

Constituencies Inside Parties: The Decriminalization of Abortion in Bolivia and Transgender Rights Law in Uruguay¹

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Abstract

Current theories employ a transactional approach to explain how a given constituency successfully advances its policy agenda. These theories focus on groups' capacities to marshal material, mobilizational, or disruptive resources to exert influence on politicians. However, these theories cannot account for how powerless constituencies succeed at promoting their demands. We analyze two least likely cases of the promotion of divisive issues, the decriminalization of abortion in Bolivia and the passage of a law recognizing transgender rights in Uruguay, to explain how powerless groups can advance their agenda. We show how powerless groups can engage in constitutive relations with parties to influence party decision-making processes by acting as constituencies inside parties. In parties with formal and informal structures that allow their members to exercise voice, powerless constituencies can exert agency and transform a party's policy agenda. We outline this theory through two in-depth case studies using a systematic process-tracing analysis.

Keywords: Transgender Rights; Abortion Rights; Bolivia; Uruguay; Party Structures.

Introduction

How can groups that promote policies that are far from the median voter's preferences, or that do not represent important sectors of the citizenry, achieve policy success? The literature identifies that these groups can engender policy change when they hold some transactional capacity with parties. There are different sources of leverage that these groups can bring to the interaction with politicians: material resources; electoral mobilization resources; and threatening capacity (see below). Nonetheless, groups without transactional leverage can still advance their policy agenda, even on highly divisive issues, by becoming constituencies inside parties. The focus on transactional relations between parties and social groups has neglected the constitutive relations that allow powerless groups to advance their grievances in the party agenda. Constitutive relations offer social groups the possibility to influence the political agenda using formal or informal mechanisms within the party. This is achieved through party members who use frames that connect the grievances of the group to the party's ideology.

The literature identifies different transactional mechanisms that groups can use to influence the policy-making process. These theorized transactional mechanisms assume an exchange between these groups and politicians. Groups that accumulate material resources can circumvent collective action problems, gain privileged access to channel their preferences through institutional mechanisms, and have success in terms of policy formation (Lowi 1969; Olson 1965, 1982). Usually, these resourceful organized interests alter policy in their favor on dimensions that are beyond the monitoring capacity of the citizenry. Groups that possess mobilization capacity can offer parties or candidates their ability to deploy people in the field for electoral mobilization or they can commit their

constituencies' votes in exchange for politicians' support of their agenda (McAdam and Tarrow 2010; D. Schlozman 2015). Organized interests can also exert influence on parties or candidates by threatening to use their capacity for disruption or by showing their ability to mobilize people in the streets (McAdam, Tarrow, and Tilly 2001; Tarrow 1998, 2021).

The constitutive theory does not suppose an exchange between groups and parties or politicians. Rather, constitutive mechanisms allow social groups lacking transactional leverage to promote their interests and agenda by becoming constituencies inside parties. Constituencies that lack material, mobilizational, or threatening resources cannot engage in transactions with politicians to pursue their policy goals. However, when these groups have an ideological affinity with a party, and the party offers formal or informal mechanisms to effectively exert voice inside the party, the groups can promote their programmatic agenda through the party membership. This involves a gradual process of persuading party members and leaders that these groups' agenda constitutes a logical extension of the party's ideological stances.

This paper contributes to the literature on political parties and social movements. Following McAdam and Tarrow (2010) and Tarrow (2021), we integrate the arenas of social movements and contentious politics with party politics and electoral politics. The paper presents a concrete mechanism that connects social interests with political parties' agendas to move policy forward. We highlight the mechanisms at hand for powerless movements to influence politics and policy outcomes. Additionally, the paper contributes to the literature on politics and gender and sexual rights. Our approach goes beyond the traditional focus on explanatory variables, specifying a mechanism that accounts for the process of policy formation and policy outcomes.

In this paper we analyze two least-likely cases to elucidate the mechanisms by which groups without transactional leverage can advance their policy agendas. We analyze the case of the Transgender Rights Law in Uruguay and the decriminalization of abortion in Bolivia. Both laws were advanced by groups that, in their respective countries, are minorities without transactional leverage. They lack material, mobilizational resources, or the capacity to generate disruption by mounting massive protests. Their agenda is controversial and heavily departs from the median voter preferences. Moreover, the issues they promote are highly visible for the public and, thus, politicians' behavior is easy to monitor by opposing (and eventually more resourceful) interests. In both cases, there was no electoral gain to be had by promoting these agendas and they even engendered strong reactions by the opposition.

In Bolivia in 2017, article 157 of the new Penal Code decriminalized abortion under eight conditions. This article was drafted by congresswomen of the Movimiento al Socialismo (Movement Toward Socialism, MAS) who had close ties with feminist NGOs and with Evo Morales. This alliance between these congresswomen and the feminist NGOs drafted the article. They also conducted an intensive persuasion campaign within the party to convince party members of the need to move this issue forward. The feminist movement that promoted abortion rights in Bolivia has a low capacity to mobilize people. Moreover, Bolivia is a religious and conservative society. It has one of the lowest percentages of atheists, agnostics, or irreligious persons (Pew Research Center 2014, 17), and at the time the new penal code was adopted, 76% of the population opposed abortion rights (*ibid.*, 73).

In 2018 Uruguay approved the Ley Integral para Personas Trans, 19,684 (Integral Law for Transgender People, hereafter Transgender Rights Law). The bill was presented by the Frente Amplio (Broad Front, FA) in 2017. It was the result of more than a year of work

by the FA government in collaboration with civil society organizations. The transgender groups that advocated for passage of the bill had a low capacity to mobilize people in favor of their agenda. Notwithstanding the support from the LGBT movement in the 2017 and 2018 Sexual Diversity Marches, during the legislative process there were no major mobilizations in support of the bill. Moreover, two divisive aspects of the bill sparked significant public resistance: the use of hormonal treatments for people under the age of 18 and financial restitution for those who suffered economic losses as a result of political persecution linked to their gender identity during the authoritarian regime.²

The paper is organized as follows: Section 2 develops the theory of constitutive relations based on constituencies inside parties. In Section 3, we discuss the case selection and methods. Section 4 presents the evidence in our two cases and the probatory value of the evidence within each case. Finally, in Section 5, we present concluding remarks.

Theory

According to the literature groups that do not represent the interests of the median voter or do not enjoy a large degree of support among the citizenry have various mechanisms they can use to influence decision-making in democracies. The literature also highlights that groups can use and eventually combine these different mechanisms according to strategic decisions (Milis and Tichenor 2019; Tilly 2006). Groups can

² “Posición ante la Ley Trans” (Opción Consultores, December 18, 2018, <https://www.opcion.com.uy/opinion-publica/posicionamiento-ante-la-ley-trans/>, last accessed August 22, 2023).

leverage material resources, electoral mobilization resources, and threatening capacity to exert influence on politicians' decisions. These approaches are based on the idea that influence is the result of a transaction between politicians who need resources that these groups can provide. Thus, in this literature, there is no way to account for how powerless groups, i.e., groups without access to important resources, can exert influence on policy. The emphasis on transactional interactions among politicians and social groups largely ignores mechanisms that marginalized groups can rely on to promote their agenda within a party. We claim that constitutive relations provide an alternative for powerless social groups to shape the political agenda by employing either formal or informal mechanisms within a political party. This is accomplished by party members who utilize frames aligning the group's grievances with the party's ideology.

Groups with access to material resources can use these resources as leverage to influence politicians' decision-making. The literature has extensively analyzed the role of interest groups' lobbying capacity to advance specific issues on the agenda (R.J. Bennett 1999; Heinz 1993; K.L. Schlozman 1984; K.L. Schlozman and Tierney 1986). While previous authors disagree about how influential the power of money is on policy-making, there is consensus that access to material resources is an important way of exerting leverage over the agenda (see e.g. Boas, Hidalgo, and Richardson 2014; Kalla and Broockman 2016; Samuels 2001).

As Olson (1965, 1982) and Lowi (1969) stress, small groups can exert influence in politics when they possess material resources and intense preferences. This allows these groups to overcome collective action problems. For members of these groups, the contribution to collective action is less costly relative to their endowments. It is more likely that the groups can induce selective incentives for their members, and the individuals'

returns on collective action are high. Therefore, these groups can engender collective action to transfer resources to politicians in exchange for policy influence. These groups can also produce, and privately exchange, valuable information with policymakers in the decision-making process. These groups can as well use the information they produce to influence public opinion. In these cases, they exchange their capacity to build public support for a given decision. Finally, these groups can also exchange their capacity to financially support electoral campaigns.

Groups with mobilizational capacity can “anchor” parties to their preferences (D. Schlozman 2015). These groups develop long-term relations with parties and candidates. Groups with mobilization capacity have the potential to provide parties or candidates with the ability to deploy individuals in the field for electoral mobilization. They can also pledge the votes of their constituencies to politicians in return for support for the groups’ agenda. Movement parties are exceptional cases of this type of linkage between parties and social movements. In such cases, movements are massive and, thus, have the capacity to form a political party and exert a powerful ongoing influence over the party (Anria 2018; Van Cott 2005).

Groups with the capacity to organize and mobilize loyal constituencies or voters in the field seek to establish long term connections with parties or candidates that are aligned with their preferences and values. These groups offer the mobilization and organization capacity, a valuable resource for politicians, in exchange for permanent access to the policy-making process or for influence regarding the party’s positions and platform. In the long term, these linkages between groups and the party anchor the party to the constituencies that these groups represent, especially when the party or its candidates are

tempted to take positions that depart from the group's preferences to move toward the median voter (Anria et al. 2022; Roberts 1998; D. Schlozman 2015).

Groups can exert influence over parties or candidates by either causing or threatening to cause disruption, showcasing their capacity to mobilize people in the streets. These groups can use different contentious strategies to advance their agenda, taking advantage of a favorable opportunity structure, and relying on different resources (McAdam, Tarrow, and Tilly 2001; McCarthy and Zald 1977; McCarthy 1996; Tarrow 1998, 2021; Tilly 2006). In this context, the threat of using contentious mobilization can change the initial position of parties or leaders by modifying the perceived costs of advancing these groups' agendas.³ This literature has highlighted the conditions that enable social mobilization to succeed, i.e. political opportunity structures, having organizational resources, having repertoires of contention, and framings that resonate with the public (McAdam, Tarrow, and Tilly 2001).

The different strands of the literature build on the capacity of social groups to exchange their resources (material, mobilizational, or disruptive) to exert influence on politicians to advance their agenda. Regardless of the economic resources to finance electoral campaigns, the organizational capacities to mobilize people, or the capacity to mobilize and generate social or economic disruption, we are interested in the mechanisms that give powerless social groups the capacity to transform their grievances into policies. These social groups can advance policy when they become a constituency inside a party. This process resembles that described by Devereaux Evans (2023), who shows that the

³ Social movements also engage in interactions with public authorities in institutional spheres (Milkis and Tichenor 2019).

LGBT movement can gain in-group status. These constituencies can promote their agenda, without engaging in resource transactions, using formal or informal mechanisms within the party to influence party members, party leaders, and the party's decisions. This is achieved when their agenda is ideologically aligned with that of the party. In turn, powerless groups' agenda gradually becomes a logical derivation from the party's principles.

Political parties are central agents of democratic representation (Luna et al. 2021; Mainwaring and Scully 1995; Stokes 1999). They connect citizens' interests and demands with the state and, in turn, with policy outcomes. The most typical channel is the electoral connection between parties and society. In their quest for votes, parties need to interpret existing demands in society and transform them into electoral platforms, policy proposals, and public policies (Aldrich 1995; Downs 1957). Yet, as the literature has demonstrated, this is not the only way parties connect with society (Anria et al. 2022). To fulfill the representation function in the long term, parties also establish roots in society that permanently link the party with their constituencies (Berins Collier and Collier 1991; Berins Collier and Handlin 2009; Lipset and Rokkan 1967). In the process of establishing these roots, political parties provide different ways to interact with society and have different mechanisms for society to influence the party's decision-making.

One of these mechanisms is constitutive relations. A constitutive relation implies social groups embedded in the party. Members of powerless social groups might have dual membership in the social group and in the party, or they can hold friendship ties with party members and leaders. According to Childs and Krook (2009) these members constitute critical actors because they play key roles in the political party to advance the agenda of their social organization. This relation is constitutive, and not transactional, because the party adopts a position or promotes a policy not as an exchange, but as the result of an

internal programmatic deliberation that results in an alignment between the party's positions and the group's agenda. The programmatic alignment is possible when the social group's grievances and their policy preference resonate with the party's ideology (Snow and Benford 1988). In this condition, the constituency inside the party has the capacity, in formal or informal deliberations, to present their agenda as a natural extension of the party's principles. This process resembles the extension mechanism of framing alignment described in the literature of social movements (see e.g. Snow et al. 1986). The original programmatic stances of the party are extended to acknowledge the interests and values of the constituency as consistent with the party's own values.

Whereas constitutive relations are the ultimate resource for powerless groups to influence policymaking, resource-rich groups also develop constitutive relations. Our theoretical claim is that constitutive relations should be accounted for to better understand how social groups advance their agendas. Informal lobbying strategies are not necessarily based on a transaction but can also rely on a long-lasting friendship relation. In the same way, social movements that offer organizational resources in the long term for the party, also develop as a constituency inside the party. Long-lasting transactional relations imply the development of constitutive relations that anchor the parties (D. Schlozman 2015; Tarrow 2021). Other mechanisms that can promote the agenda of powerless constituencies also resemble constitutive relations. For example, NGO activists who become state bureaucrats in specific policy areas may promote the agenda of powerless constituencies inside government agencies (Rich 2019). This can also occur through participatory institutions that allow for the inclusion of these type of agendas (Rich, Mayka, and Montero 2019; Mayka 2019).

The electoral connection pushes parties and leaders to make strategic decisions to appeal to the median voter to win elections. This electoral incentive might engender a trade-off between preserving a relation with a traditional constituency of the party and winning votes (Przeworski and Sprague 1986). However, leaders are constrained by the need to be credible and consistent (Adams 2001; Downs 1957). Social groups that represent constituencies of the party can develop support inside the party through constitutive relations and anchor party leaders to commit to their agenda even on salient and divisive issues. The effect of constitutive relations is conditional on party structures. Constitutive relations might adopt different forms depending on party organizational structures, and have different results in terms of policy outcomes.

Case Selection & Methods

This paper builds on two within-case studies: the case of the decriminalization of abortion in Bolivia and the case of the Transgender Rights Law in Uruguay. Both policies are among the most divisive of the gender rights agenda and the LGBT rights agenda, respectively. They radically challenge the status quo and thus face intense opposition from very powerful and organized social groups. These are doctrinal policies because they challenge values that are widespread in society (Corrales 2022; Htun 2003; Htun and Weldon 2018).

The comparative politics literature that has sought to explain the enactment of these policies has focused on two main factors: the role of structural and cultural changes associated with modernization, and the role of mobilization. The former highlights that the adoption of these policies is the result of a previous process of gradual transformation of

societal values. This process occurs as societies develop and where rational and self-expression values substitute for traditional and survival values (Cherif 2015; Inglehart and Welzel 2005). A strand of this literature has specified that the enactment of these policies is less likely in more religious societies (Blofield 2008; Blofield and Ewig 2017; González-Rostani and Morgenstern 2023; Htun and Weldon 2018). The latter emphasizes the role of the mobilization of women and LGBT organizations in pushing the agenda forward toward the adoption of these policies. This literature highlights that these movements exert influence both over public opinion and on politicians (Blofield 2008; Blofield and Ewig 2017; Corrales 2022; Daby and Moseley 2022; Díez 2015; Fernández Anderson 2020; Friedman 2018; Htun 2003). Notwithstanding the contributions of these studies to the understanding of the adoption of these policies, they offer little theoretical insight into the specific mechanisms that allow these movements to exert influence over parties' decisions to advance this agenda. More critically, this literature cannot explain why these policies are sometimes enacted when the movements pushing for this agenda have scarce material resources and few mobilization capacities. The cases that we analyze in this article are of this type and allow us to specify the concrete mechanism through which women and LGBT organizations can advance their agenda when they are weak or even when they are situated in an adverse social and cultural context.

Each of our cases is a least likely case because both outcomes are unexpected based on existing theories. The identification of least likely crucial cases depends on the deductive reasoning that allows one to expect that, in light of any available theory, the observed outcome should not have occurred (Gerring 2006). In Table 1 we summarize the available theories that explain the adoption of policy in general, and of these kinds of policies in particular. From the perspective of available theories, there are no theoretical

reasons to expect the decriminalization of abortion in Bolivia or the approval of the Transgender Rights Law in Uruguay. Yet, both have actually occurred. In this paper, we outline a different theoretical pathway to explain how this was possible in each case.

Bolivia is a crucial least likely case for the decriminalization of abortion because it is a traditional society and the movement for the legalization of abortion in Bolivia is feeble. Bolivia does not have structural and cultural conditions conceived by the literature as necessary for the promotion of gender rights. It has one of the highest proportions of rural population in Latin America (29% compared to 18% in the region),⁴ and it has the highest proportion of indigenous people in Latin America (62%). Conservative values are deeply rooted. Conservative views on gender roles prevail within families. According to public opinion reports, Bolivian societal values resemble those of other societies whose traditions and beliefs are essentially religious. Religiosity is widespread in Bolivia. According to data from the Pew Research Center (2014), Bolivia is one of the Latin American countries with the lowest percentage of atheists, agnostics, or people who do not adhere to a particular religion. The same report showed that 76% of the population was opposed to legal abortion.

The legal abortion movement in Bolivia, the *Campaña 28 de Septiembre* (September 28th Campaign, henceforth, the Campaign), has scarce material resources. While the movement has resources to lobby authorities, it does not have material resources to finance electoral campaigns or broad public opinion campaigns. The movement

⁴ World Bank Data (World Bank, 2022, <https://datos.bancomundial.org/indicador/SP.RUR.TOTL.ZS>, last accessed August 22, 2023).

comprises feminist groups that struggle to align their programmatic agenda, based on self-expression values (the right of women to make decisions about their own bodies), with the programmatic agenda of the massive popular social movements in Bolivia, which emphasize material grievances and the defense of collective rights. The Campaign is not massive and lacks mobilization capacity. As a result, it cannot anchor either the MAS or the social movements that compose the MAS. The weakness of the movement also precludes its capacity to engender disruptive actions. Therefore, transactional theories cannot explain the outcome (i.e., the decriminalization of abortion in Bolivia) because the Campaign does not have any valuable resource to exchange with the MAS.

Uruguay is a crucial least likely case for its approval of the Transgender Rights Law. Even though Uruguay is not as traditional a society as Bolivia, self-expression values do not predominate in society (Inglehart and Welzel 2023). Also, the transgender rights movement in Uruguay is fragmented and weak. The general idea of a Transgender Rights Law did not face opposition in public opinion; 33% were in favor of passing a transgender rights law, 38% were against, whereas the remaining 29% did not have an opinion (27%) or had not heard about the law (2%). However, two issues of the bill aroused strong opposition among the public: hormonal intervention for people under 18 years old, and economic compensation for losses suffered by those who experienced political persecution for their gender identity during the authoritarian regime. Sixty-eight percent of the public opposed the former, and 55% opposed the latter.⁵

The groups of transgender people in Uruguay are weak, fragmented, and lack material resources. The most representative organizations are the Asociación Trans del

⁵ See footnote 1.

Uruguay (Transgender Association of Uruguay, ATRU) and the Unión Trans del Uruguay (Transgender Uruguayan Union, UTRU). Both are small organizations; the former was born in 1994 and the latter in 2012. The weakness of these groups prevented them from influencing the FA. They could not offer material or mobilization resources in exchange for policy. Finally, the transgender groups lacked the capacity to threaten the FA governments with disruptive mobilizations. Yet, in the last stages of the legislative process of the bill, the transgender rights cause was supported by the LGBT movement. This movement has material resources to lobby authorities, and it has the capacity to mobilize thousands of people for the Diversity March.

Table 1. Values of Main Causal Factors of Alternative Theories in the Cases

Theory	Value of Causal Factor	
	Decriminalization of abortion in Bolivia	Transgender Rights law in Uruguay
Structural/cultural (e.g. Cherif 2015; Inglehart and Norris 2003)	High percentage of rural population; low GDP per capita; predominance of survival and traditional values (Inglehart and Welzel 2023). 76% of the population opposed legal abortion (Pew Research Center 2014).	High percentage of urban population; medium-high GDP per capita; intermediate cultural - economic zone (Inglehart and Welzel 2023). Sixty-eight percent of the population opposed hormonal intervention for people under 18 years old. ⁶

⁶ See footnote 1.

Concentration of material resources and collective action capacity (e.g. Olson 1965, 1982; Lowi 1969)	Legal abortion movement has scarce material resources and low collective action capacity.	Transgender movement has scarce material resources and low collective action capacity.
Long-term linkage based on groups' mobilization capacity as an electoral resource (e.g. D. Schlozman 2015; Tarrow 2021)	Legal abortion movement does not have mobilizational capacity for electoral purposes.	Transgender movement lacks mobilizational capacity for electoral purposes.
Capacity to generate disruption by mobilizing people (e.g. McAdam, Tarrow, and Tilly 2001; Tarrow 1998)	Legal abortion movement does not have disruption capacity.	Transgender movement does not have disruption capacity.

We conducted a systematic process-tracing to analyze each case. We collected pieces of evidence using secondary sources as well as in-depth interviews with members of the abortion rights movement and the MAS in Bolivia, and the transgender movement, the LGBT movement, and the FA in Uruguay. The information collected allowed us to understand how these powerless groups were able to advance their rights agenda. We used process-tracing tests to assess the value of our casual process observations (CPOs) (Brady and Collier 2010). We followed A. Bennett and Checkel (2015) guidelines for best practices in process tracing. We also followed the presentation format for process-tracing evidence found in Pérez Bentancur, Piñeiro Rodríguez, and Rosenblatt (2020). We conducted in-depth interviews with politicians and leaders of civil society organizations that were directly engaged in the decision-making process in each case.⁷ The goal of the interviews is to collect primary evidence for our analysis. We also triangulated between

⁷ All interviewees gave their informed consent.

different sources to substantiate the quality of our claims. We follow the best practices suggested by Kapiszewski and Karcher (2020) in terms of qualitative research transparency and data management. In this vein, we have prepared an appendix that includes the pieces of evidence that support our inferences. The goal of this document is to provide detailed evidence and their probatory value for our argument as well as the metadata. Throughout the empirical analysis we crossrefer to the CPOs available in the appendix that expand the evidence for each component of the causal chain that we outline in each case.

The Decriminalization of Abortion in Bolivia

In December 2017, Bolivia decriminalized abortion in eight circumstances during the initial eight weeks of pregnancy: if the woman oversaw the care of elderly adults or minors with disabilities; or if she is a student (in both cases abortion is allowed only once). Additionally, abortion would be legal in cases of risk to the woman's life; risk to her present or future overall health; rape; fetal malformations incompatible with life; if the pregnant woman was an adolescent; or if the pregnancy was a consequence of nonconsensual assisted reproduction. The reform was part of the new Penal Code (Article 157) promoted by Evo Morales (MAS) during his third term in government (2014-2018).

Article 157 represented significant progress in women's rights in Bolivia, as the previous Penal Code (1972) was highly restrictive (only allowing abortion when the pregnancy resulted from rape, incest, or abduction or when the life of the woman was in peril). This Article, however, never took effect because the new Penal Code was repealed a few days after its enactment due to massive protests led by powerful interest groups which considered that the new legislation would negatively affect their interests (Centellas 2018).

These protests did not specifically target the decriminalization of abortion.⁸ Regardless of this outcome, the fact that Bolivia ultimately decriminalized abortion in eight circumstances seems odd, as Bolivia is a traditional society with a weak and fragmented feminist movement supporting legal abortion. Yet, Article 157 was possible due to a constitutive relation of this movement with the MAS. The Campaign became a constituency inside the MAS.

As in most Latin American countries, the legal abortion movement in Bolivia emerged in the late 1990s, influenced by the participation of Bolivian feminists in international networks. In 1990, they took part in the Fifth Latin American and Caribbean Feminist Conference, where Latin American feminists decided to set September 28th as the “Day for the Decriminalization of Abortion in Latin America and the Caribbean.” A few years later, the increasing discussion of this issue at the UN renewed feminists’ determination. In 1996, Bolivian feminists launched the Campaign as an umbrella of groups and activists who fought for legal abortion, one of the leading causes of maternal death in the country, especially for low-income women (Ministerio de Salud 2016). One of

⁸ The protest galvanized different actors: physicians, teamsters, teachers, among others. They opposed different aspects of the new Penal Code. In particular, physicians opposed the dispositions of the Code that penalized physician misconduct. They went on strike for several weeks. “Conozca los 13 artículos del Código Penal que causan polémica y movilizan a sectores” (*Página 7*, January 10, 2018), available at <https://www.paginasiete.bo/gente/conozca-los-13-articulos-del-codigo-penal-que-causan-polemica-y-movilizan-a-sectores-DEPS165978> (last accessed October 25, 2023).

the most active groups within the Campaign was Colectivo Rebeldía (Rebellion Collective). Other groups comprised international NGOs with branches in Bolivia (e.g., Católicas por el Derecho a Decidir—Catholics for Choice—IPAS, or Marie Stopes). The Campaign’s slogan was “por el derecho a decidir de las mujeres” (for women’s right to decide) (Colectivo Rebeldía, 2011). More recently, other organizations, particularly human rights NGOs, have also supported legal abortion in the country, but have not been part of the Campaign.

Over the years, the Campaign has strengthened its presence in the territory, especially in urban areas. However, feminists acknowledge that abortion in Bolivia “is not a very popular” issue, and that the legal abortion movement “is not a sweeping movement as in other places” (Interview with Guadalupe Pérez, the Campaign and Rebellion Collective). Historically, feminists promoting legal abortion in Bolivia have faced challenges in establishing linkages with the popular sectors, particularly with the powerful movements of indigenous women, such as the Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia - Bartolina Sisa (Bartolina Sisa National Confederation of Campesino, Indigenous, and Native Women of Bolivia, henceforth the Bartolinas) one of the founding social movements of the MAS. These women’s organizations consider that “hegemonic feminism divides the struggle of men and women” (Jáuregui Jinés 2019, 56). As a result, “they question feminism” (Interview with Adriana Salvatierra, MAS Representative). Therefore, in the best-case scenario, the so-called gender rights agenda represents a secondary issue for them, overshadowed by ethnic and class equality grievances, as well as by demands for collective rights, such as land access for indigenous communities.

Feminist groups of the Campaign, particularly Rebellion Collective, have attempted to sway indigenous women's social movements. While they have successfully influenced the Mujeres Interculturales (Intercultural Women), also a popular organization linked to the MAS, to support abortion rights, the Campaign was not able to influence the Bartolinas. As noted by a feminist from the Campaign, "this issue was difficult for the Bartolinas" (Interview with Guadalupe Pérez, the Campaign and Rebellion Collective). In this vein, the quest for legal abortion in Bolivia has only been an issue for a small group of women, particularly those living in urban areas, and for progressive white and mestizo women (see Appendix, CPO A1-A4).⁹ Consequently, the legal abortion movement in Bolivia has historically had limited disruption capacity. This phenomenon was described as follows by feminist activists:

How can we achieve this goal [extensive street demonstrations] when most social movements, except for the Intercultural Women, did not have [abortion rights] on their agendas? So, it's really difficult (...). There have been marches opposing [gender] violence, that have been very important mobilizations, (...), but there hasn't been a specific one for abortion (Interview with Mónica Baya, ONG Comunidad de Derechos Humanos).

⁹ Interviews with feminist activists: Guadalupe Pérez (the Campaign and Rebellion Collective), Mónica Baya (Comunidad de Derechos Humanos—Human Rights Community), Ana María Kudelka (Catholics for Choice Bolivia), Andrea Terceros (Marie Stopes), Tania Sánchez (Coordinadora de la Mujer—Coordinator of the Woman), Katia Uriona (UN Women), Lourdes Montero (Oxfam Bolivia).

There haven't been street protests (...) We are ten [people]! We are ten (Interview with Gretzel Brozovich, IPAS Bolivia, the Campaign).

The movement for the decriminalization of abortion in Bolivia has always lacked sufficient economic resources to conduct extensive propaganda campaigns or engage in intensive media advocacy (see Appendix, CPO A7). Local branches of international NGOs (e.g., Catholics for Choice, IPAS or Oxfam) had some lobbying capacity. Yet, they had little capacity to influence political parties on this issue, as these NGOs were distrusted among a significant portion of the MAS, the largest party in Bolivian Legislative Assembly (at the time, it held two-thirds of the seats).

These pieces of evidence (CPO A1-A7 in the Appendix) are doubly decisive to prove the weakness of the legal abortion movement: the movement lacked capacity for disruption, lacked material and mobilizational resources, and only had a limited capacity to lobby political authorities. The probatory value of these pieces of evidence taken together is doubly decisive because interviewees are prominent feminist activists and leaders who would tend to overestimate their influence in policymaking. Also, we observed a saturation in the interviewees' claims, pointing to the weakness of the movement. All interviewees concurred in this assessment.

The incorporation of Article 157 in the new Penal Code was only possible due to the linkages the Campaign developed through some feminist MAS congresswomen, who held positions of power in the Legislative Assembly and were close to President Evo Morales. These constitutive relations enabled feminist organizations fighting for legal abortion to have voice within the complex structure of the MAS. Feminist congresswomen who were

members of the Campaign were crucial in negotiating Article 157, acting as access points to the MAS for legal abortion organizations. Congresswomen promoted the issue within the MAS, connecting the decriminalization of abortion with the party's programmatic principles focused on social justice. They served as liaisons between feminist organizations and the indigenous women of the MAS, particularly the Bartolinas. In addition, women legislators persuaded President Evo Morales, crucial for the success of Article 157, as Morales had the capacity to reconcile and align divergent views among MAS members (Anria 2018).

The MAS is a leftist movement-based party, built from below by social movements, particularly indigenous and peasant organizations (Anria 2018; Anria et al. 2022). Since its inception, the party's core constituency were the coca growers organizations in the Chapare region, more specifically the three national peasant organizations known as *las trillizas* (the triplets): the Confederación Sindical Única de Trabajadores Campesinos de Bolivia (Unique Confederation of Rural Laborers of Bolivia, CSUTCB), the Confederación Sindical Intercultural de Comunidades de Bolivia (Syndicalist Confederation of Intercultural Communities of Bolivia, CSCIB), and the Bartolinas (Alberti 2015; Anria 2018). These organizations represented the central party coalition (Anria 2018).

As the MAS expanded its constituency beyond rural areas since 2002, it recruited many white and mestizo candidates to increase its appeal among non-indigenous voters (Madrid 2012). This peripheral coalition comprised a mix of urban organizations (unions, neighborhood associations, and professional associations), along with progressive intellectuals and technocrats. Although indigenous organizations have consistently remained the strongest constituency of the MAS, the party has increasingly gained significant support across a wider range of ethnic groups (Madrid 2012). The women

representatives who served as links between the legal abortion organizations and the MAS were part of this peripheral coalition.

Opportunities for decriminalizing abortion increased in 2016 when President Evo Morales called a Cumbre de Justicia (Justice Summit) with the goal of receiving proposals from social organizations, professional associations, and academic institutions to include in the new Penal Code draft. After the Justice Summit, the Evo Morales government committed to promote structural reforms in criminal matters, based on the principles of social justice, peace, human rights, decolonization, depatriarchalization, and non-discrimination. In this context, two feminist MAS representatives and also members of the Campaign—Susana Rivero and Gabriela Montaña—laid the groundwork for the inclusion of an article in the new Penal Code to broaden the grounds for legal abortion.

Both representatives held key positions in the Legislative Assembly. Rivero chaired one of the most important committees of the House of Representatives, the Constitutional Committee. She also had been appointed by President Evo Morales to lead the drafting of the new Penal Code, at the time when Montaña was the President of the House. Both Rivero and Montaña had dual membership: they were both members of the MAS (and very close to President Evo Morales) and they were also members of the Campaign. As representatives, they emphasized women's rights in their legislative agendas, particularly sexual and reproductive rights.

The organizations advocating for legal abortion in Bolivia were not entirely aligned with the MAS. However, a significant portion of their members did vote for the MAS, and several of their prominent leaders had strong connections with the members of the peripheral coalition of the MAS. Additionally, some of the members of the feminist

organizations had held technocratic positions during Morales' administrations. Feminist activists and legislators of the MAS referred to these linkages as follows:

The Santa Cruz Campaign is very connected to the philosophy of the MAS (...) We had been in the whole constitutional process; we had built relationships with the comrades of the organizations and there was a level of trust that allowed us to work on this issue (...) With Gabriela [Montaño] it was very easy because she joined to achieve progress on [the issue of] abortion, with sexual rights, with gender equality in general, we did not have to tell her anything, the same occurred with Susana. We did not have to explain anything to them, they already supported the cause (Interview with Guadalupe Pérez, the Campaign and Rebellion Collective).

We knew them, they introduced us to feminism (...) Here in Santa Cruz, Rebellion Collective, Guadalupe Pérez, for example, is very active in the Campaign. Also, Miriam Suarez, who was Director of the Casa de la Mujer [House of the Woman]. In La Paz, we coordinated with Mónica Novillo, president of the Coordinator of the Woman. Also key for us is Lourdes Montero, who is Director of Oxfam (...) Gabriela [Montaño] worked with them to design Article 157 (Interview with Adriana Salvatierra, MAS Representative).

These pieces of evidence substantiate that the legal abortion movement was embedded in the MAS. The probatory value of these pieces of evidence is a doubly decisive test (see Appendix, CPO A8-A11). The membership of the MAS congresswomen in the Campaign and the presence of some members of the Campaign in the MAS governments

are necessary conditions of the embeddedness. The role that these Campaign members play in the MAS in the process of incorporating Article 157 in the Penal Code is sufficient to substantiate the embeddedness.

Civil society organizations fighting for legal abortion aimed for legalization under a system of time limits and not based on circumstances (similar to the Uruguayan or the Argentinean laws). Yet, according to Montaña and Rivero, legality in certain circumstances was the most they could negotiate (Interview with Gabriela Montaña and Susana Rivero, MAS Representatives). The MAS did not have a homogeneous position on legal abortion. Several MAS members were against decriminalization of abortion, including key political figures such as Hugo Moldiz, the Minister of Justice, as well as members of the indigenous organizations of the MAS. As a feminist legislator of the MAS claimed:

Our party has, (...) as its main subject (...), the indigenous peasant movement (...) This does not necessarily make us progressive in all areas (...) On the issue of abortion, the feminists of the [Legislative] Assembly had very strong debates (...) The MAS position was the product of many tensions (Interview with Adriana Salvatierra, MAS Representative).

In 2017, faced with the possibility of decriminalizing abortion in the new Penal Code, feminists in civil society decided to create the Pacto Nacional por la Despenalización del Aborto en Bolivia (National Pact for the Decriminalization of Abortion in Bolivia, henceforth the Pact). The Pact represented a broader coalition of actors than the Campaign, as it brought together not only the groups and feminists of the Campaign, but also several NGOs (not necessarily feminists) that also supported legal abortion (e.g., human rights

organizations). The Pact was a tool to unify strategies for decriminalizing abortion and improve the coordination between MAS feminist representatives and civil society organizations.

Feminist women representatives intensively negotiated within the MAS. First, Article 157 was discussed in a women's coordination group that already existed within the MAS, comprising women's organizations of the MAS (the Bartolinas and the Intercultural Women), women in governmental positions, and some NGOs close to the MAS working on women's rights (Interview with Gabriela Montaña, MAS Representative). In March 2017, Intercultural Women sent a letter to President Morales supporting Article 157. They stated that the reasons for the decriminalization of abortion were the extreme poverty in which they lived and that women were often forced to have sex without using contraceptives.¹⁰ Second, feminist representatives relied on the support of two important allies within the MAS: the President of the Senate (José Alberto "Gringo" Gonzáles) and Vice President Álvaro García Linera. Both were very close to President Evo Morales and helped women representatives to persuade him. The support of Morales was critical to align the MAS caucus. Representatives Montaña and Rivero described the process of negotiating Article 157 within the MAS as follows:

¹⁰ "Mujeres del oficialismo cierran filas y respaldan despenalización del aborto" (*Página 7*, March 15, 2017), available at <https://www.paginasiete.bo/nacional/mujeres-del-oficialismo-cierran-filas-y-respaldan-despenalizacion-del-aborto-FBPS130702> (last accessed September 11, 2023).

We worked with our caucus, building alliances one by one. Because it is not like, “oh, the caucus is going to raise their hand,” well, no, you gather your allies. In Bolivia you have nine departments, so you always must have two or three in each [departmental] caucus to set the stage, so that when we have to speak, they have some receptivity to listen. Then, we have to overwhelm them with arguments. There will always be one or two who will resist which, at that moment, were the Christians. When that happens, Evo enters [and we say] “call this one, this other, and this other one.” That’s how it works. Depending on who is to be called, sometimes Evo would say “Álvaro [García Linera], you solve that” (...) We were fighting all day long. Evo made the effort to individually phone every fellow representative to ask them “what’s wrong with you?” and they respected him (Interview with Susana Rivero, MAS Representative).

These pieces of evidence are sufficient proof to address the critical role of feminist congresswomen in the process of the approval of Article 157. These are sufficient CPOs because both congresswomen, interviewed separately, agreed on this assessment. Additionally, civil society feminist leaders also stated that these congresswomen played a critical role (see Appendix, CPO A16-A21). Yet, these are not necessary CPOs because the other leaders who were crucial for the outcome (Evo Morales, Álvaro García Linera, and José Alberto “Gringo” Gonzáles) were not interviewed and thus we cannot compare their assessment with that of the interviews we conducted.

To persuade MAS members to endorse Article 157 in the Penal Code, feminist representatives aligned their discourse to resonate with the party’s programmatic principles.

Rather than employing feminist arguments centered on women's autonomy to decide over their own bodies, they resorted to social justice and public health arguments.

Do not expect Evo to tell you "I am a feminist" (...). He understands you from other perspectives (...). When you talk to him from a perspective of rights, he understands (...) We discussed it with the President, and we explained, I insist, not always from the logic of "my body, my decision," but from the concrete problem (Interview with Adriana Salvatierra, MAS Representative).

We approached this issue not from a women's rights perspective, but from a sexual and reproductive rights perspective in general. It was difficult to say, "I have the autonomy to decide." I had tried a thousand times (...) No one believes you if you say, "it is my body, I decide" (Interview with Susana Rivero, MAS Representative).

These pieces of evidence are doubly decisive proof of the alignment of the appeal for the decriminalization of abortion with the party's programmatic principles. They had to refrain from appealing to women's freedom to decide over their bodies and, instead, they framed abortion decriminalization as a social justice issue. These are doubly decisive CPOs because it was stated by the main promoters of the inclusion of the article inside the party and also members of the feminist groups of the legal abortion movement (see Appendix, CPO A12-A15).

Table 2 summarizes the evidence that supports our argument for this case. We have provided evidence to substantiate that the decriminalization of abortion in Bolivia is largely explained by the presence of a constituency inside the MAS that supported the

decriminalization of abortion in Bolivia. The process of approval involved, first, that key MAS representatives had dual membership in the Campaign. Also, these congresswomen gradually persuaded party leadership, and most importantly, leaders of the major Bolivian women’s movements (Bartolinas and Intercultural Women) that compose the MAS. From within the party, these congresswomen were able to advance the initiative aligning the proposal with the party’s programmatic principles.

Table 2. Evidence regarding the case of decriminalization of abortion in Bolivia.

Evidence of...	CPO	Probatory value
The legal abortion movement was weak.	Interviews with feminist activist (especially Guadalupe Pérez) who highlighted the weakness of the movement.	Doubly Decisive (Necessary and sufficient proof)
The legal abortion movement was embedded in the MAS.	Interviews with feminist activists and MAS congresswomen who described the linkages between the movement and the MAS.	Doubly Decisive (Necessary and sufficient proof)
Through its embeddedness in the MAS, the legal abortion movement advanced this agenda.	Interviews with MAS congresswomen who were active in the Campaign who describe their role in the process of approval and interviews with feminist leaders (not MAS members) who also state that these congresswomen were critical.	Smoking Gun (Sufficient proof)
The appeals of the legal abortion movement were framed in a way that resonated with MAS programmatic stances.	Interviews with MAS congresswomen who explicitly claim that they had to frame legal abortion as a matter of social justice.	Doubly Decisive (Necessary and sufficient proof)

Transgender Rights Law in Uruguay

In 2018, the Uruguayan Congress passed a Transgender Rights Law, aimed at improving the quality of life of transgender people. The law simplified the procedure for official reregistration of gender and name. It also granted access to surgical and hormonal interventions in the national health system, even for children. It established affirmative action in the labor market and the educational system, as well as a policy of economic reparation for transgender people who were victims of state violence during the dictatorship that spanned from 1973 to 1985. This law constitutes an exceptional case in the Latin American context because, although other laws are aimed at this population, none is as comprehensive as the Uruguayan law (Malta et al. 2019).

The Transgender Rights Law was approved during the last years of the third government of the FA (2015-2020). The adoption of this law is a crucial least likely case for at least three reasons. First, transgender people are a small population in electoral terms. According to the Census of Transgender People conducted in Uruguay in 2016, there were 933 people self-identified as transgender, representing 0.03% of the Uruguayan population. Second, some articles of the bill, particularly the possibility for children and teenagers to initiate free hormone treatment processes and the reparatory policies, were highly controversial among the public. As a result of the progressive nature of the bill, some conservative actors—neo-Pentecostal churches along with some members of center-right parties—attempted to call for a referendum in August 2019 to repeal the law (ultimately

unsuccessfully).¹¹ Moreover, the bill was passed one year before the national election, making this issue even more politically contentious. Finally, the transgender movement in Uruguay was small, fragmented, and had few resources (see Appendix, CPO T1-T5). Transgender groups had linkages with LGBT organizations, a more organized movement with more resources and greater capacity to carry out demonstrations. However, the Transgender Rights Law is not a product of the disruptive actions generated by the LGBT movement, but of the embeddedness of the transgender and the LGBT organizations in the FA, through the dual membership of many of their members in a center-left party that has formal and informal structures that allow its members to exercise voice and linkages with social organizations (Anria et al. 2022; Pérez Bentancur, Piñeiro Rodríguez, and Rosenblatt 2020).

The transgender movement is relatively young, and it is composed by small organizations and individual activists. The first transgender organization was the Asociación Trans del Uruguay (Transgender Association of Uruguay, ATRU) created in 1994 (Sempol 2013). ATRU focused their demands on pressing economic and health issues that afflicted transgender people. In the 1990s, ATRU, like other organizations of this sort in Latin America, had among their central goals the provision of advisory services for transgender sex workers and to people with HIV (Corrales 2022). More recently, other organizations emerged, such as the Unión Trans del Uruguay (Transgender Union of Uruguay, UTRU) founded in 2013. In 2017, in the context of the discussion of the

¹¹ “Pre-referéndum sobre Ley Trans: cómo se vota y por qué” (*En Perspectiva*, August 2, 2019), available at <https://enperspectiva.uy/en-perspectiva-programa/informes-radio/pre-referendum-ley-trans-se-vota/> (last accessed September 29, 2023).

transgender bill, other organizations also emerged, such as Colectivo Trans del Uruguay (Collective Transgender of Uruguay, CTU). The various transgender organizations, both traditional and new, also focused their appeals on discrimination, on access to medical procedures for gender transition, and on legal issues (Interviews with Marcela Pini, UTRU; Diego Sempol, Ovejas Negras).

The weakness of the Uruguayan transgender movement stemmed in part from the high vulnerability of transgender people. Life expectancy of the transgender population ranged between 30 and 35 years (CIDH 2015). According to the 2016 Census of Transgender People, their educational level was much lower than that of the general population (61% did not complete nine years of schooling). The census also showed that transgender people were particularly affected by unemployment (30% said they were unemployed, while at the time of the census unemployment for the entire population was 8%). Finally, sex work was one of the main occupations of the transgender population (66% said they had engaged in this activity at some point in their lives). The social exclusion process hindered the transgender population's collective action capacity. One of the members of the transgender groups described this issue as follows:

The reality of the movement (...) [of] transgender people, historically, has been very complex because of the reality of transgender people themselves (...) We were not many trans women either (...) We knew that we would not be able to [promote the bill] on our own (...) There is no network of transgender people with the critical power to generate a political discourse (Interview with Marcela Pini, UTRU).

These pieces of evidence are sufficient to prove the weakness of the transgender movement: the movement lacked capacity for disruption, lacked material and mobilizational resources, and had a limited capacity to lobby political authorities through the LGBT movement. The probatory value of these pieces of evidence taken together is a smoking gun test because interviewees are prominent transgender and LGBT activists who would tend to overestimate their influence in policymaking. Also, as in the case of the legal abortion movement in Bolivia, we observed a saturation in the interviewees' claims, pointing to the weakness of the movement. All interviewees concurred in this assessment (see Appendix, CPO T1-T5).

The weakness of transgender organizations was mitigated by the alliances forged with the LGBT movement, which was more extensive, diverse, and had more lobbying and disruptive capacity (see Appendix, CPO T6). Since the 1990s, the LGBT movement had gradually strengthened its mobilization capacity, reflected in the increasing size of the Diversity Marches. This march was analogous to the Gay Pride Parade held in many countries worldwide, but in Uruguay, it took a different name to attract a broader public. The LGBT movement comprises different organizations with a certain degree of articulation. One of the most relevant has been Ovejas Negras (Black Sheep). This organization has defended broad demands around diversity, equality, and justice, allowing it to forge alliances with other popular sector groups such as the workers, the student, the afro-descendant, and the feminist movements (Rocha-Carpiuc 2014; Sempol 2013). In addition, the LGBT movement has had strong linkages with the FA, as many of its members were also members of the party.

The arrival of the FA to the government in 2005 opened a window of political opportunity for the LGBT agenda. In 2005, the newly created Ministerio de Desarrollo

Social (Ministry of Social Development, MIDES) decided to adopt a human rights perspective to elaborate public policies oriented to sexual diversity and gender identity rights (Interview with Andrés Scagliola, FA). In this context, the MIDES invited the LGBT organizations and transgender people to develop a public policy agenda. The MIDES produced data on the characteristics and needs of the transgender population and targeted them as one of the priority groups of the ministry's social policies. For example, the MIDES created employment programs for transgender people (Rocha-Carpiuc 2014). Members of the FA who held both high positions in the MIDES and were LGBT activists played a critical role in generating participatory mechanisms focused on transgender people.

The experience of building a transgender policy agenda in the MIDES was then transferred to the elaboration of the FA's electoral platform for the 2014 national election. As an organic mass leftist party (Levitsky and Roberts 2011), the FA approves its program in the party Congress, essentially composed of grassroots activists. The elaboration of the electoral platform takes place over more than a year in programmatic commissions on various issues. These programmatic commissions are also composed of grassroots activists and party members who usually have strong linkages with social organizations, particularly with the union movement, but also with other groups such as the feminist and the LGBT movements (Anria et al. 2022; Pérez Bentancur, Piñeiro Rodríguez, and Rosenblatt 2020). In the drafting of the electoral platform for the 2014 national elections, one of these commissions was the Diversidad Sexual (Sexual Diversity) commission. Federico Graña, who had dual membership in the FA and in LGBT movement, played a prominent role in the formation and the work of this commission (see Appendix, CPO T7-T12). Members of the transgender organizations who participated in this commission argued that:

...all those we knew that were FA grassroots activists, or FA voters who were in the [LGBT] movement, we integrated them into the FA (...), they joined the FA [and began to participate in the elaboration of the FA platform in the Sexual Diversity commission]. So, we had a thematic commission that had 30 or 40 people, it was not small. There was quite a lot of participation. There were several transgender women already participating in that process. Collette was there [Collette Spinetti is a transgender woman activist]. (Interview with Federico Graña, FA and Ovejas Negras).

As a result of this process, the FA's electoral platform included several elements that were later incorporated in the transgender bill (Interview with Federico Graña, FA and Ovejas Negras; Frente Amplio 2014, 112-113).

In November 2014, the FA won the national elections for the third time. In 2015, Federico Graña was appointed director of Sociocultural Promotion at the MIDES. From that position, he promoted the creation of a Consejo Nacional Coordinador de Políticas de Diversidad Sexual (National Coordinating Council for Sexual Diversity Policies) within the Ministry. This council comprised representatives from several ministries, researchers in gender equality issues, activists of the LGBT movement, and activists of the transgender organizations. The council's goal was to discuss and propose policies on sexual diversity. The council drafted the transgender bill in 2017, and submitted it to the Executive, which approved it and sent it to Congress.

Once in the Congress, the bill was mainly negotiated among FA factions (Interviews with Martín Couto, FA; Cristina Lustemberg, FA; Valeria Rubino, FA; and Marcos

Otheguy, FA). The FA had an absolute majority in both chambers and support for the bill essentially came from it. Although gender rights were part of the FA's principles,¹² some FA congressmembers were opposed to some of the articles of the transgender bill, particularly the articles on the availability of hormone treatment for children and teenagers, and the reparatory pensions for transgender people. Most congressmembers from the center-right parties, Partido Nacional (National Party, PN) and Partido Colorado (Colorado Party, PC) opposed these articles, and even some of them, in alliance with religious organizations, promoted a referendum to repeal the law once it was enacted.¹³

Promoters of the bill who had dual membership in the FA and in the LGBT movement deployed a strategy to enlist the support of FA congressmembers. Their dual membership allowed them to convince FA congressmembers who were hesitant about supporting the controversial articles of the transgender bill:¹⁴

When [the bill] got stuck (...) a group of FA activists who were also members of the LGBT movement met with our congressmembers (...) there was a group promoting [the bill] in the MIDES (...) we were activists of the FA, we knew each other (...) In

¹² Two important bills related to the so-called LGBT agenda, the Law on the Right to Gender Identity (18,620) and the Law on Equal Marriage (19,075), were adopted under previous FA governments.

¹³ “En una maratónica jornada, Diputados aprobó la ley integral trans” (*La Diaria*, October 19, 2018) available at <https://ladiaria.com.uy/politica/articulo/2018/10/en-una-maratonica-jornada-diputados-aprobo-la-ley-integral-trans/> (last accessed October 9, 2023).

¹⁴ See Appendix, CPO T17-T25.

that period, there was no one that I did not know because we have been together in [party instances] (...) We worked with the congressmembers [of the FA] (...) We told them “We want you to receive us,” and then “we want you to be there [supporting the bill].” (Interview with Valeria Rubino, Ovejas Negras and FA).

These pieces of evidence support the claim that the transgender movement, through the LGBT organizations, was embedded in the FA. The probatory value of these pieces of evidence is a doubly decisive test. The membership of some LGBT leaders and activists in the FA and their role within the party is a necessary and sufficient condition of the embeddedness.

The promoters of the bill presented various arguments to persuade FA congressmembers. They focused on those that would resonate more strongly with the party’s principles. In this vein, they eschewed arguments about gender identity. Instead, they highlighted the social and economic grievances of transgender people. Among other sources, they relied on evidence of the Census of Transgender People (see Appendix, CPO T13-T16). The rhetorical strategy they pursued was:

People do not understand if you talk about LGBT (...) but when you explain something concrete [appealing to their socioeconomic exclusion] they understand everything. If you start telling them that gender is fluid, they will not understand (...) [Regarding the reparatory action in the transgender bill] when we presented the census data and after we shared some stories (...) and gave them the documents... [it] went smoothly. (Interview with Federico Graña, FA and Ovejas Negras).

...in a Left that is still very materialistic, to claim that people are starving and dying at 35 years old it was strong (...) and that was why the census [of transgender people] was critical (...) it was shocking (Interview with Martín Couto, FA).

These pieces of evidence are doubly decisive proof of the alignment of the appeal to approve the transgender bill with the party's programmatic principles. The promoters of the transgender bill had to frame this issue in terms of socioeconomic inequality. These are doubly decisive CPOs because it was stated by the main promoters in the FA and, also by members of the LGBT movement.

Despite the intense appeal of supporters of the bill, the proposal stalled within the FA. Thus, the FA leaders who advocated for the bill asked transgender and LGBT organizations to mobilize people to demonstrate social support:

When the bill started to get stuck, I got everyone together and told them: "it's your turn" [referring to the transgender and LGBT organizations]. And that's when several transgender women leaders were consolidated (...) Outside the council meeting [in the MIDES], I got everyone together and I told them: "Well people, this is as far as I can go. I mean, I can go this far but if you don't push, I don't know what will happen..." (Interview with Federico Graña, FA and Ovejas Negras).

And then you go to Congress, and they tell you that the evangelicals are gathering 5000 signatures... "you have to do something." It seemed that the law did not have so much popular support. And we went to the diversity march, which had as its main motto the transgender bill. (Interview with Nahia Mauri, Ovejas Negras).

After the request of FA congressmembers, transgender and LGBT organizations presented 60,000 signatures supporting the bill.¹⁵ Two months earlier, opponents of the bill had presented 5,600 signatures against it.¹⁶ Furthermore, social organizations established the yellow scarf as a symbol of support for the transgender bill. Finally, on October 19, 2018, the law was approved. For some supporters of the bill within the FA, the social support that the bill achieved toward the end of the parliamentary discussion was key to finally getting the votes within the FA caucus.

When the hall [of Congress] was crowded with people and signatures, it was a turning point, it was like, wow, yeah, we need to get this out (Interview with Margarita Libschitz, FA).

Based on the evidence gathered, it is difficult to assess the impact that the social mobilizations (i.e., the signatures' campaign, the "pañuelazo," or the 2018 Diversity March) had on the enactment of the law. CPOs T21-T25 in the appendix weaken support

¹⁵ "Más de 60.000 personas firmaron por la ley integral trans" (*La Diaria*, October 11, 2018) available at <https://ladiaria.com.uy/politica/articulo/2018/10/mas-de-60000-personas-firmaron-por-la-ley-integral-trans/> (last accessed October 9, 2023).

¹⁶ "Entregaron firmas contra la ley trans a comisión del Senado, en forma anónima" (*La Diaria*, August 10, 2018) available at: <https://ladiaria.com.uy/politica/articulo/2018/8/entregaron-firmas-contra-la-ley-trans-a-comision-del-senado-en-forma-anonima/> (last accessed October 9, 2023).

for our hypothesis regarding the role of the embeddedness as opposed to the role of mobilization. We do not know what would have happened had these mobilizations not taken place. However, the collected evidence strongly indicates that the FA’s electoral platform would not have reflected the policy demands of transgender people without the embeddedness of LGBT and transgender organizations in the FA. Neither the bill nor the parliamentary negotiations that led to its approval would have been generated. All these actions that promoted the bill and advanced it to its final stage occurred without any social mobilization.

We had many lesbian and gay fellow activists [from the LGBT movement] in political positions, and this played a positive role (...) [people in] political positions with access to the first level of government and to the leadership of the FA. And that was also a very positive thing [for the fate of the bill] (Interview Collette Spinetti, CTU).

Table 3. Evidence of the case of the Transgender Rights Law in Uruguay

Evidence	CPO	Probatory value
The transgender movement was weak.	Interviews with transgender activists and LGBT activists who emphasized the weakness of the movement.	Smoking Gun (Sufficient proof)
The transgender movement and the LGBT movement were embedded in the FA.	Interviews with transgender activists and FA members (especially Federico Graña) described the linkages between the transgender and the LGBT movement at large with the FA.	Doubly Decisive (Necessary and sufficient proof)

The appeals of the transgender movement to advance this bill were framed in a way that resonated with the FA. programmatic stances	Interviews with FA members who explicitly claimed that they framed the transgender bill as a matter of social justice.	Doubly Decisive (Necessary and sufficient proof)
Through its embeddedness in the FA, the trans movement advanced its agenda.	Interviews with FA members with dual membership in the transgender and in the LGBT movements who described their role in the process of approval and interviews with transgender activists (who are not FA members) who also stated that the dual membership was important.	Smoking Gun (Sufficient proof)

Conclusions

The cases of the decriminalization of abortion in Bolivia and the Transgender Rights Law in Uruguay are least likely cases of the advancement of agendas based on material or on the mobilizational resources of its constituencies. In both cases, the constituencies that promoted these agendas were poor, few in number, and lacked disruptive capacity. Available theories thus predict that the observed outcome (i.e., the decriminalization of abortion in Bolivia and the Transgender Rights Law in Uruguay) was unlikely. We build a theory to explain how weak constituencies can advance their agenda and, based on an in-depth analysis of our two cases, we delineate the mechanism behind the unlikely result.

Marginalized social groups can engender policy change when they become constituencies inside major political parties. This occurs when the constituencies can rely on parties with formal and informal structures that allow their members to exercise voice and when these constituencies are able to align their grievances and demands with the

party's principles. Through formal or informal means, these constituencies can advance their agenda and influence party leaders and decisions without engaging in resource transactions as extant theories posit. Our approach contributes to the literature on social movements and, more specifically, to the recent literature that has sought to explain the promotion of the agenda of powerless constituencies (Mayka 2019; Rich 2019). Our contribution lies in the identification of the role played by constitutive relations that develop inside party organizations.

The decriminalization of abortion in Bolivia occurred when prominent feminist congresswomen with dual membership in the MAS and in the September 28th Campaign were able to convince fellow MAS leaders and party members of the importance of approving this initiative. They were able to frame abortion decriminalization according to the party's principles of social justice and equality. The MAS structure allowed it to channel demands and interests from these constituencies that were inside the party through an intense deliberation process among its members.

The Transgender Rights Law in Uruguay was possible after key actors of the LGBT movement, who were also members of the FA, gradually convinced the party to promote these rights by explicitly framing the proposal in terms of the party's principles. Transgender organizations became a constituency inside the FA through their involvement in the LGBT movement and their participation in the FA as members and activists. The FA has a complex organizational structure with different formal processes that allow for deliberation on issues promoted from below. Through these processes, especially within the Sexual Diversity Programmatic Commission, the transgender agenda was incorporated in the party's electoral platform. After this initial move, the transgender activists and the

LGBT movement at large continued to push the agenda through formal and informal party channels and government institutions.

Parties with formal or informal deliberation processes allow powerless constituencies to advance their agendas. The two cases analyzed in this paper show how these constituencies (the legal abortion movement in Bolivia and the transgender movement in Uruguay) had no power based on material resources but were able to promote their agenda through a gradual process of deliberation within their respective parties. The MAS in Bolivia and the FA in Uruguay had formal and informal structures that allow its members to exercise voice, which allowed these minor constituencies to advance their agenda through a process of internal deliberation. As a result, these parties made these demands a part of their programmatic platform and advanced them without considering the eventual electoral risks associated with the highly divisive nature of the issues at hand.

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Appendix

The Decriminalization of Abortion in Bolivia

Evidence of...	CPO	Probatory value
The legal abortion movement was weak.	(A1). Abortion is not a popular cause in Bolivia. It is primarily supported by the urban and young population, as well as by those who identify themselves as feminists. It is not a widespread movement as in other places; it is primarily concentrated in urban areas. (Interview with Guadalupe Pérez, the September 28 th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Rebellion Collective).	CPO A1 is sufficient proof (Smoking Gun Test) to show the weakness of the Bolivian legal abortion movement. The interviewee is a prominent feminist leader who would be expected to overestimate the power of the movement. Yet, she recognized it lacks widespread support.
	(A2). It was a sensitive issue. There was greater support from urban organizations. [Some] Bartolinas, Intercultural Women, and others, in some spaces, agreed. But not as a bloc... [...] In other words, they have not been the ones who have put themselves at the forefront [of the struggle]. (Interview with Tania Sánchez, the September 28 th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Coordinator of the Woman).	CPO A2 is neither necessary nor sufficient (Straw in the Wind Test) to prove the weakness of the Bolivian legal abortion movement. The interviewee is a prominent feminist leader with ties to the Bartolinas and Intercultural Women. This CPO only indicates that the legal abortion movement might not have had the support of the powerful popular women's organizations.
	(A3). Many women of the peasant movement, like the Bartolinas Sisa, do not necessarily declare themselves feminists. They even question feminism since in the Bolivian tradition of women's organizations, there historically has been distrust between feminist organizations and the more popular organizations since 1929 (Interview with Adriana Salvatierra, Representative, MAS).	CPO A3 is neither necessary nor sufficient proof (Straw in the Wind Test) to show the weakness of the Bolivian legal abortion movement. The interviewee, a MAS representative of the party's peripheral coalition, describes the distant relationship between the Bartolinas and the feminist movement. This indicates

that the Bartolinas may not have supported the struggle to decriminalize abortion.

(A4). Indigenous women and the popular women's movement did not provide strong support for legalizing abortion. There was hardcore opposition from evangelicals. They claim that these [women who promote legal abortion] are "libertine women." Another position within the indigenous movement is that poor women are the ones who are dying (...). These indigenous women cannot be mobilized in the streets. They are convinced not to obstruct [by the Campaign and MAS congresswomen], but aren't mobilized on this issue. The women's rights movement is criticized for not mobilizing women in the streets. (Interview with Lourdes Montero, the September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Oxfam).

CPO A4 is sufficient proof (Smoking Gun Test) to show the weakness of the Bolivian legal abortion movement. The interviewee is part of the movement. She would be expected to overestimate the power of the movement, but she recognized it did not have disruption capacity.

(A5). How can we achieve this goal [extensive street demonstrations] when most social movements, except for the Intercultural Women, did not have [abortion rights] on their agendas? So, it's really difficult (...). There have been marches opposing [gender] violence, that have been major mobilizations, (...), but there hasn't been a specific one for abortion (Interview with Mónica Baya, Human Rights Community, National Pact for the Decriminalization of Abortion in Bolivia).

CPO A5 is sufficient proof (Smoking Gun Test) to show the weakness of the Bolivian legal abortion movement. The interviewee is part of this movement. She would be expected to overestimate the power of the feminist movement, but she recognized it did not have disruption capacity.

(A6). There haven't been street protests. It could be one percent. [...] We are ten [people]! We are ten (Interview with Gretzel Brozovich, the September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and IPAS Bolivia).

CPO A6 is sufficient proof (Smoking Gun Test) to show the weakness of Bolivian legal abortion movement. The interviewee is part of this movement. She would be expected to overestimate the power of the feminist movement, but she recognized it did not have disruption capacity.

(A7). We had very few resources; [just] the individual resources of many colleagues, which they needed to move around. We also had cooperation from international agencies and NGOs, some supportive, others only focused on particular activities in their area of interest (Interview with Guadalupe Pérez, the September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Rebellion Collective).

CPO A7 is sufficient proof (Smoking Gun Test) to show the weakness of the Bolivian legal abortion movement. The interviewee is a prominent feminist leader of the September 28th Campaign. She had detailed knowledge of the movement. She described in detail the resources the movement had. She recognized it had scarce resources when they pushed for the decriminalization of abortion during the third MAS government.

General assessment of the probatory value of the set of evidence

These pieces of evidence, taken together, are doubly decisive (necessary and sufficient) to prove the weakness of the legal abortion movement: the movement lacked capacity for disruption, lacked material and mobilizational resources, and only had a limited capacity to lobby political authorities. The probatory value of these pieces of evidence is doubly decisive because interviewees are prominent feminist activists and leaders who would tend to overestimate their influence in policymaking. Also, we observed strong agreement in the interviewees' claims, pointing to the weakness of the movement. All interviewees concurred in this assessment.

Evidence of...	CPO	Probatory value
The legal abortion movement was	(A8). Prominent MAS representatives during the third MAS government such as Gabriela Montaña, Adriana Salvatierra and Susana Rivero,	CPO A8 is necessary (Hoop Test) to show that the Bolivian legal abortion movement was embedded in

embedded in the MAS.

recognized in the interviews that they were part of the Campaign. Montaña, in particular, was a prominent feminist activist in the abortion movement. Additionally, some members of the feminist organizations had held technocratic positions during Morales' administrations (such as Tania Sanchez, a prominent feminist activist and also Director of the Plurinational Women's and Depatriarchalization Service).

The dual membership of MAS congresswomen (of the peripheral coalition) in the Campaign also existed in Morales' previous administrations. For instance, Elizabeth Salguero, a prominent MAS feminist congresswoman during the first government of Evo Morales, claimed:

“Of course, I am one of the pioneers [in the Campaign]. With SIDEM, with Jimena Machicao, we were five crazy women.” (Interview with Elizabeth Salguero, ex-MAS representative)

(A9). “The Santa Cruz Campaign is very connected to the philosophy of the MAS, not as a party, but as a Bolivian political process, so it was not difficult for us. We had been in the whole constitutional process; we had built relationships with the comrades of the organizations and there was a level of trust that allowed us to work on this issue (...) With Gabriela [Montaña] it was very easy because she joined to achieve progress with [the issue of] abortion, with sexual rights, with gender equality in general, we did not have to tell her anything, the same occurred with Susana. We did not have to explain anything to them, they already supported the cause.” (Interview with Guadalupe Pérez, the

the MAS. This CPO shows the double membership of prominent MAS congresswomen, particularly those in the MAS's peripheral coalition.

CPO A9 is sufficient evidence (Smoking Gun Test) to show that the Bolivian legal abortion movement was embedded in the MAS. A prominent leader of the legal abortion movement recognized that the branch of the Campaign in Santa Cruz, one of the most active branches of the legal abortion movement in Bolivia, had ties with the MAS. She recognized that these ties were both programmatic and through double membership.

September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Rebellion Collective).

(A10). There were very good allies in the Assembly. Not only were there women, but these women had very good relationships with other senators, such as Gringo Gonzáles (Interview with Gretzel Brozovich, the September 28th Campaign, the September 28th Campaign, IPAS Bolivia, Pact).

CPO A10 is neither necessary nor sufficient evidence (Straw in the Wind Test) to show that the legal abortion movement was embedded in the MAS. The interviewee is a feminist activist who indicated that the legal abortion movement had allies among congressmembers (in the context of the interview she referred mainly to MAS congressmembers).

(A11). Feminist organizations aligned themselves primarily with MAS, and MAS feminists [she refers to MAS congresswomen] have Álvaro [García Linera] as an ally. Álvaro's presence has helped make this alliance the most obvious to them (Interview with Jimena Costa, Unidad Demócrata/Democratic Unity Representative).

CPO A11 is neither necessary nor sufficient evidence (Straw in the Wind Test). A representative of one of the opposition parties claimed that feminist organizations were allied with the MAS, particularly with its peripheral coalition headed by Álvaro García Linera, Vice-President of Evo Morales.

General assessment of the probatory value of the set of evidence

The triangulation of CPOs A8 to A11 substantiate that the legal abortion movement was embedded in the MAS. Taken together, the probatory value of these pieces of evidence is a doubly decisive test. The membership of the MAS's congresswomen in the Campaign and the presence of some members of the Campaign in the MAS governments are necessary conditions of the embeddedness. The role that these Campaign members play in the MAS in the process of incorporating Article 157 in the penal code is sufficient to substantiate the embeddedness.

Evidence of...	CPO	Probatory value
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The appeals of the legal abortion movement were framed in a way that resonated with the MAS programmatic stances

(A12). Do not expect Evo [Morales] to tell you “I am a feminist” (...). He understands you from other perspectives (...). When you talk to him from a perspective of rights, he understands (...) We discussed it with the President, and we explained, I insist, not always from the logic of “my body, my decision,” but from the concrete problem (Interview with Adriana Salvatierra, MAS Representative).

(A13). We approached this issue not from a women’s rights perspective, but from a general sexual and reproductive rights perspective. It was difficult to say, “I have the autonomy to decide.” I had tried a thousand times (...) No one believes you if you say, “It is my body, I decide” (Interview with Susana Rivero, MAS Representative).

(A14). The issue of social justice was most important to the Bartolinas (Interview with Lourdes Montero, the September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Oxfam).

CPO A12 is necessary evidence (Hoop Gun Test) to show feminists had to adapt their arguments to resonate with the MAS programmatic positions. The interviewee, a feminist MAS representative, explicitly claimed that they had to frame legal abortion as a matter of social justice to convince President Evo Morales.

CPO A13 is sufficient evidence (Smoking Gun Test) to show feminists had to adapt their arguments to resonate with the MAS programmatic positions. The interviewee, a feminist MAS representative and drafter of the penal code, explicitly recognized that they had to frame legal abortion as a matter of social justice to convince MAS members.

CPO A14 is neither necessary nor sufficient evidence (Straw in the Wind Test) for the proposition. Although the interviewee is a feminist activist with linkages to feminist MAS congresswomen, she was not close to members of the social movements of the party.

(A15). The best argument for the MAS was that of social justice, the argument about the commodification of medicine (Interview with Guadalupe Pérez, the September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and Rebellion Collective).

CPO A15 is necessary evidence (Hoop Test). The interviewee is a feminist activist with linkages both to feminist congresswomen of the MAS and to social movements of the party such as the Bartolinas and the Intercultural Women.

General assessment of the probatory value of the set of evidence

These pieces of evidence are doubly decisive proof of the alignment of the appeal for the decriminalization of abortion with the party’s programmatic principles. Proponents had to refrain from appealing to women’s freedom to make decisions about their own bodies and, instead, they framed abortion decriminalization as a social justice issue. These are doubly decisive CPOs because it was affirmed by the main proponents of Article 157 inside the party, by members of the feminist groups of the legal abortion movement as well as by a congresswoman of an opposition party who had very deep knowledge of the political process behind Article 157.

Evidence of...	CPO	Probatory value
Through its embeddedness in the MAS, the legal abortion movement advanced this agenda.	(A16). ...there were internal discussions, there could be very conflicting positions internally, right? But once a conclusion was reached, a very clear collective position was taken to the public and to the legislative debate. That was the way in which the MAS made its decisions. And a bill could be debated for many hours. But when a decision was finally taken, it was accepted by all (Interview with Gabriela Montaña, MAS Representative).	CPO A16 is neither necessary nor sufficient evidence (Straw in the Wind Test) to show that the legal abortion movement, through its embeddedness in the MAS, advanced this agenda. A prominent MAS congresswoman described how the MAS reached decisions. She described this in the context of the interview for the project.
	(A17). We worked with our caucus, building alliances one by one. Because it is not like “Oh, the caucus is going to raise their hand,” well, no, you gather your allies. In Bolivia you have nine departments, so you always must have two or three in each [departmental] caucus to set the stage, so that when we have to speak, they have some receptivity to listen. Then, we have to	CPO A17 is sufficient evidence (Smoking Gun Test) that the legal abortion movement, through its embeddedness in the MAS, advanced this agenda. She explicitly described how the MAS discussed and approved Article 157.

overwhelm them with arguments. There will always be one or two who will resist which, at that moment, were the Christians. When that happens, Evo enters [and we say] “Call this one, this other, and this other one.” That’s how it works. Depending on who is to be called, sometimes Evo would say “Álvaro [García Linera], you solve that.” (...) We were fighting all day long. Evo made the effort to individually phone every fellow representative to ask them “What’s wrong with you?” and they respected him (Interview with Susana Rivero, MAS Representative).

(A18). Gabriela Montaña, who was our President of the Chamber of Representatives, had the initiative together with Susana Rivero (Interview with Adriana Salvatierra, MAS Representative).

(A19). We agreed on certain basic standards, and from there, we began to lobby the Legislative Assembly. Above all, some congresswomen and some others also tried to show them why it was important to move forward on this issue. And obviously, there were assembly members who knew about the problem, also committed to generating some progress, but aware that this had a political cost as well. (...) Assembly members of the MAS, (...) in both chambers, Gringo González in the Senate [...], Susana Rivero, in the Constitutional Committee [...], her role has been critical. Perhaps some were not very involved, but I believe that the leadership of Gabriela [Montaña], Adriana [Salvatierra] and Susana [Rivero] encouraged others, right? (Interview with Mónica Bayá, National Pact for the Decriminalization of

CPO A18 is neither necessary nor sufficient evidence (Straw in the Wind Test).

CPO A19 is sufficient evidence (Smoking Gun Test)) to show that the legal abortion movement, through its embeddedness in the MAS, advanced this agenda. A feminist leader recognized feminist organizations had close ties with MAS feminist congresswomen and she explicitly affirmed that the decriminalization of abortion advanced through the action of these congresswomen.

Abortion in Bolivia and Human Rights Community).

(A20). The battle was led by these three (congresswomen) (...) with them we coordinated everything. Any step was with them (Interview with Gretzel Brozovich, September 28th Campaign, National Pact for the Decriminalization of Abortion in Bolivia and IPAS Bolivia, the Campaign).

CPO A20 is sufficient evidence (Smoking Gun Test) to show that the legal abortion movement, through its embeddedness in the MAS, advanced this agenda. Another feminist leader recognized feminist organizations had close ties with MAS feminist congresswomen and she explicitly affirmed that the decriminalization of abortion advanced through the action of these congresswomen.

(A21). The abortion process is not a demand from the outside, from civil society, which pushed for [abortion] to enter the system. The ones who do the pushing are the women who are inside the political system. The design of this policy was not “bottom up.” Critical actors achieved certain positions and from there, pushed the agenda forward. It was not the party that did the pushing either, but the [congress]women who had these agendas and pushed for them with their own strategies (Interview with Jimena Costa, Democratic Unity Representative).

CPOA21 is neither necessary nor sufficient evidence (Straw in the Wind Test). Yet it is a strong Straw in the Wind Test. The interviewee is an opposition representative who supported decriminalization and stated that MAS congresswomen were critical in passing Article 157.

General assessment of the probatory value of the set of evidence

The triangulation of these CPOs provides necessary and sufficient proof (Smoking Gun Test) that the legal abortion movement, through its embeddedness in the MAS, advanced this agenda. First, Montaña and Rivero, who negotiated Article 157 of the Penal Code, explained their strategies to persuade the MAS congressmembers. Second, another MAS feminist congresswoman claimed that Montaña and Rivero were critical actors in passing Article 157. Third, feminists of the Campaign and the Pact also claimed that Montaña and Rivero were critical actors, as they were the main linkages between the MAS and the legal abortion movement. CPOs 19 and 20 are surprising because they come from feminist leaders of the Bolivian legal abortion movement. They have incentives to attribute the achievement of decriminalizing abortion to the feminist movement. However, they recognized the congresswomen’s key role.

Particularly, CPO 19 is strong because it comes from a feminist activist who is not close to the MAS. Finally, an opposition representative who supported decriminalization (CPO 20) stated that MAS congresswomen were critical in passing Article 157. She also claimed that the legal abortion movement was weak. Yet, these CPOs (A16-A21) are not necessary CPOs because the other leaders who were crucial for the outcome (Evo Morales, Álvaro García Linera, and José Alberto “Gringo” Gonzáles) were not interviewed. Thus, it is not possible to compare their assessment with that of the women interviewees.

List of Interviewees

Name	Position	Date and place
Adriana Salvatierra	Feminist MAS representative and member of the September 28 th Campaign. Promoter of Article 157.	May, 5, 2023, Zoom
Gabriela Montaña	Feminist MAS representative and member of the September 28 th Campaign. President of the House. Co-drafter of Article 157.	May 9, 2023, Zoom
Monica Bayá	Feminist activist, Human Rights Community and National Pact for the Decriminalization of Abortion in Bolivia.	May 15, 2023, La Paz, Bolivia
Ana Maria Kudelka	Feminist leader, Catholics for Choice Bolivia, the September 28 th Campaign and National Pact for the Decriminalization of Abortion in Bolivia.	May 15, 2023, La Paz, Bolivia
Andrea Terceros	Feminist activists, Marie Stopes and the September 28 th Campaign.	May 15, 2023 La Paz, Bolivia
Elizabeth Salguero	Feminist former MAS representative and co-founder of the September 28 th Campaign.	May 16, 2023, La Paz, Bolivia
Susana Rivero	Feminist MAS representative and member of the September 28 th Campaign. Chaired of Constitutional Committee of the House of Representatives. Drafter of the Penal Code and drafter of Article 157.	May 16, 2023, La Paz, Bolivia

Gretzel Brozovich	Feminist activist, IPAS Bolivia, the September 28 th Campaign and National Pact for the Decriminalization of Abortion in Bolivia.	May 17, 2023, La Paz, Bolivia
Tania Sánchez	Feminist activist, Coordinator of the Woman, the September 28 th Campaign and National Pact for the Decriminalization of Abortion in Bolivia.	May 18, 2023, La Paz, Bolivia
Bernarda Sanabria	Feminist, consultant for Solidar Suisse Bolivia in gender issues.	May 18, 2023, La Paz, Bolivia
Jimena Costa	Jimena Costa, Democratic Unity representative. She was a congresswoman of the opposition parties that supported Article 157.	May 22, 2023, La Paz, Bolivia
Lourdes Montero	Feminist activist, Oxfam Bolivia, the September 28 th Campaign and National Pact for the Decriminalization of Abortion in Bolivia.	May 22, 2023, La Paz, Bolivia
Katia Uriona	Feminist activist, consultant for UN Women, member of the Supreme Electoral Court of Bolivia during the third government of Evo Morales.	May 22, 2023, La Paz, Bolivia
Guadalupe Pérez	Feminist activist, Rebellion Collective, the September 28 th Campaign and National Pact for the Decriminalization of Abortion in Bolivia. Longstanding feminist leader in support of legal abortion in Bolivia.	August 28, 2023, Zoom

The Transgender Law in Uruguay

Evidence of...	CPO	Probatory value
The transgender movement was weak.	(T1). There were few [transgender] comrades. In a [transgender] organization there are three people: the president, the vice-president, and the secretary. (Interview with Martín Couto, FA Representative).	CPO T1 is neither necessary nor sufficient to demonstrate that the transgender movement was weak (Straw in the Wind Test). Although the interviewee had close linkages with the LGBT movement, he was not close to the transgender movement.
	(T2). ...The main political problem [the transgender movement] had was the articulation of the whole movement. It was an atomized movement (Interview with Federico Graña, FA and Black Sheep).	CPO T2 is necessary but not sufficient to show that the transgender movement was weak (Hoop Test). The interviewee belonged to the LGBT movement and had very close linkages with the transgender movement.
	(T3). They [the transgender organizations] gathered a hundred signatures, while Black Sheep and the PIT-CNT [the labor movement] gathered five thousand... (Interview with Valeria Rubino, FA activist and Black Sheep).	CPO T3 is neither necessary nor sufficient to demonstrate that the transgender movement was weak (Straw in the Wind Test). The interviewee was an LGBT activist, but she had no close linkages with the transgender movement (Straw in the Wind Test).
	(T4). The reality of the movement (...) [of] transgender people, historically, has been very complex because of the reality of transgender people themselves (...) There were not many of us trans women either (...) We knew that we would not be able to [promote the bill] on our own (...) There is no network of transgender people with the critical power to generate a political discourse (Interview with Marcela Pini, Transgender Union of Uruguay).	CPO T4 is necessary and sufficient evidence to show that the transgender movement was weak (Doubly Decisive Test). A transgender activist recognized that transgender people lacked capacity to build organizations to push for their agendas.

(T5). It remains a highly vulnerable population. Inside the [LGBT] community, [transgender people] are the most vulnerable and discriminated against within the [LGBT] community itself (...) Clearly, there was also extreme discrimination within the [LGBT] movement [against transgender people]. (Interview with Gastón Duffour, FA grassroots activist and Black Sheep).

CPO T5: This statement given by an LGBT activist is neither necessary nor sufficient evidence to affirm that the transgender movement was weak (Straw in the Wind Test). The interviewee is not very close to the transgender movement.

(T6). Transgender organizations are very weak. Many of the organizations that mobilized [for the transgender bill] did not exist before. The transgender movement faced several difficulties due to the [socio-economic] exclusion [of transgender people]. (...) Out of the 70,000 signatures, how many did the transgender organizations get? Maybe 5,000. As a researcher, I distributed leaflets here inside [the Faculty of Social Sciences], went to Canelones [a department of Uruguay], and collected almost 7,000 signatures. But why could I do that? I mean, because we have economic resources that transgender people didn't have (Interview with Diego Sempol, Black Sheep and researcher on LGBT issues).

CPO T6 is sufficient evidence to show that the transgender movement was weak (Smoking Gun Test). The interviewee belonged to the LGBT movement and was close to the transgender movement because, as a researcher, he specialized in transgender and diversity politics in Uruguay.

General assessment of the probatory value of the set of evidence

These pieces of evidence are sufficient to prove the weakness of the transgender movement: The movement lacked capacity for disruption, lacked material and mobilizational resources, and had a limited capacity to lobby political authorities through the LGBT movement. The probatory value of these pieces of evidence taken together is a smoking gun test because interviewees are prominent transgender and LGBT activists who would tend to overestimate their influence in policymaking. Also, we observed strong agreement among the interviewees' claims about the weakness of the movement. All interviewees concurred in this assessment.

Evidence of...	CPO	Probatory value
The trans movement and the LGBT movement were embedded in the FA.	<p>(T7). ...all those whom we knew that were FA grassroots activists, or FA voters who were in the [LGBT] movement, we integrated them into the FA (...), they joined the FA [and began to participate in the development of the FA platform on the Sexual Diversity Commission]. So, we had a thematic commission that had 30 or 40 people, it was not small. There was quite a lot of participation. There were several transgender women already participating in that process. Collette was there [Collette Spinetti is a transgender woman activist]. (Interview with Federico Graña, FA and Black Sheep)</p>	CPO T7 is sufficient, but not necessary, to affirm that the transgender movement was embedded in the FA (Smoking Gun Test). The interviewee had dual membership in the FA and in the LGBT movement. He gave details about the integration of the FA's Sexual Diversity Commission.
	<p>(T8). The Programmatic Commission [of the FA] drafted the electoral platform for that period [2015-2020] (...) In that thematic commission [the Sexual Diversity Commission] were Federico Graña, Diego Sempol, Florencia Forrissi, Scagliola, (...) and other comrades from Black Sheep who were also <i>frenteamplistas</i> [FA members] who decided to join the Programmatic Commission... Many of us who were <i>frenteamplistas</i> and activists in some social [LGBT] organization when the thematic commission was formed, felt drawn in (Interview with Valeria Rubino, FA and Black Sheep).</p>	CPO T8 is necessary evidence to show that the trans movement and the LGBT movement were embedded in the FA. The interviewee mentioned several members of the LGBT movement who also were FA members. Some of them had close linkages with the transgender movement. Yet, she did not mention any transgender activist (Hoop Test).
	<p>(T9). Some people have a kind of double membership. Because they are activists in the FA, but also in the social movement, some people tried to advance this agenda within the</p>	CPO T9 is sufficient and necessary to affirm that the trans movement was embedded in the FA (Doubly Decisive Test). The interviewee was a transgender

FA. Some comrades, who had relevant positions within the FA or in government, were Black Sheep activists at that time (...). The activism they brought from the social movement had an impact on the FA electoral platform, and on the Sexual Diversity Commission (...). These people, with this double role, empowered these demands within the party. Actually, it was more about these people than something developed by the social actors. (Interview with Nahia Mauri, Black Sheep)

(T10). Among the people with more power [in Black Sheep], I would say that almost all of them are also members of the FA, except for Diego Sempol and a few others (Interview with Martín Couto, FA Representative).

(T11). The Left and social movements are closely linked, with varying degrees of strength. The FA has a strong connection with social movements, in which party members are often involved. This mutual involvement creates a natural dialogue that permeates the party. Certainly, for the government to prioritize this [the social movement's agendas], some conditions are required (Interview with Marcos Otheguy, FA Representative).

activist from the LGBT movement (Black Sheep). She explicitly claimed that the progress of the transgender agenda was possible through the dual membership of some important activists. This CPO is surprising because the interviewee was an activist, who did not belong to the FA. Therefore, she might have overestimated the role of the movement.

CPO T10 is neither necessary nor sufficient evidence of the embeddedness of the transgender movement in the FA. The quote shows some prominent LGBT activists were also members of the FA. Yet, the interviewee did not mention any transgender activist among them (Straw in the Wind Test).

CPO T11 is necessary, but not sufficient evidence to affirm that the LGBT movement was embedded in the FA (Hoop Test). In the context of the interview about the process of enacting the Transgender Rights Law, the interviewee, an FA congressman, confirmed the close linkages between the FA and the LGBT movement.

(T12). When the FA came into power in 2005, there was no mention of sexual diversity matters in their electoral platform. This was gradually changed around 2009, when the discussion began. Many social activists were invited to participate in the debate on the development of the electoral platform, which was further strengthened with another discussion in 2015. As a result, sexual diversity gradually became established. I think this is related to the dual membership, as the agenda gained credibility within the FA. Previously, it was limited to a few feminist women and youth factions, but now it has become a widespread issue, making it hard to ignore its visibility in the electoral platform. (Interview with Diego Sempol, Black Sheep, researcher specialized in LGBT politics in Uruguay).

CPO T12 is strong evidence, sufficient but not necessary, to affirm that the trans movement and LGBT movement were embedded in the FA (strong Smoking Gun Test). The interviewee belongs to the LGBT movement and is close to the transgender movement. He also researches transgender and diversity politics in Uruguay. Thus, he had deep knowledge about the linkages between these social organizations and the FA.

General assessment of the probatory value of the set of evidence

These pieces of evidence support the claim that the transgender movement, through the LGBT organizations, was embedded in the FA. The probatory value of these pieces of evidence is a Doubly Decisive test. The membership of some LGBT leaders and activists in the FA and their role within the party is a sufficient and necessary condition of the embeddedness.

Evidence of...	CPO	Probatory value
The appeals of the transgender movement to advance this bill were framed in a way that resonated with the FA programmatic stances.	(T13). People do not understand if you talk about LGBT (...) but when you explain something concrete [appealing to their socioeconomic exclusion] they understand everything. If you start telling them that gender is fluid and all this, they are not going to understand. (...) [Regarding the reparatory action in the transgender bill] when we presented the census data and after we shared some stories (...) and gave them the documents... [it] went smoothly. (Interview with Federico Graña, FA and Black Sheep)	CPO T13 is necessary and sufficient to affirm that bill promoters adjusted their arguments to the FA's programmatic stances (Doubly Decisive Test). The interviewee was one of the FA's leading promoters of the transgender bill. He explicitly claimed that to convince FA congressmembers, the promoters of the bill had to appeal to arguments that aligned with the FA's principles.
	(T14). ...in a Left that is still very materialistic, to claim that people are starving and dying at 35 years old was staggering (...) and that was why the census [of transgender people] was critical (...) it was shocking (Interview with Martín Couto, FA Representative).	CPO T14 is necessary and sufficient to affirm that promoters of the bill adjusted their arguments to the FA's programmatic stances (Doubly Decisive Test). The interviewee explicitly claimed that, to convince FA congressmembers, the promoters of the transgender bill had to appeal to arguments that were in line with the FA's principles. The interviewee was one of the main promoters of the transgender bill among the FA parliamentary caucus.
	(T15). What was raised all the time was this issue of the economic emergency as a matter of generating empathy and talking about the average life expectancy, the violence of their bodies, the inequality they go through, without explaining issues related to gender identity (...) It became part of the Left identity. And then it felt very uncomfortable to deviate from it. (Interview with Diego Sempol, Black Sheep,	CPO T15 is necessary but not sufficient evidence to affirm that the promoters of the transgender bill had to use arguments that resonated with the FA's programmatic stances. The interviewee had intimate knowledge of the process that led to the adoption of the Transgender Rights Law, but was not an FA member (Hoop Test).

researcher specialized in LGBT politics in Uruguay).

(T16). I remember some of the women I convinced (...) The day the Chamber passed the law was very exciting, because the public galleries were full for the first time in a long time, and were crowded with poor people. So, I approached two of my colleagues who were there, and I told them, “Did you see the public galleries? Did you see the faces of the women there?” Most of them were transgender women. And it was shocking, because they were very poor women (Interview with Margarita Libschitz, FA)

CPO T16 only suggests that to convince FA congressmembers, the promoters of the transgender bill had to align their arguments with socio-economic issues. However, the interviewee was not explicit about the specific arguments they used. (Straw in the Wind Test).

General assessment of the probatory value of the set of evidence

These pieces of evidence are doubly decisive proof of the alignment of the appeal to approve the transgender bill with the party’s programmatic principles. The promoters of the transgender bill had to frame this issue in terms of socioeconomic inequality. These are doubly decisive CPOs because this claim was stated by the main promoters in the FA and also by members of the LGBT movement.

Evidence of...	CPO	Probatory value
Through its embeddedness in the FA, the transgender movement advanced its agenda.	(T17). We had many lesbian and gay fellow activists [from the LGBT movement] in political positions, and this played a positive role (...), [people in] political positions with access to the highest level of government and to the leadership of the FA. And that was also a very positive thing [for the fate of the bill]	CPO T17 provides sufficient but not necessary evidence to affirm that, through its embeddedness in the FA, the transgender movement advanced its agenda (Smoking Gun Test). The interviewee was a prominent transgender activist and also an FA grassroots activist. She was one of the leading fighters for

(Interview with Collette Spinetti, Collective Transgender of Uruguay).

(T18). When [the bill] got stuck (...) a group of FA activists who were also members of the LGBT movement met with our congressmembers (...) there was a group promoting [the bill] in the MIDES (...) we were FA activists, we knew each other (...) In that period, there was no one I did not know because we had been together in [party instances] (...) We worked with the congressmembers [of the FA] (...) We told them, “We want you to receive us” and then, “We want you to be there [supporting the bill].” (Interview with Valeria Rubino, FA and Black Sheep)

(T19). It seems to me that what happened was those activists [from the LGBT movement and] the FA, pushed those debates in the FA’s programmatic instances (...) The development of the FA’s electoral platform is a very participatory and horizontal construction (Interview with Marcos Otheguy, FA Representative).

(T20). The LGBT movement [as opposed to the trans movement] is the one that has the political resources (...) because most of the leaders who were in the LGBT movement had (...) dual membership. This was put into play to convince the FA (...). So, there was a whole network (...) that

the Transgender Rights Law in the transgender movement. This piece of evidence is surprising because one might have expected her to overstate the role of the movement.

CPO T18 is necessary but not sufficient to affirm that through its embeddedness in the FA, the transgender movement advanced its agenda (Hoop Test). The interviewee had dual membership in the FA and in the LGBT movement. She was one of the FA activists that tried to convince FA congressmembers to pass the transgender bill. She provided details on the actions developed to pass it. Yet, she may be overstating the role of activists with dual membership.

CPO T19 is sufficient but not necessary to affirm the statement. The interviewee, a congressman of the FA without dual membership, who was involved in the negotiations regarding the transgender bill, highlighted that the FA’s structure allowed the inclusion of the transgender demands in the FA’s electoral platform through dual member activists (Smoking Gun Test).

CPO T20 only suggests that through its embeddedness in the FA, the transgender movement advanced its agenda. (Straw in the Wind Test).

involved the movement in general and not only transgender organizations (Interview with Diego Sempol, Black Sheep, researcher specialized in LGBT politics in Uruguay).

(T21). When the bill started to get stuck, I gathered everyone and told them, “It’s your turn” [referring to the transgender and LGBT organizations]. And that’s when the leadership of several transgender women was consolidated (...) I got everyone together and I told them, “Well people, this is as far as I can go. I mean, I can go this far but if you don’t push, I don’t know what will happen...” (Interview with Federico Graña, FA and Black Sheep).

(T22). And then you go to Congress, and they tell you that the evangelicals are gathering 5000 signatures... they say, “You have to do something.” It seemed that the law did not have so much popular support. And we went to the diversity march, which had the transgender bill as its main theme (Interview with Nahia Mauri, Black Sheep)

(T23). When the groups opposed to trans rights presented that number of signatures against [the bill], and when the same number of signatures were presented in favor, it was like a relief for the FA caucus. (Interview with Diego Sempol, Black Sheep, researcher specializing in LGBT politics in Uruguay).

CPO T21 weakens support for the hypothesis that through its embeddedness in the FA, the transgender movement advanced its agenda, particularly in the last phase of the bill negotiations.

CPO T22 is evidence in the same direction as CPO T21. It suggests that, in the last phase of the process, enacting the law required some level of public protest.

The evidentiary value of CPO T23 is equivalent to that of CPO T21 and all subsequent CPs.

(T24). A few congressmembers within the FA began to complain and say, “We need a demonstration that this is indeed an issue of public interest. It is going to generate an electoral cost for us, we want to know if there is social support behind this or not.” (Interview with Diego Sempol, Black Sheep, researcher specializing in LGBT politics in Uruguay).

The evidentiary value of CPO T24 is equivalent to that of CPO T21 and all subsequent CPs.

(T25) When the antechamber of the House of Representatives was crowded with people and signatures, it was a turning point, it was like, wow, yeah, we need to get this out. (Interview with Margarita Libschitz, FA).

The evidentiary value of CPO T25 is equivalent to that of CPO T21 and all subsequent CPs.

General assessment of the probatory value of the set of evidence

CPOs T17-T20 (and also CPO T9) are strongly sufficient to show that, through its embeddedness in the FA, the transgender movement advanced its agenda. Conversely, CPOs T21-T25 weaken support for this hypothesis. Yet, based on the evidence gathered, it is difficult to assess the impact social mobilizations had on the enactment of the law. We do not know what would have happened had these mobilizations not taken place. However, the collected evidence strongly indicates that the FA’s electoral platform would not have reflected the policy demands of transgender people without the embeddedness of LGBT and transgender organizations in the FA. Neither the bill nor the parliamentary negotiations that led to its approval would have been generated. All these actions that promoted the bill and advanced it to its final stage occurred without any social mobilization. Therefore, we can have more confidence in the hypothesis regarding the embeddedness rather than in the hypothesis regarding the mobilization.

List of Interviewees

Name	Position	Date and place
Magdalena Bessonartt	LGBT activist, Black Sheep.	August 1, 2023, Montevideo, Uruguay
Martín Couto	FA Representative.	August 8, 2023, Montevideo, Uruguay
Valeria Rubino	FA activist and LGBT activist, Black Sheep.	August 8, 2023, Montevideo, Uruguay
Federico Graña	FA activist. Director of Socio-cultural Promotion at Ministry of Social Development (2015-2020). Prominent LGBT activist, Black Sheep. co-drafter of the transgender bill.	August 14, 2023, Montevideo, Uruguay
Andrés Scagliola	FA activist. National Director of Social Policy at Ministry of Social Development (2010-2015)	August 16, 2023, Zoom
Marcos Otheguy	FA Representative.	August 16, 2023, Montevideo, Uruguay
Nahia Mauri	LGBT activist, Black Sheep. Member of the National Coordinating Council for Public Policies on Sexual Diversity (Ministry of Social Development), co-drafter of the transgender bill.	August 17, 2023, Zoom
Florencia Forrasi	FA activist and LGBT activist, Black Sheep.	August 18, 2023, Montevideo, Uruguay
Gastón Duffour	FA activist and LGBT activist, Black Sheep.	August 24, 2023, Montevideo, Uruguay
Margarita Libschitz	FA legislative assistant.	August 29, 2023, Montevideo, Uruguay
Collette Spinetti	Transgender activist, Collective Transgender of Uruguay.	September 6, 2023, Zoom

Diego Sempol	LGBT activist, Black Sheep, researcher specialized in LGBT politics in Uruguay.	September 11, 2023, Montevideo, Uruguay
Marcela Pini	Transgender activist, Transgender Union of Uruguay.	September 18, 2023, Montevideo, Uruguay
Cristina Lustemberg	FA Representative.	September 28, 2023, Montevideo, Uruguay
