempts to leave abusers as a threat to family unity, progressives view abusive behaviour as the real threat to family unity. Conservatives view such violence against women as a family matter or private problem and resist progressive laws or promote policies that prioritise maintaining family unity over anti-violence measures.²⁶ In contrast, progressive policy

²¹Iris Marion Young, Justice and the Politics of Difference (Princeton, NJ: Princeton University Press, 1990); Cheryl O'Brien, 'An Analysis of Global Sex Trafficking', Indiana Journal of Political Science, winter 2008/9, pp. 6–18; Cecilia Menjívar, Enduring Violence: Ladina Women's Lives in Guatemala (Berkeley, CA: University of California Press, 2011).

²²Mala Htun and S. Laurel Weldon, 'State Power, Religion, and Women's Rights: A Comparative Analysis of Family Law', *Indiana Journal of Global Legal Studies*, 18: 1 (2011), pp. 145–65; Jelke Boesten, 'Pushing Back the Boundaries: Social Policy, Domestic Violence and Women's Organisations in Peru', *Journal of Latin American Studies*, 38: 2 (2006), pp. 355–78.

²³Jelke Boesten, 'The State and Violence against Women in Peru: Intersecting Inequalities and Patriarchal Rule', *Social Politics: International Studies in Gender, State and Society*, 19: 3 (2012), p. 364.

²⁴Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy in International Politics* (Ithaca, NY: Cornell University Press, 1998).

²⁵Weldon, Protest, Policy, p. 63.

²⁶*Ibid.*; Nadine Jubb, Gloria Camacho, Almachiara D'Angelo, Gina Yáñez de la Borda, Kattya Hernández, Ivonne Macassi León, Cecília MacDowell Santos, Yamileth Molina and Wânia Pasinato, *Regional Mapping Study of Women's Police Stations in Latin America* (Quito: CEPLAES, 2008).

advocates conceptualise all types of violence against women as a public problem contextualised in gender inequality and discrimination. Conservative discourse leverages heteropatriarchal notions of family values, family unity and even family rights in popular discourse. In contrast, progressive feminist discourse challenges gender hierarchies that disadvantage women as a social group. Conservatives tend to endorse policies that promote reconciliation between abusers and victims to resolve violence against women in the family.²⁷ Progressives tend to promote policy measures that prioritise protecting women, prosecuting perpetrators and promoting state institutions that advance women's empowerment and autonomy.

Key Mechanisms and Strategies of Influence: Religious-State Ties and Family Discourse

Conservative opposition and counter-mobilisation make progressive policies harder to achieve and maintain.²⁸ Some studies, focused on policy creation (as opposed to implementation), mention opposition from conservative groups as an obstacle to progressive reforms.²⁹ Some studies also indicate that religious–state ties and strategic family discourse have been leveraged in opposition to progressive laws.³⁰ Cross-nationally, Mala Htun and S. Laurel Weldon find a powerful association between sex discrimination in family law and the political institutionalisation of religious authority, making it difficult to reform family law.³¹ For example, in order to counteract pro-family discourse and religious opposition to divorce legislation in Chile, the law had to be strategically reframed and rewritten in terms of preserving the family.³² We find that family discourse has been strategically leveraged in Nicaragua and Mexico. Religious opposition to women's rights has drawn on the discourse of family values and unity and pitted women's interests against a popular, conservative notion of family.³³

²⁹Merike Blofield, 'Women's Choices in Comparative Perspective: Abortion Policies in Late-Developing Catholic Countries', *Comparative Politics*, 40: 4 (2008), pp. 399–419; María Angélica Peñas Defago and José Manuel Morán Faúndes, 'Conservative Litigation against Sexual and Reproductive Health Policies in Argentina', *Reproductive Health Matters*, 22: 44 (2015), pp. 82–90; Mala Htun, *Sex and the State: Abortion, Divorce, and the Family under Latin American Dictatorships and Democracies* (Cambridge: Cambridge University Press, 2003); Htun and Weldon, 'The Civic Origins'; Jennifer Piscopo, 'Female Leadership and Sexual Health Policy in Argentina', *Latin American Research Review*, 49: 1 (2014), pp. 104–27.

³⁰Cheryl O'Brien, 'Transnational Issue-Specific Expert Networking: A Pathway to Local Policy Change', *Social Science and Medicine*, 146 (Dec. 2015), pp. 285–91.

²⁷Jubb, 'Love, Family Values'.

²⁸Bob, *The Global Right Wing*, p. 34; J. S. Chafetz and A. G. Dworkin, 'In the Face of Threat: Organized Antifeminism in Comparative Perspective', *Gender and Society*, 1: 1 (1987), pp. 33–60; Liesl Haas, *Feminist Policymaking in Chile* (University Park, PA: Pennsylvania State University Press, 2010); Mala Htun and S. Laurel Weldon, 'When Do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy', *Perspectives on Politics*, 8: 1 (2010), pp. 207–16; Kang, 'How Civil Society'; Jane Mansbridge, *Why We Lost the Era* (Chicago, IL: University of Chicago Press, 1986).

³¹Mala Htun and S. Laurel Weldon, 'Religious Power, the State, Women's Rights, and Family Law', *Politics and Gender*, 11: 3 (2015), pp. 451–77.

³²Haas, Feminist Policymaking in Chile.

³³Jubb, 'Love, Family Values'.

We expand on this research, analyse the policy rivalry dynamics of progressive policies in Mexico and Nicaragua, and specify more precisely how religious-state ties and family discourse influence the state and enable the persistence of patriarchal norms. Even though previous studies mention the existence of religious and conservative opposition, they do not analyse the dynamics of opposition to progressive policies within case studies, nor the impact of policy rivals in later stages of the policy process. Thus, there remains an often-overlooked reality that progressive networks always operate in an environment of rival groups.³⁴ Policy rivalries explain opposition to policies not only at their inception, but also at the later stages when policies are subject to blocking, stalling and even reversal.

Following Paromita Sen *et al.*, we make a conceptual distinction between backlash and opposition.³⁵ Backlash is a subtype of opposition that occurs in response to women's modest gains, and is often perceived as a spike in opposition.³⁶ The concept of opposition includes backlash as well as entrenched opposition that is constant.³⁷ In our cases, 'modest gains' are the passage of laws protecting women's bodily integrity. While all backlash is opposition, not all opposition is backlash. We use both terms accordingly.

Data and Methods: Case Studies of Mexico and Nicaragua

To reveal how progressive laws on women's issues are stalled, blocked and even dismantled, we focus on Mexico and Nicaragua as heuristic case studies.³⁸ The case of Jalisco State, Mexico, exemplifies the stalling of a VAW bill in a conservative religious state with relatively little international pressure from women's rights advocates in the 1990s. Nicaragua provides an example of reversing a progressive feminist policy in the context of a strong national women's movement under international pressure to modernise. In both cases, religious-state ties and family discourse are utilised by conservative opposition groups to influence policy-makers. Analysing cases from 1990s Mexico and 2010s Nicaragua demonstrates the persistent power of these two factors over time, across first- and second-generation laws, and in different countries. In both cases, the political environment at key moments enabled conservative religious opposition to overpower its rival women's movement forces. In Mexico, strong religious-state ties stalled legislative action in breach of a popular initiative (referendum) during an early stage of democratisation in Jalisco State. In Nicaragua, conservatives successfully opposed legislation by strategically utilising religious-state ties after the controversy over the legitimacy of Daniel Ortega's election (enabled by a contested constitutional reform) had settled down.

Through a case study of Jalisco State, Mexico, we examine conservative opposition and mobilisation against a progressive, feminist bill on intrafamilial violence.

³⁴ Although little noted by analysts, most global issues involve not just a single "progressive" movement promoting a cause, but also rivals fighting it', in Bob, *The Global Right Wing*, p. 2.

³⁵Paromita Sen, Catalina Vallejo and Denise Walsh with Sarah Corning, 'Backlash to Women's Civic and Political Participation in the Global South: Steps Toward a Meta-Analysis', presented at the 2018 Midwest Political Science Association Conference (MPSA) in Chicago, Illinois, pp. 1–42.

³⁶*Ibid.*, p. 18.

³⁷Ibid.

³⁸Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), p. 75.

Unlike Nicaragua, Mexico is a federal state in which its 32 subnational units (31 states and Mexico City) have some level of autonomy. The subnational level is typically where victims of domestic violence and most other crimes would seek legal remedies, so Mexico's subnational level of government is useful for studying local organised opposition to progressive VAW policies. Jalisco is a case that had a political environment of consistently strong religious–state ties that resisted feminist policy change, including on violence against women. This intensive case study within Mexico, therefore, allows us to identify the impacts of strong religious–state ties, conservative opposition groups and their family discourse on VAW policy change at the subnational level.

In contrast to Jalisco, Nicaragua has one of the strongest autonomous women's movements in Latin America. Nevertheless, the state dismantled key progressive elements of the 2012 national VAW law advocated by the women's movement. This case study facilitates an in-depth analysis of how women's TANs will (or will not) be effective in prompting progressive policies for women. Nicaraguan society has vocal progressive as well as conservative groups. There is within-case variation over time in the degree of vulnerability to international pressure. Thus, analysing Nicaragua also enables us to identify the impacts of religious–state ties, conservative opposition groups and their family discourse at the national level.

Data for this article includes primary and secondary sources. We conducted over 25 interviews each in our field sites (Cheryl O'Brien in Jalisco, Mexico, in 2012; Shannon Drysdale Walsh in Nicaragua in 2014 and 2015). Out of these, each of us conducted at least 16 interviews with progressives or moderates in civil society, six with progressives or moderates in the state, and two with self-identified conservatives within and outside the state. At least one interview per site was with a private citizen who was a former state actor. Interviewees were selected from a broad range of current and former positions in the state and civil society. These included conservative, progressive and moderate members of church groups (Catholic and otherwise), members of congress, leaders of civil society organisations, grassroots organisers, feminists, high-level politicians, lawyers, judges, police officers and victims/survivors of violence. Many interviewees were in more than one of these categories.

We conducted in-depth, semi-structured interviews with experts, lasting 45–120 minutes. Most interviewees were directly involved in the process of creating and/or reforming the law. Interviewees shared information and assessments about VAW policy creation, reform and implementation processes. Although several interviewees gave us permission to identify them by name and/or organisation, we have anonymised all sources in order to better protect the identity of those interviewees who wish to remain anonymous. All interviews were recorded, and most were transcribed (with the permission of interviewees). Secondary data for this article includes reports by the Mexican and Nicaraguan governments, the laws themselves, media articles, academic analyses and reports from women's organisations, international organisations and conservative groups.

Mexico: Jalisco State and Policy Change on Intrafamilial Violence

The state of Jalisco is located in western Mexico, characterised by urban wealth and conservativism. It is Mexico's third-wealthiest state, with the majority of inhabitants

living in the metropolitan area of Guadalajara, the capital of Jalisco and Mexico's second-largest metro area.³⁹ Feminist activists and others view Jalisco as one of the most conservative states in Mexico for women's rights.⁴⁰ The conservative context of Jalisco is characterised by strong religious–state ties. The Catholic Church so widely permeates politics in Jalisco that Church leaders meet with legislators who are members of the two main political parties – Partido Acción Nacional (National Action Party, PAN) and Partido Revolucionario Institucional (Institutional Revolutionary Party, PRI) – behind closed doors and advise policy-makers on women's issues.⁴¹ In 2010, activists criticised the Jalisco government for being submissive and obedient to the Catholic hierarchy and complained that Governor Emilio González Márquez adhered to Catholic Church dogmas that conflict with the legal rights of sexual violence victims under international and national laws.⁴² However, the Jalisco government for bing proponents of Catholic Church doctrine instead of feminist calls for improved access to women's legal rights as put forth in those laws.⁴³

The close relationship between religious and state authorities in Jalisco extends to finances as well, despite Article 130 of the Constitution establishing the separation of church and state. Governor González Márquez (PAN) was investigated in 2008 for making government donations of Mex\$330 million to the Archdiocese of Guadalajara. This included MX\$90 million for a martyrs' shrine (a church to honour Catholics who died opposing the secular government in the Cristero War) and MX\$30 million to create a religious pilgrim route.⁴⁴ In response to the media's account of this controversial donation of public money to the Archdiocese of Guadalajara, the Mexican Bishops' Conference stated that the donation did not violate the principles of a secular state or equality among churches.⁴⁵

This conservative context has a long history that sets the backdrop for Jalisco's stalled 1990s bill against intrafamilial violence in the face of Catholic Church opposition. The local women's movement originally sought to criminalise and address domestic violence to protect married as well as unmarried domestic/dating partners in addition to other family members, such as children. However, Church leaders countered that the Church's definition of the family was threatened by the feminist proposal. After contestation, a revised version of the bill was passed in part

⁴²Guadalupe Cruz Jaimes, 'Respeto a Estado laico en Jalisco, demandan ONG', Comunicación e Información de la Mujer (Communication and Information on Women, CIMAC), Mexico City, 7 Oct. 2010, available at www.cimacnoticias.com.mx/node/41577, last access 13 May 2019.

³⁹INEGI, *Jalisco: Socioeconomics, Population, and Education* (Aguascalientes: INEGI, 2010), available at http://cuentame.inegi.org.mx/monografias/informacion/jal/default.aspx?tema=me&e=1, last access 13 May 2019.

⁴⁰Anonymous (civil society actors), interviews 1, 2, 5, 12, 16, 17, 19, 20 and 25, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁴¹Anonymous (civil society actors), interviews 1, 2, 3, 9, 10, 13, 16, 19, 23 and 24, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁴³Anonymous (civil society actors), interviews 1, 4, 5, 10, 17 and 20, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁴⁴Andrea Becerril, 'Piden auditar finanzas del gobierno de Jalisco; posible desvío de fondos al clero', *La Jornada*, 25 May 2008.

⁴⁵José Antonio Román, 'No puede haber una "separación total" entre el Estado y el clero; siempre "se tocan", alega', *La Jornada*, 2 April 2008.

in November 1999 (through the state's administrative code) and then in full in August 2000 (through the civil and penal codes), as explained in the following sections.

In February 1995, PAN won a small majority after decades of PRI rule in Jalisco. This political shift signalled democratisation and encouraged Jalisco's activists to push for new policy changes, even before the national level's transition to democracy in 2000.⁴⁶ PAN made campaign promises to the women's movement in Jalisco, but did not fulfil the movement's hopes that the new majority party would be more progressive. In 1995, women's groups that had formed in the 1980s seized the opportunity to ask the new (PAN) governor to create a state institute for women's rights, but the governor did not present this proposal to congress.⁴⁷ Amidst this political shift toward democratisation, preparation for and momentum following the September 1995 Beijing UN World Conference on Women also provided inspiration for Jalisco's feminists to push for policy change on intrafamilial violence.

In the run-up to the 1997 local elections, a coalition of women's NGOs, academic institutions and associations pushed to make intrafamilial violence one of the 'nine commitments' included in local candidates' platforms.⁴⁸ In addition, this coalition worked on drafting a bill to address intrafamilial violence, and collected and presented data on violence against women in Jalisco to increase awareness of the need for policy change.⁴⁹ In November 1997, the Centro de Investigación y Atención a la Mujer (Centre for Research and Care for Women, CIAM), a women's NGO known as the 'Women's Research Centre', presented the executive branch of the state of Jalisco with a draft law against intrafamilial violence. The Women's Research Centre tried working with Governor Alberto Cárdenas (Jalisco governor from 1995 to 2001 and PAN member) to advance the proposal, but by 'the end of February 1998 no concrete results were achieved'.⁵⁰

Prominent Catholic officials spoke out against the intrafamilial violence bill in the Archdiocese of Guadalajara, considered second only to Mexico City for importance in Mexico's Catholic Church. The Church hierarchy presented doctrinal arguments against the bill in the media and to politicians. In addition, powerful conservative political forces within PAN and PRI combined efforts to stall this bill in the 1997–8 Jalisco congress.

Jalisco, Mexico: Strong Religious–State Ties and Family Discourse Stalls Feminist Bill

The Jalisco women's movement's calls for policy change on intrafamilial violence throughout the 1990s and its initiation of the feminist bill on this type of

⁴⁶Roderic Camp, *Politics in Mexico: The Democratic Consolidation* (Oxford: Oxford University Press, 2007).

⁴⁷Anonymous (civil society actors), interviews 1, 2, 7, 21, 22 and 28, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁴⁸Elena Aguilar Vilialobos and Felipe Alatorre Rodríguez, 'La Iniciativa Popular, un ejercicio ciudadano en Jalisco', presentation at the Red de Investigadores en Gobiernos Locales Mexicanos (Network of Researchers in Mexican Local Governments, IGLOM) Conference, Guadalajara, 23–4 Sept. 1999, p. 2.

⁴⁹Anonymous (civil society actors), interviews 2, 6, 7, 10, 15, 16, 19 and 21, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁵⁰Vilialobos and Rodríguez, 'La Iniciativa', p. 3.

violence predate Mexico's signing of key international norms on violence against women.⁵¹ Due to conservative opposition, the bill proposed by the women's movement in 1997 was initially blocked, then stalled until it was sufficiently modified and passed in 1999 and 2000. The local women's movement was finally able to achieve more moderate changes to Jalisco's administrative, civil and penal codes on intrafamilial violence by: expanding its civil society mobilisation to include local activists pushing for democratisation; utilising a referendum to reveal popular support for the bill; challenging the patriarchal, anti-feminist rhetoric by the Catholic hierarchy; and conceding in the end to heavy revisions of its 1997 bill.

By February 1998, the Women's Research Centre in Jalisco had begun to build a larger coalition - comprised of not only women's NGOs, but also pro-democracy activists and academic institutions - to overcome blockage and place its intrafamilial violence bill on the public agenda for consideration. This broader coalition of democracy proponents and feminists (later called United Voices) gathered over 40,000 registered voters' signatures, more than double the 18,000 required under the popular initiative framework of the Citizenship Act (passed in 1998 by Jalisco State). The bill was presented to congress on 26 March 1999.⁵² Yet, congress stalled and did not resolve the bill within six months, missing the deadline required by law. One member from the 1990s coalition recalls the leveraging of family discourse by opponents to the bill: 'In about November 1999, the legislators said that this law against intrafamilial violence was going to take away parental rights of fathers, and that it was going to authorise marriages between persons of the same sex ... This was an argument pushed by the Catholic Church hierarchy.'53 Several interviewees and Jalisco newspaper articles confirmed the Church's support for this argument.⁵⁴

The Catholic Church played a decisive role in contesting the bill. As the congressional vote drew near, the Church hierarchy closed ranks and lobbied hard with a conservative family discourse, which reinforced a traditional nuclear family with a married couple and men as heads of household who can physically discipline women and children. Cardinal Juan Sandoval Íñiguez, a high-ranking Church leader, summarised his opposition to the bill in a letter addressed to Jalisco's governor, 40 local legislators and United Voices; he warned the governor that the bill conflicts with the Church's definition of family.⁵⁵ The bill called for intrafamilial violence to be codified in law as a crime; it decried violence against children, women and the elderly. From a feminist perspective, it noted the gendered nature of such violence against women of all ages. The bill, however, went beyond the

⁵¹Mexico ratified the Belém do Pará Convention in 1998; Mexico signed the Optional Protocol to CEDAW on 10 Dec. 1999 and ratified it in 2002.

⁵²Vilialobos and Rodríguez, 'La Iniciativa'; Luis Rigoberto Gallardo Gómez, 'Acción colectiva y construcción de ciudadanía en Jalisco. Los casos del Círculo de Mujeres por México y para México y del colectivo Voces Unidas', thesis, Instituto Tecnológico y de Estudios Superiores de Occidente (ITESO), 2007.

⁵³Anonymous (civil society actor), interview 10, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁵⁴See, for example, Ignacio Pérez Vega, 'Violencia intrafamiliar: La Iglesia hace críticas a la iniciativa', *Público*, Guadalajara, 17 July 1999.

⁵⁵Anonymous (civil society actors), interviews 2, 3, 6, 15 and 19, by Cheryl O'Brien, Guadalajara, Feb. 2012. Author read and confirmed the cardinal's letter to United Voices during interview 15.

Church's narrow family definition and included all members of a household. One activist explains:

The concept of family is very carefully looked after by the Catholic Church in Mexico ... Domestic partners are not acceptable ... The Church typically refers to a strict definition of family as in the nuclear family, the father, mother, and children. But if the aunt living there is the perpetrator or the victim of violence in the household, then we cannot discuss this with that definition ... In Mexico, the definition of family needs to include the full relations and people in households, so in the bill put forth in the Popular Initiative by citizens, we included both intrafamilial [extended family] violence and [nuclear] family violence.⁵⁶

In Jalisco, the civil code defines family, and congressional representatives in the late 1990s did not accept the changes that would be required to incorporate the intrafamilial violence law into the code due to the Catholic Church hierarchy's strong argument that the bill threatens the Church's definition of family.⁵⁷

The Church utilised its strong ties to the state to influence the policy process. One leader of United Voices says that the congressmen spoke with the priests, who said: 'No, this is supporting something bad that contradicts us, our principles.'⁵⁸ Another coalition member confirms that 'Conservative congressmen said the law should only be for the nuclear family, and the Church had spoken with these congressmen.'⁵⁹ One United Voices activist sums up the congressmen's drawn-out recitation of different Church arguments against the bill:

First, the Church said, 'Don't change the meaning of family.' Second, they argued that the bill's changes to current law would permit a definition [of family] that would allow for people of the same sex to marry. Third, they said it violates parental authority of the father in the family, and the congressmen asked, 'Who else but the father can care for the family and children?' ... And the congressmen repeated all of these arguments and were in meetings with the Church. These were the red flags they raised against the law. And we had to spend a lot of time working to deal with each of these points. This was in congress ... and after three months it was still not resolved ... ⁶⁰

Strong religious-state ties enabled conservatives in the Catholic Church to exert their influence on the policy-making process. As one member of United Voices emphasises, '[The] Church initiated a campaign against the Popular Initiative, and this conservative group – led by the hierarchy – had a *strong* network with the government ... ^{*61} The bill was stalled, despite the public's excitement for a

⁵⁶Anonymous (civil society actor), interview 2, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁵⁷Anonymous (civil society actors), interviews 2, 6, 10, 15, 16 and 19, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁵⁸Anonymous (civil society actor), interview 19, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁵⁹Anonymous (civil society actor), interview 6, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶⁰Anonymous (civil society actor), interview 16, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶¹Anonymous (civil society actor), interview 15, by Cheryl O'Brien, Guadalajara, Feb. 2012.

new kind of democratic participation, and the delay was in breach of the popular initiative's requirement of legislative action within six months of the bill's presentation to congress.⁶² During this transition to democracy, the Church's ability to stall legislative action through doctrinal arguments in the media and meetings behind closed doors with the legislators demonstrates its power in Jalisco politics.⁶³

The policy rivalry between progressives and conservatives intensified throughout the policy process, as the coalition continued to combat the Church's anti-feminist message about the bill by raising awareness with the public. Members of the coalition worked on multiple fronts to rebut the Church's criticism. They reached out to citizens' groups and Catholic organisations, educating them about the bill and the importance of intrafamilial violence policy change. 'People started to see that what the Church is saying cannot all be true', states one coalition member.⁶⁴ While trying to dialogue with the priests and congressional representatives in response to the religious–state arguments, the coalition simultaneously continued its activism in an effort to apply popular pressure on both congress and the Catholic Church.

In addition to organising civil society pressure on the Church and the state, the coalition strategised on how to revise the bill to achieve policy change of some kind. The original bill proposed one comprehensive law to criminalise and address domestic violence. This bill would have included domestic or dating partner abuse, but as a result of the opposition's strong pushback through religious-state ties and the leveraging of family discourse, the coalition made two modifications. First, it changed the focus to intrafamilial violence, and removed most feminist language focusing on empowering women. Second, it revised the bill to address intrafamilial violence through Jalisco's three legal codes (administrative, civil and penal), instead of creating the originally proposed comprehensive law. Following this strategy and heightened civil society pressure, the Ley Administrativa (Administrative Law) was passed in November 1999 in Jalisco, instructing government agencies to create policies to give attention to intrafamilial violence.⁶⁵ The 1999 Administrative Law was the first successful adoption of policy change won by the collective following the people's referendum, but congress did not agree to change the penal and civil codes.⁶⁶ A coalition member states: 'We had achieved the Administrative Law, but it still is dependent on the civil and penal codes, which were still being dealt with ... almost one year later ... It took much time before we saw the changes to the civil and penal codes ... Our penal code did not typify this type of violence as a crime.⁶⁷

The coalition had to campaign again for congress to act on its proposal to change the civil and penal codes. It then took until August 2000 for Jalisco's congress to pass changes in the civil and penal codes that clarified the criminalisation

⁶²Ibid.

⁶⁵Anonymous (civil society actors), interviews 2, 7, 10, 15, 16 and 19, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶³Anonymous (civil society actors), interviews 2, 6, 10, 15, 16 and 19, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶⁴Anonymous (civil society actor), interview 7, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶⁶Ibid.

⁶⁷Anonymous (civil society actor), interview 16, by Cheryl O'Brien, Guadalajara, Feb. 2012.

of intrafamilial violence against women and children, as well as the criminalisation of bodily damages to women resulting from such violence.

Jalisco, Mexico: Brief Discussion

The policy rivalry over the late-1990s intrafamilial violence bill demonstrates how organised opposition by a religious hierarchy, utilising strong state ties and family discourse, initially blocked and then stalled the intrafamilial violence bill. 'When the Cardinal began to make arguments against our collective, we began to revise the bill', says one United Voices member.⁶⁸ To achieve policy change despite strong organised opposition, the coalition campaigned through the media, educated the public about intrafamilial violence, mounted civil society pressure and revised the bill to address intrafamilial violence through Jalisco's legal (administrative, civil and penal) codes. By focusing on the legal codes, the revised bill was much less comprehensive than the original one and lost most of its feminist elements that aimed to empower women.⁶⁹

There was a consensus among interviewees that legal arguments were not the reason for stalling policy change, but rather that many congressmen did not want to address intrafamilial violence due in large part to the Church's opposition. In one interview, a member of the conservative Catholic group Opus Dei argued that the feminists' bill challenged the Church's traditional idea that a father, as head of the family, has the right to physically discipline his wife or child. Many Jalisco politicians viewed this violence as a non-issue for government to address, and conservative Church leaders with strong state ties viewed a law that would address intrafamilial violence as a threat to the Church's definition of family, heteronormativity and the rights of men (as heads of households) to discipline within the family.

Nicaragua and Policy Change on Violence against Women

Nicaragua is characterised by widespread poverty and a mix of conservative and progressive thinking, distinctive to its history of leftist politics since the 1979 Sandinista Revolution. Nicaraguan society has strains of conservative Catholicism and Protestantism intertwined with progressive activism from secular and religious sectors. This socially contested context helps explain the 2012 passage, but subsequent dismantling, of the progressive Comprehensive Law against Violence against Women (Law 779). In this setting, the political rivals were the women's network promoting the law vs. conservative forces in the state and religious groups that opposed the feminist elements of the law.

As in Mexico, Nicaraguan women's organising strengthened in the 1980s in alignment with broader regional trends following the 1975 UN World Conference on Women in Mexico. In Nicaragua, the 1979 Sandinista Revolution was the pivotal event shaping the subsequent organisation of the women's

⁶⁸Anonymous (civil society actor), interview 19, by Cheryl O'Brien, Guadalajara, Feb. 2012.

⁶⁹Anonymous (civil society actor), interview 2, by Cheryl O'Brien, Guadalajara, Feb. 2012.

movement.⁷⁰ From this point forward, the women's movement was strongly tied to the Frente Sandinista de Liberación Nacional (Sandinista National Liberation Front, FSLN), with women revolutionary leaders integrated into the state and associated with the Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza (Luisa Amanda Espinoza Association of Nicaraguan Women, AMNLAE), the statesponsored women's organisation.⁷¹ However, the FSLN government frequently opposed or stalled women's movement initiatives throughout the 1980s. After the Sandinistas lost the 1990 election, many women left the FSLN and formed organisations that were more diverse and autonomous from the state.⁷² In the 1990s, local women's movement actors worked in coordination with key actors in the state and international organisations to establish women-only police stations in response to domestic violence cases being mishandled and dismissed by the regular police.⁷³ This women's TAN also successfully pressured for the passage of an intrafamilial violence law that enabled women to obtain restraining orders.⁷⁴ First-generation intrafamilial violence policies and laws in 1990s Latin America advanced some new protections for women, but failed to take a comprehensive approach to addressing violence against women.⁷⁵

On 22 June 2012, the Nicaraguan National Assembly unanimously passed Law 779, following over two decades of women's network advocacy to create it.⁷⁶ As part of the second generation of VAW legislation in Latin America, this law focuses specifically on women, and is more aligned with the language and aims of the 1994 Belém do Pará Convention. The women's movement created and proposed a progressive feminist version of the law through a representative from the Partido Liberal Constitucionalista (Constitutionalist Liberal Party, PLC), followed a few months later by a proposal from the Supreme Court and, ultimately, the two were combined to create the new legislation.⁷⁷ The actors that successfully pressured for and provided consultation to create the law included the women's movement, female advocates within the state, and the Agencia Española de Cooperación Internacional para el Desarollo (Spanish Agency for International Development, AECID), which provided funding for many of the meetings to create and advance

⁷⁰Maxine Molyneux, 'Mobilization without Emancipation? Women's Interests, the State, and Revolution in Nicaragua', *Feminist Studies*, 11: 2 (1985), pp. 227–54.

⁷¹Florence E. Babb, *After Revolution: Mapping Gender and Cultural Politics in Neoliberal Nicaragua* (Austin, TX: University of Texas Press, 2001).

⁷²Ibid.

⁷³Jubb et al., Regional Mapping.

⁷⁴Shannon Drysdale Walsh, 'Advances and Limitations of Policing and Human Security for Women: Nicaragua in Comparative Perspective', in Victoria Sanford, Katerina Stefatos and Cecilia M. Salvi (eds.), *Gender Violence in Peace and War: States of Complicity* (New Brunswick, NJ: Rutgers University Press, 2016), pp. 133–45.

⁷⁵Friedman, 'Re(gion)alizing Women's Human Rights'.

⁷⁶Nicaraguan National Assembly, Law 779, published in *La Gaceta*, Managua, 22 Feb. 2012; Azahálea Solís, 'The Reform of Law 779 Sends Society a Very Negative Message', *Envío*, Nov. 2013, available at www.envio.org.ni/articulo/4783, last access 13 May 2019.

⁷⁷Solís, 'The Reform'; Alba Luz Ramos, 'II encuentro abordaje de la violencia contra las mujeres, niñez y adolescencia. Cumplimiento de los compromisos de Belem [*sic*] do Pará y acceso a al [*sic*] justicia', Managua, 8 Sept. 2010, p. 15.

the law.⁷⁸ The key progressive feminist elements of the law that were later contested by conservatives were that it prohibited mediation between victims and aggressors and that the focus was on violence against women, rather than family violence.

However, under pressure from the Church and religious conservatives, the law was reformed in 2013 in order to enable judges and prosecutors to conduct mediation between victims and aggressors; this reform defies international norms because it often puts women's lives at risk. Then, in 2014, President Ortega issued a *reglamento* (regulation) via executive order that dismantled progressive elements of the law.⁷⁹ This regulation changed the focus of the law from violence against women to violence against families and enforced a 'family unity' approach to 'family violence'. In the upcoming sections, we demonstrate how a conservative coalition utilising strong religious–state ties enabled the Church to influence these reforms and how family discourse was leveraged as pressure to dismantle it.

Nicaragua: Strong Religious–State Ties and Family Discourse Undermines Feminist Law

Ties between the Catholic Church and the Nicaraguan state have varied over time. Catholics are divided into more conservative (or traditional) vs. progressive elements – though the Church hierarchy is conservative overall regarding issues of family, divorce, abortion and the roles of women in the household.⁸⁰ During the Revolution, the Catholic Church aligned with the struggle to overthrow the Somoza dictatorship.⁸¹ In the 1980s, the left-leaning liberation theology wing of the Church continued its alignment with the leftist Sandinistas after the 1979 Revolution. However, the conservative wing, aligned with Cardinal Miguel Obando y Bravo, turned against the Sandinistas after 1979 and increasingly gained influence over the state.⁸²

Conservative Cardinal Obando y Bravo and the Catholic Church publicly opposed several of Ortega's bids for the presidency until the 2006 election.⁸³ Ortega made a pact with the Catholic Church in exchange for support of his 2006 candidacy. He curried favour with the Church through outward signs of piety that included a highly publicised Catholic wedding in 2005, presided over by Obando y Bravo, to Rosario Murillo (his common-law partner of 27 years).⁸⁴

⁷⁸Anonymous (non-state actor), interview by Shannon Drysdale Walsh, Managua, 31 July 2015.

⁷⁹Nicaraguan Government, Decree 42–2014, 'Reglamento a la Ley 779, ley integral contra la violencia hacia las mujeres y de reformas a la Ley 641, "Código Penal", approved 30 July 2014, published in *La Gaceta*, Managua, 31 July 2014.

⁸⁰Htun, Sex and the State.

⁸¹Leslie E. Anderson and Lawrence C. Dodd, *Learning Democracy: Citizen Engagement and Electoral Choice in Nicaragua, 1990–2001* (Chicago, IL: University of Chicago Press, 2005).

⁸²*Ibid.*; Anna Edgerton and Ina Sotirova, 'Sex and the Barrio: A Clash of Faith in Latin America', *World Policy Journal*, 28: 4 (2011), pp. 34–41; Thomas W. Walker and Christine J. Wade, *Living in the Shadow of the Eagle* (Boulder, CO: Westview Press, 2011).

⁸³Anderson and Dodd, *Learning Democracy*.

⁸⁴Kenneth Earl Morris, Unfinished Revolution: Daniel Ortega and Nicaragua's Struggle for Liberation (Chicago, IL: Lawrence Hill, 2010).

Ortega's public displays of piety continued with his support of a law that completely banned even therapeutic abortion (used to save the life of the mother).⁸⁵ Many analysts say that, though Ortega is a lifelong Catholic, he would not have otherwise supported a bill that disproportionately risked the lives of poor women if he were not trying to gain the support of the Church hierarchy.⁸⁶ The abortion ban angered feminists and the international community. However, it was hailed as a victory by the Church and helped secure traditional conservative Catholic support for Ortega.⁸⁷

As veteran Nicaraguan journalist Tomas Stargardter commented on this pact, 'Everyone has a price, and part of the cardinal's price was the law prohibiting emergency abortions.³⁸⁸ As Karen Kampwirth describes this turn with the 2006 election, the 'new vision of what it meant to be a revolutionary was traditional Catholic rather than liberation theology Catholic, anti-feminist rather than feminist.³⁸⁹ The Catholic Church, Nicaraguan state, and Protestant churches have coalesced around a commonly held conservative view of family and sexuality that prevails in policy-making decisions.⁹⁰ As Cecilia Espinoza of the women's rights group Ipas notes, 'There is no division between religion-party-state-family in Nicaragua.⁹¹ Two Sandinista party slogans prominently displaying the convergence of state and religion on billboards throughout Managua are 'Christian, Socialist, Solidarity!' and 'To serve the people is to serve God'. So, even though Nicaragua does not have an official state religion, there is no practical separation between church and state, and the conservative wing of the Catholic Church now has the strongest influence on the state.

There are several examples of networking among the state, the conservative wing of the Catholic Church and conservative evangelicals. For example, state officials attended a mass in 2000 that included the announcement of a government decree establishing the National Day of the Unborn Child; and before the 2006 vote banning therapeutic abortion, Catholic and evangelical churches united and mobilised people to publicly display support of that bill.⁹² Sarah Bradshaw notes, 'the blurring of the church and state is clear in such actions and highlights that the Church is not only able to influence government discourse, but also able to influence government policies and national laws'.⁹³

Despite the strong conservative religious influence over politics, the 2012 VAW law passed unanimously after women's networks mobilised to prompt its passage. The political environment enabled women's networks to have access to the

⁹¹Ibid.

⁹²Sarah Bradshaw, 'An Unholy Trinity: The Church, the State, the Banks and the Challenges for Women Mobilising for Change in Nicaragua', *Institute of Development Studies Bulletin*, 39: 6 (2008), pp. 67–74.
⁹³Ibid., p. 69.

⁸⁵Karen Kampwirth, Latin America's New Left and the Politics of Gender: Lessons from Nicaragua (Galesburg, IL: Springer Science and Business Media, 2011); Jennifer Leigh Disney, Women's Activism and Feminist Agency in Mozambique and Nicaragua (Philadelphia, PA: Temple University Press, 2008); Walker and Wade, Living in the Shadow.

⁸⁶Morris, Unfinished Revolution.

⁸⁷Ibid.; Kampwirth, Latin America's New Left.

⁸⁸Edgerton and Sotirova, 'Sex and the Barrio', p. 36.

⁸⁹Kampwirth, Latin America's New Left, p. 186.

⁹⁰Edgerton and Sotirova, 'Sex and the Barrio', p. 36.

legislative process and relative strength in the early policy-making stages that created the 2012 law. However, conservative forces later prevailed in its reversal.⁹⁴ Some civil society actors suggest that its passage was possible because Nicaragua was particularly vulnerable to international pressure during that time due to international backlash against the Sandinista support for a complete abortion ban, as well as Ortega's continued impunity in the face of accusations of sexual abuse by his stepdaughter Zoilamérica Narváez.95 In addition, Ortega was elected for an additional term in 2011, allowed when the Supreme Court made an exception to the constitutional ban on presidents serving consecutive terms, which initially challenged the government's legitimacy.⁹⁶ It is possible that Law 779 was utilised to draw attention away from this threat. The law also passed in a political environment in which the Nicaraguan government was experiencing international pressure to 'modernise' their laws on women's rights. So, it is likely that this pressure made it possible to pass a law that was much more progressive than it would have been otherwise. Thus, the conservative opposition in Nicaragua arrived in the form of conservative backlash instead of front-loaded attempts to block its passage. If only local advocates had been pressuring for its creation - as was the case with the intrafamilial violence bill in Mexico - it is more likely that they would have experienced more stalling and modifications to the law before it was created.

As originally written, the 779 Law was one of the most progressive in Latin America.⁹⁷ It made explicit reference to international and regional conventions that address violence against women (including CEDAW and Belém do Pará).⁹⁸ The law applied to both the public and private sphere (Article 2). It not only recognised physical violence as a crime, but also included and defined other forms of violence against women, such as misogyny and economic violence.⁹⁹ It defined femicide as a crime in the context of unequal power relations between men and women in which a woman is murdered in the public or private sphere.¹⁰⁰ Penalties for femicide were more severe than for murder not motivated by gender, analogous to increased penalties for hate crimes in the United States. The law also mandated the creation of specialised courts to address gender violence.¹⁰¹

While conservatives did not stall the passage of the law once it was proposed, they capitalised on their ties to the state, leveraged family discourse to mobilise support against it, and swiftly dismantled its progressive elements. Although conservatives in Nicaragua hold traditional views on family, they include a core group of Sandinista party members that may be progressive in other areas.¹⁰² Historically,

⁹⁴Solís, 'The Reform'.

⁹⁵ El día que Zoilamérica pidío perdón a Rosario Murillo', *El Nuevo Diario y La Prensa*, Managua, 19 Aug. 2008, available at www.radiolaprimerisima.com/noticias/35826/el-dia-que-zoilamerica-pidio-per don-a-rosario-murillo-, last access 13 May 2019; Anonymous (civil society actors), interviews by Shannon Drysdale Walsh, Managua, 29 July 2015.

⁹⁶Larry Diamond, 'Democracy's Third Wave Today', Current History, Nov. 2011, pp. 299–307.

⁹⁷Anonymous (state actor), interview by Shannon Drysdale Walsh, Managua, 30 July 2015.

⁹⁸Nicaraguan National Assembly, Law 779, Article 5.

⁹⁹Ibid., Article 8.

¹⁰⁰*Ibid.*, p. 9.

¹⁰¹Ibid., Articles 31–3.

¹⁰²Jubb, 'Love, Family Values'.

the FSLN has developed an uneasy relationship with the women's movement, an ambiguous record on women's issues, and engagement in anti-feminist politics.¹⁰³ After the election of Ortega in 2011, feminists had less leverage than might have been expected, given their historic strength, because they were facing a state with all branches controlled by the FSLN. Since this election, Ortega has increasingly consolidated power and blocked points of access to the state from civil society, excluding feminists from policy-making processes - on women's rights and other issues.¹⁰⁴ This aligned with the pact between Ortega and the traditional Catholic Church to overcome women's advocacy outside and within the state. Even state actors such as Supreme Court Justice Alba Luz Ramos, who initially supported the law, changed their positions to support modifications to the law - under pressure from opposing justices,¹⁰⁵ and presumably the Ortega administration as well. Some might argue that Nicaraguans were merely rejecting 'imported', or internationally imposed, framing and solutions to the problem of violence against women in a conservative society. However, Nicaragua is an ideologically diverse society with a strong domestic bloc of progressives. Thus, the reversal of the 779 law reveals the persistent and increasing power of religious and conservative influence and discourse.

The conservative outcry, leveraging family discourse against the VAW law, was almost immediate. The chief public opponents to the law were conservative sectors of the Catholic and evangelical churches and a group of lawyers called the Asociación Democrática de Abogados de Nicaragua (Nicaraguan Democratic Association of Lawyers, ADANIC). Conservatives mobilised in the streets, publicising their arguments that Law 779 undermined family values, was against men, and unconstitutional because it would create inequality against men. Conservative sectors of the Catholic Church decried Law 779 as 'Law 666'! Abelardo Mata, the bishop of the diocese of Estelí in northern Nicaragua, made widely publicised condemnations of the law, leveraging family discourse:

We have said repeatedly that the Mark of the Devil is no longer 666 ... It is now 779, because this law is destroying families. How many times have people who accused a husband, uncle or cousin out of anger or revenge then said – once the storm had passed – that they had been too hard on them and so decided to drop the case?¹⁰⁶

¹⁰⁵Solís, 'The Reform'.

¹⁰³N. S. Chinchilla, 'Revolutionary Popular Feminism in Nicaragua: Articulating Class, Gender, and National Sovereignty', *Gender and Society*, 4: 3 (1990), pp. 370–97; A. Criquillón, 'The Nicaraguan Women's Movement: Feminist Reflections', in Minor Sinclair (ed.), *The Politics of Survival: Grassroots Movements in Central America* (New York: Monthly Review Press, 1995), pp. 209–38; Jubb, 'Love, Family Values'; Karen Kampwirth, 'Abortion, Antifeminism, and the Return of Daniel Ortega: In Nicaragua, Leftist Politics?', *Latin American Perspectives*, 35: 6 (2008), pp. 122–36; 'Populism and the Feminist Challenge in Nicaragua: The Return of Daniel Ortega', in *Gender and Populism in Latin America: Passionate Politics* (University Park, PA: Pennsylvania State University Press, 2010), pp. 162–79; Molyneux, 'Mobilization'.

¹⁰⁴David Close, *Nicaragua: Navigating the Politics of Democracy* (Boulder, CO: Lynne Reinner, 2016); David Close, Salvador Martí i Puig and Shelley A. McConnell (eds.), *The Sandinistas and Nicaragua Since 1979* (Boulder, CO: Lynne Reinner, 2012).

¹⁰⁶Carlos Salinas, 'Nicaragua is one of Latin America's Safest Countries – But Not for Women', *El País*, Managua, 27 June 2014, available at http://elpais.com/m/elpais/2014/06/27/inenglish/1403883675_967629. html, last access 13 May 2019.

Under the new Law 779, women are still able to drop cases. However, Mata's framing critique of 'destroying families' pits the law and its proponents as 'anti-family', which is resonant even across ideological lines in Nicaragua. This framing also aligns with the Ortega–Murillo social Christian narrative promoting family unity.¹⁰⁷

The conservative ADANIC also spoke out against the VAW law by utilising religious family discourse. Spokesperson Danilo Martínez represented the law as a threat to the family, saying it was a 'catastrophic threat to the core of Nicaraguan society, which is the family'.¹⁰⁸ Further, he leveraged the idea of women's weakness within the family structure to justify the subordination of women as divine, saying:

We must never forget that divine plan, that all human beings – men and women – are created in God's image, and that being male or female is an essential feature of identity established by divine creation. In his [the husband's] role, he must treat women like a rose petal, as a weaker vessel, and the father should preside over his family in love and righteousness.¹⁰⁹

Despite objections from women's advocates, Law 779 was reformed twice. On 25 September 2013, it was reformed almost unanimously through the creation of Law 846. This first reform mandated the inclusion of mediation within Law 779 to 'safeguard family unity' and gave the president the power to regulate and implement the law.¹¹⁰ On 3 July 2014, Ortega reformed Law 779 again by utilising an executive decree to issue a *reglamento*¹¹¹ – a measure that is supposed to be used to implement laws. Such a regulation is not a legally authorised mechanism for rewriting the law, but was used precisely for this purpose.

This second reform (2014) codified family discourse within the law by imposing the family values perspective of the Executive and conservatives, and dismantling the progressive elements of the law. Among other revisions, this *reglamento* changed the principal aim from protecting women to strengthening families. As originally written, Law 779 aimed to 'act against violence that is *exercised against women*'. Ortega's *reglamento* revised the objective of the law to 'guarantee the *strengthening of Nicaraguan families*'.¹¹² The revision also restricted the application of the law to the private sphere, and restricted the definition of femicide to one that is committed in the context of an interpersonal or a female–male partner (or ex-partner) relationship. In practice, the new law has already restricted women's access to the

¹¹¹Nicaraguan Government, Decree 42–2014.

¹¹²Article 1 and Consideration 2, as quoted in Movimiento Renovador Sandinista (Sandinista Renovation Movement, MRS), Red de Mujeres (Women's Network), 'Cuadro comparativo Ley 779 y Decreto 42–2014 (reglamento a la Ley 779)', Managua, 2014. See this document for a detailed comparison of the original Law 779 and the revised version.

¹⁰⁷Jubb, 'Love, Family Values'.

¹⁰⁸Danilo Martínez, quoted in Chester Membreño, 'La Ley 779 y los abogados democráticos', *La Prensa*, Managua, 18 June 2013.

¹⁰⁹Ibid.

¹¹⁰Solís, 'The Reform', p. 6; Nicaraguan National Assembly, 'Ley N°. 846, ley de modificación al artículo 46 y de adición a los artículos 30, 31 y 32 de la Ley N°. 779, ley integral contra la violencia hacia las mujeres y de reformas a la Ley N°. 641, "Código Penal", passed 25 Sept. 2013, published 1 Oct. 2013.

justice system and women's support groups, in part by removing auxiliary support positions that were connected to women's police stations.¹¹³

Nicaragua: Brief Discussion

Organised opposition by a conservative religious hierarchy with strong ties to the state and the utilisation of family discourse enabled swift and successful dismantling of the progressive elements of the Nicaraguan VAW law. Conservatives were empowered, relative to women's groups, after the election of Ortega, when the government was dominated by the FSLN and almost entirely shut civil society out of the state.¹¹⁴ While the case of Mexico demonstrates early resistance to firstgeneration VAW policies, the case of Nicaragua demonstrates the persistent power of conservative religious groups and family discourse through the most recent second generation of laws. What at first appeared as a victory for a women's TAN ended in a crippled law and disempowerment for Nicaraguan women within the family. In contrast to Jalisco, religious and governmental representatives viewed the abuse of women as appropriate for the state to address. However, their vision radically diverged from the progressive aims of women's autonomy and safety focusing on family values and unity instead of violence against women, and reinstating mediation between aggressors and victims in ways that disempower women. Progressive women's advocates point out that religious conservatives supporting these reforms failed to recognise that family values and unity are threatened by violence, not by women attempting to escape it.¹¹⁵ The new implementation mechanisms spelled out in the reglamento create obstacles to women attempting to separate themselves from aggressors, rather than protect them. In light of recent attacks against, and murders of, protesters and political opponents in Nicaragua, the exclusion of women and civil society from the policy process can be viewed in retrospect as foreshadowing the now-deadly consolidation of power within the Ortega regime.

Conclusion

It is widely recognised that women's advocacy has been a catalyst for the advancement of progressive VAW policies worldwide. Emerging scholarship notes that these policies remain limited in their effectiveness and implementation, but there has been little attention paid to how these policies have been blocked, stalled or even reversed. A key obstacle to progressive reforms we highlight in this article – otherwise rarely analysed in the literature – is that progressive VAW policy advocates usually face opposition by formidable policy rivals with competing policy preferences. We identify these rivals as conservatives promoting a patriarchal family values and unity approach to domestic abuse. We also advance the scholarship by identifying key mechanisms and strategies of conservative influence over policy-makers. First, we find that the mechanism of religious–state ties enables religious conservatives to influence policy-makers

¹¹³Anonymous (civil society actor), email exchange with Shannon Drysdale Walsh, 15 Aug. 2015.

¹¹⁴Close et al. (eds.), The Sandinistas and Nicaragua Since 1979.

¹¹⁵Anonymous (civil society actor), interview by Shannon Drysdale Walsh, Managua, 31 July 2015.

throughout the policy process. Second, conservatives influence the state and society by strategically leveraging resonant family discourse that frames VAW laws as antifamily. Our findings affirm the importance of the relationship between religion and political institutions on policy.¹¹⁶ We go beyond this by specifying that formal and informal ties between church and state matter in terms of impacting not only policy creation, but also policy implementation.

Distinctive to Latin America, conservatives tend to be socially conservative regarding women, but may be politically conservative or progressive (anti-poverty, anti-imperialist, pro-welfare state, for example). A socio-political environment of social conservativism, particularly one with religious underpinnings, means that women's issues often meet strong opposition despite progressive networks that have made policy advances. Latin America has the highest proportion of religiosity in the world, with over 90 per cent of the population identifying as Catholic or evangelical, and is generally socially conservative regarding women.¹¹⁷ Other countries, especially in developing regions worldwide, are also religious and conservative regarding women in ways that could make them susceptible to these dynamics as well. Thus, these patterns likely generalise to cases beyond this study.

In Latin America and developing countries in other regions, progressives usually have support from international NGOs, and conservatives from international religious groups. Progressive NGOs or conservative religious groups at the international level may amplify progressive policy support or conservative opposition through funding, discourse or other means. Thus, domestic groups can be influenced by, and draw upon, international allies in ways that intensify their policy conflicts. We would similarly expect policy conflicts to be more intense in other countries susceptible to international influence. To the degree that strong religious–state ties and the use of patriarchal family discourse found in Mexico and Nicaragua also exist in other countries, we expect they would likewise strengthen organised conservative groups in their resistance to progressive international norms and feminist policy change.

Our research has implications for emerging scholarship on backlash, which is focused on backlash to women's participation in politics, policies that promote women's participation, and even violence against women who compete for or achieve political positions.¹¹⁸ Our cases of opposition to the VAW laws in Mexico and Nicaragua demonstrate the blurry conceptual borders and potential causal relationship between entrenched opposition and backlash. In Mexico, entrenched opposition rooted in groups with close religious–state ties blocked and stalled policy creation of the proposed VAW law. The spike in opposition in reaction to progressive policy proposals could be characterised as backlash, made more swift and successful by these entrenched networks. It could also be

¹¹⁶Htun and Weldon, 'When Do Governments'.

¹¹⁷Pew Research Center, 'Religion in Latin America: Widespread Change in a Historically Catholic Region', Pew Research Center, Washington DC, 13 Nov. 2014, available at www.pewforum.org/2014/11/ 13/religion-in-latin-america/#history-of-religious-change, last access 14 May 2019.

¹¹⁸For example, Mona Lena Krook and Juliana Restrepo Sanín, 'Gender and Political Violence in Latin America: Concepts, Debates and Solutions', *Política y Gobierno*, 23: 1 (2016), pp. 125–57; Jennifer M. Piscopo, 'State Capacity, Criminal Justice, and Political Rights: Rethinking Violence against Women in Politics', *Política y Gobierno*, 23: 2 (2016), pp. 437–58.

characterised as a consequence of constant opposition to policies that threaten male authority and power. In Nicaragua, entrenched opposition with close ties between the state and religious groups failed to mobilise in the face of international pressure to pass the VAW law, but the fact that this opposition was entrenched made the subsequent and swift spike in opposition possible. So, this is also a case of backlash rooted in entrenched opposition to VAW laws, even though it was suspended for a short period in the face of international pressure to pass a progressive law. Thus, in Mexico and Nicaragua, entrenched opposition and backlash are not so conceptually distinct, and these cases also demonstrate that entrenched opposition can make backlash more likely when religious–state ties enable sustained conservative opposition and influence over public policy regarding women. With further research, we suspect that the same would be true more broadly: that countries with strong religious–state ties would have stronger opposition to progressive policies on women and women's political participation.

In drawing attention to this policy rivalry between progressives and conservatives, we shift the research focus from explaining progressive policy emergence to analysing why and how this emergence has been stunted. We also shed more light on why and how resistance to implementation persists. We make explicit a dynamic that is so often left implicit in current scholarship: that the mobilisation of progressive networks outside the state is necessary for advancing progressive women's policies *precisely because* there is sustained and organised opposition to creating and implementing them – most often from conservatives, and religious conservatives in particular. Opposition to progressive policies results in not only the blocking, stalling and reversal of policies we discuss here, but also implementation failures that leave women exposed to gender-based violence without proper legal recourse. We urge further research to investigate the role of organised opposition in widespread impunity for violence against women.

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Spanish abstract

Convenciones internacionales y leyes domésticas han sido promulgadas para prevenir, castigar y erradicar la violencia contra las mujeres a nivel mundial. Sin embargo, estas iniciativas progresistas han tenido oposición en contextos contenciosos donde rivales políticos han desafiado su creación e implementación. Los trabajos académicos existentes se han enfocado primeramente en las redes progresistas que han llevado a logros en políticas progresistas, como la de la violencia contra la mujer (VCM), mientras que textos más recientes han notado más bien un impacto e implementación limitados. Sin embargo, se ha prestado poca atención a una causa fundamental del limitado impacto y la difícil implementación: la sostenida oposición a estas políticas de parte de rivales políticos que resisten y minan las políticas progresistas. En este artículo identificamos oponentes duros a las leyes VCM en México y Nicaragua en los años 1990s y 2010s. También identificamos cómo estas fuerzas opositoras utilizan los lazos con el estado y los discursos de 'familia' para encuadrar a los progresistas como anti-familia dentro de sus estrategias y mecanismos para inhibir e incluso revertir las leyes de la VCM.

Spanish keywords: redes de defensa transnacional; derechos de las mujeres; religión; violencia contra mujeres; México; Nicaragua; Centroamérica y Latinoamérica; políticas de cambio progresistas; implementación

Portuguese abstract

Convenções internacionais e leis domésticas que visam prevenir, punir e erradicar a violência contra mulheres têm sido implementadas no mundo inteiro. No entanto, estas iniciativas progressivas enfrentaram oposição em contextos mais contenciosos, onde rivais destas políticas se opuseram à implementação e criação das mesmas. Pesquisas concluidos focam primariamente em redes progressivas que levaram à avanços políticos progressivos, tais quais as políticas que tratam de violência contra mulheres (VAW em inglês), ao mesmo tempo em que novas publicações reconhecem a limitação em impacto e implementação dessas políticas. Entretanto, pouca atenção é dada à um dos principais fatores que limitam o impacto e dificultam a implementação dessas políticas: a existência de uma constante oposição por parte dos rivais das mesmas que resistem e enfraquecem políticas progressivas. Identificamos adversários e arraigadas oposições à leis VAW no México e na Nicarágua nos anos 90 e na primeira década do século 21. Identificamos também como essa oposição usou seus vínculos com o estado e se utilizou de discursos de 'família', caracterizando os progressistas como anti-família como estratégia e mecanismo para diminuir o impacto ou até mesmo reverter as leis VAW.

Portuguese keywords: Redes de advocacia transnacional; direitos das mulheres; religião; violência contra mulheres; México; Nicarágua; América Central e América Latina; mudança progressiva de políticas; implementação

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