P71 – Open Panel

EU-level Debates on Abortion: Framing Strategies Surrounding “Subsidiarity” and “Human Dignity”

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Abstract: In 2013, the Estrela report on sexual and reproductive health and rights bore witness to the growing politicization of abortion at the EU level. The report raised debates over the meaning of the secular – but not value-free – notions of subsidiarity and human dignity. Subsidiarity refers to the formal competences of the EU; human dignity refers to the human right component of the abortion issue. The paper studies the framing strategies developed through the subsidiarity and human dignity frames during the Estrela debate. The purpose is twofold: firstly, to determine how and why European actors referred to them; secondly, to explore the effects of the politics of meaning and the interplay between conflict and consensus. The American culture war literature offers a heuristic schema which helps to explain the role of framing strategies in the contest for public morality. The study relies on a content analysis of a sample of 28 policy papers and press releases published by five European interest groups (COMECE, the FAFCE, EDW, the EHF and the EPF) and by the European citizen initiative One of Us.

Keywords: abortion; European Union; framing; subsidiarity; human dignity; culture wars.

Introduction

Abortion is usually recognized as not falling under the scope of the European Union (EU) competences. However, from the late 1990s onwards, abortion has been facing a growing politicization at the EU level itself. In particular, the European parliamentary Estrela report put abortion on the European political agenda in 2013. The report was a non-legally binding document which promoted safe and legal abortion through the broader issue of sexual and reproductive health and rights (SRHR). It was drafted by a member of the European parliamentary committee on Women’s Rights and Gender Equality (FEMM Committee): member of the European Parliament (MEP) Edite Estrela (Portugal). After months of debates and two votes in the EP (between which the report was sent back to the FEMM Committee) it was finally rejected on December 10, 2013.

The debate that surrounded the Estrela report was complex from two points of view. Firstly, it targeted, among others, the very sensitive issue of abortion about which opinions greatly diverge: between the pro-choice and the pro-life poles, intermediary positions conflict with criteria such as the maximum duration of pregnancy beyond which to forbid abortion practices. Secondly, nor the pro-life camp nor the pro-choice one was homogeneous in nature: because of the diversity of opinions, it is never easy to identify clear coalitions between distinct political, social and confessional actors.

Nevertheless, all actors expressed their views mainly through two principles: subsidiarity and human dignity. Hence, the paper proposes to analyse the Estrela
debate through its ideational repertoire. The research question is: **how did the ideas of subsidiarity and human dignity structure the Estrela debate?** The purpose is twofold: firstly, to determine what European actors meant when talking about subsidiarity and human dignity; secondly, to investigate the effects of referring to these two notions in terms of breeding conflict and/or consensus.

The paper assumes that the American culture war literature offers a heuristic schema which helps to explain the salience of framing strategies in the contest for public morality. The research hypothesis is that the Estrela debate constituted an opportunity for the involved actors to establish their own worldviews as the official public morality. Moreover, they attempted to do so by developing framing strategies around subsidiarity and human dignity. Still, the sharing of similar frames was not enough to reach consensus.

The study relies on a qualitative content analysis of press releases and policy papers that are related to the Estrela debate and that were published by five European interest groups: Commission of the Bishops’ Conferences of the European Community (COMECE), the Federation of Catholic Family Associations in Europe (FAFCE), European Dignity Watch (EDW), the European Humanist Federation (EHF), and the European Parliamentary Forum on population and development (EPF). The European citizen initiative One of Us was also taken into account, but to a lesser extent. The sample of documents is reduced to a number of 28 documents. Therefore, my aim is limited to proposing some working hypotheses which provide avenues for future research.

COMECE, the FAFCE, EDW and One of Us are pro-life actors defending a restrictive abortion policy; the EHF and the EPF are pro-choice actors defending a permissive abortion policy. As the Estrela report promoted safe and legal abortion, pro-life actors were opponents to the report while pro-choice actors were proponents. Except for the EPF, all organizations are confessional (or, in the case of the EHF, humanist), if only in the background (like EDW and One of Us). It does not follow that the only organizations that took part in the Estrela debate were faith-based organizations. Rather, I purposely chose to focus on them in the light of the religious and philosophical dimensions of the abortion issue.

The paper is divided in three sections. First, I will briefly present the theoretical framework of the American culture wars, with a special emphasis on the role of language and framing practices. Then, I will tackle the framing practices developed during the Estrela debate through the value amplification strategies surrounding subsidiarity and human dignity. Finally, I will investigate the effects of framing practices through rhetorical radicalization (1), dichotomisation (2) and the challenge of compromise (3).

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1 Ideas correspond to “subjective claims about descriptions of the world, causal relationships, or the normative legitimacy of certain actions (Parsons 2002, 48).”

2 In order not to weigh down the text, any reference to one of these documents will not systematically be referenced in the text itself. However, the reader can find a list of the analyzed policy papers and press releases in the appendix.
Theoretical framework

Developed in 1991 by James D. Hunter (Culture Wars: The Struggle to Define America), the culture war theory – or the religious restructuring theory – analyses the role of religion in American politics. Hunter identified a realignment of the American public culture during the 1970s. The realignment made traditional philosophical and political conflicts irrelevant. The conflict did not oppose political parties anymore, nor did it segregate religious and secular people. A new factional logics rather divided – and continues to divide – these groupings internally (Mondo 2014).

As it analyses cultural competition through language, the culture war theory is of great interest in the context of this paper. According to Hunter, language provides “the categories through which people understand themselves, others, and the larger world around them (Hunter 2006b, 28).” Values work as instrumental political resources for actors expressing their opinions through a symbolic vocabulary.

In addition, the American culture war theory focuses on the mechanisms through which “a particular vision of reality is defined and maintained (Hunter 2006b, 28)” Indeed, the politics of meaning aims at boundary framing, or adversarial framing. This covers the “attributional processes that seek to delineate the boundaries between “good” and “evil”, […] protagonists and antagonists (Benford and Snow 2000, 616).” The purpose is to describe the other as the negation of one’s own values (Clark and Kaiser 2003).

To sum up, language plays a prominent role in framing strategies that can lead to “a process of rhetorical radicalization (Clark and Kaiser 2003, 36)”. Such a simplification process consists in highlighting the ‘right’ and the ‘wrong’. In this context, the abortion issue can become a field of explicit opposition between normative views (Mondo 2014).

Before discussing the effects of framing strategies in terms of creating a polarized and dichotomist scenario, I will consider their role in putting abortion on the EU policy agenda, i.e. in establishing a particular social and political definition of the abortion issue (Béland 2009). In this context, ideas constitute powerful political and ideological weapons. They feed framing processes that emphasize some aspects of reality while obscuring others (Bergeron, Castel, and Saguy 2014).

Based on the premise that an issue offers multiple perspectives, “Framing refers to the process by which people develop a particular conceptualization of an issue (Chong and Druckman 2007, 104)”. In other words, framing strategies consist in “selecting, emphasizing and organizing aspects of complex issues according to an overriding […] criterion (Daviter 2007, 654).” Such processes are discursive in nature. They include different strategies, among which value amplification.

Value amplification refers to the promotion of a particular value “revivified through intense framing efforts depicting this value as morally essential (Béland 2009, 706-707)”. Put another way, frame amplification is “the idealization, embellishment, clarification, or invigoration of existing values or beliefs (Benford and Snow 2000, 624).” Following this strategy, actors propose new meanings of universal principles in order to shape their goals and identities in a more appealing fashion (Béland 2009).

Framing the abortion issue: Value amplification strategies

The political science literature on framing has concentrated on two study fields: the analysis of public policy changes on the one hand, and the analysis of the
emergence of social problems (i.e. the initial steps of agenda-setting and issue definition) on the other hand (Bergeron, Castel, and Saguy 2014). In this paper, I resort to the latter study field and analyse the growing politicization of abortion as an emerging EU public problem.

In parallel, and perhaps more importantly, the study of framing processes has been developed by the social movement and collective action literature. Movement actors, described as “signifying agents actively engaged in the production and maintenance of meaning (Benford and Snow 2000, 613)”, develop collective action frames, i.e. “action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement (Benford and Snow 2000, 614)”. Here, I focus on the collective action frames developed by social movements during the Estrela debate.

To sum up, the paper will analyse the role of ideas in the politicization of abortion at the EU level through the framing strategy of value amplification developed by collective actors in the Estrela debate. For this purpose, I will examine the secular – but not value-free – notions of subsidiarity and human dignity.

Because of their flexibility and inclusiveness (Benford and Snow 2000), subsidiarity and human dignity have become master frames that are equally embraced by different types of actors. However, “the term ‘frame’ implies a range of positions rather than any single one, allowing for a degree of controversy among those who share a common frame (Ferree et al. 2002, 14).” As such, a frame is distinct from a policy position: actors may disagree on the best policies while embracing a shared frame; reversely, they may agree on policy while framing it differently (Ferree et al. 2002). Subsidiarity and human dignity exemplify how shared frames can support very different positions according to which actor refers to them. Put another way, they illustrate how frames can be themselves subject to framing.

**Subsidiarity: The formal aspects of the abortion debate**

The subsidiarity debate running through the Estrela report mainly dealt with the procedural and legal problems the report rose. Before discussing its contents, one was worried about the very possibility of its existence, its very raison d’être; before debating substantial elements, one was worried about what international, EU, and national laws did allow. This proves the essentially political nature of subsidiarity (Van Kersbergen and Verbeek 2007): more than a legal concept, it enabled actors to express diverse worldviews (Foret 2012).

**Vertical subsidiarity**

The 1990 Maastricht summit defined subsidiarity as the international norm³ structuring the distribution of competences between the EU and the member states (Van Kersbergen and Verbeek 2007). Broadly speaking, subsidiarity involves that “decisions should be taken at a level as low as possible (Van Kersbergen and Verbeek 2007).” Vertical subsidiarity in particular refers to the territorial distribution of power among the EU and the central and local governments (Davoudi et al. 2008). Today, art.5.3 TEU states that:

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³ Norms refer to “standards of behavior defined in terms of rights and obligations (Krasner 1982, 186).”
Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

During the Estrela debate, the FAFCE stressed the importance of subsidiarity in the community law: according to the organization, subsidiarity is part of the founding principles of the EU and, as such, it has to be respected. However, a norm can take different meanings, particularly in the context of the imperfect competence regime of the EU. From a constructivist perspective, norms may even be reconstructed through social interactions (Van Kersbergen and Verbeek 2007). Hence, “subsidiarity is a dynamic concept and the appropriate level for action may vary according to circumstances (Van Kersbergen and Verbeek 2007, 225)”.

As attested by the Estrela report on “Sexual and Reproductive Health and Rights”, the EU institutions and organizations tackled abortion mainly through a public health perspective. According to the Treaties, public health is governed by the principle of subsidiarity (art.168 TFEU):

Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them.

Consequently, many actors urged the EU not to legislate over abortion and to respect the member state sovereignty. COMECE and the FAFCE strongly backed this position: according to them, the report tackled a subject that falls under the exclusive competence of member states. COMECE even highlighted the internal contradiction of the report, which dealt with abortion while, at the same time, recognized the member states’ competence. Besides, COMECE asked whether the EP had no more important things to do than dealing with non-EU competences.

As a result, support for an alternative EP resolution to the Estrela one was expressed by EDW, the FAFCE and the citizen initiative One of Us. The alternative resolution clearly stated that SRHR falls under the exclusive competence of EU member states. A Facebook group was even created: “Estrela No – Respect Subsidiarity”.

In order to strengthen their claim, the opponents to the report referred to other member state competence areas. One of us, for example, considered that bioethics in general falls under the responsibility of member states. The pro-choice EHF agreed but used that argument to claim that the EU has no competence to define the human embryo status. Thus, the proponents of the report referred to other competence areas too. However, their purpose was not to support member states’ sovereignty. This strategy rather enabled them to solve the subsidiarity obstacle, which is inherent to a public health perspective. The EHF for example pointed to the role of the EU in promoting human rights, just as the European Commission did through the statement about “Non-discrimination in the framework of SRHR” (plenary session, January 2014). When
dealing with abortion in a non-discrimination context, according to them, a parliamentary report on SRHR became fully justified, and legally permissible. The perspective of the EU development policy was more ambivalent. One of Us and EDW denounced EU-funded programs providing abortion services abroad, while the EPF used the same perspective to urge the EU to develop such services.

In conclusion, abortion – and the Estrela report – was dealt with through different perspectives, through different competence areas. While some actors recognized the possibility for the EU to tackle abortion, others rejected any supranational action and used the vertical subsidiarity norm as “a tool to protect themselves against creeping Community intervention (Smismans 2004, 4).”

*Horizontal subsidiarity*

Besides vertical subsidiarity, horizontal subsidiarity also played a role in the pro-life arguments. Horizontal subsidiarity has its founding origins in Christianity, and in Catholicism in particular4 (Foret 2012). At the EU level, it was valued by the Commission White Paper on Governance, which promotes dialogue with civil society. Again, the principle implies that decisions should be taken as closely as possible to the lowest level. However, the focus is not on the territorial distribution of power anymore, but on the functional repartition of competences between the State (in this case, the EU) and society (Davoudi et al. 2008). Horizontal subsidiarity emphasizes the importance of the latter in front of the former in that citizens should be taken into account in the decision-making process. Accordingly, the FAFCE considered there should be no EU “one size fits all” solution to a problem that could be solved at a smaller scale, such as the parents’ level. However, the Estrela report designated parents as “one protagonist among others”, although they remain the primary educators of their own children. The FAFCE also held that because the issue of abortion (or, rather, pregnancy) involves only three persons – the future mother, the future father and the future child – the best solutions can only be reached at their level.

Interestingly, pro-life organizations relied on horizontal subsidiarity in order to prevent the EU from dealing with abortion. But, at the same time, horizontal subsidiarity enabled them to participate in the EU-level abortion debate. Paradoxically, horizontal subsidiarity played the dual role of, on the one hand, a pro-life argument rejecting any EU intervention and, on the other hand, an opportunity structure for pro-life (and pro-choice) organisations to express their opinions at the EU level. In other words, opponents to the Estrela report benefited from horizontal subsidiarity in order to promote vertical subsidiarity. This suggests that, in order not to passively undergo the consequences of Europeanization, pro-life actors may have understood that they must Europeanize themselves (Mondo 2014).

*Human dignity: The substantial aspects of the abortion debate*

The human dignity frame was less technical than religious and philosophical. It referred to the human right component of the debate. Human dignity constitutes a universal principle recognized by the EU Charter of Fundamental Rights. However,

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4 This principle was put forward in the 1930s by the Catholic Church, when the Church feared the growing secularization of the political institutions (Foret 2012).
even if the human dignity principle is politically consensual, it remains culturally highly sensitive. Tensions arise about the moment of development when to entitle the foetus with human rights. Nevertheless, human dignity does not only refer to the embryo status: it is also linked to the woman status. The question is how to balance the embryo’s right to live on the one hand, and the woman’s right to choose to become mother or to terminate pregnancy, on the other hand.

Substantial debates on the Estrela report did not witness the same level of controversy as the formal debates on subsidiarity did. However, they revealed two more contrasted strategies, namely choosing between human embryo’s and woman’s dignity (although some adopt an intermediary position through the proportionality principle\(^5\)). Such a contrast was due to the fact that “abortion invokes existential issues of life and death and taps into the deepest level of cultural beliefs (Ferree et al. 2002, 6)". What is at stake is the sacredness of human life (Ferree et al. 2002), and this is a matter of religious and philosophical controversy.

The opponents to the report constantly reminded that everyone has the right to live and the right to dignity because these rights are inherent to each human person. This was particularly striking in EDW policy papers and press releases. Besides, pro-life organizations stressed that embryo dignity is supported by the EU jurisprudence. In 2011, the ECJ *Greenpeace v. Brüstle* decision (EU case law C-34/10) indeed recognized that human being starts with conception and that the human embryo constitutes a precise stage of the human body development. On the contrary, the EHF denounced the pro-life interpretation of the ECJ decision as a symbolic sacralisation of the human embryo.

Interestingly, when discussing the *contents* of the report, opponents shifted their framing strategy from a public health perspective to the broader picture of bioethics. Indeed, the *Greenpeace v. Brüstle* decision was linked neither to public health nor to abortion; it rather dealt with the embryo status in the context of human embryonic stem cell research. In this respect, the pro-life citizen initiative One of Us has been very active. The FAFCE even considers the success of the initiative as a proof that human dignity is important in the eyes of the citizens.

Besides, One of Us claimed that abortion has nothing to do with human rights. In the same vein, COMECE stated that abortion denies the human rights to life and to dignity, which are absolute (COMECE was the only actor to make explicit reference to the Catholic Church teaching\(^6\)). However, demanding the protection of the human embryo dignity did not preclude COMECE from recognizing the fundamental human right for women to live in dignity. In this respect, EDW proposed a “dignified version of maternal health”, which would be achieved through their proposed alternative resolution on the Estrela report.

In contrast, the EHF upheld that the alternative resolution aimed at undermining any future role of the EU in promoting women’s rights. Yet, according to the EHF, women’s rights constituted the most important aspect of the Estrela report. In fact, all proponents agreed that the report was about women’s freedom of choice, i.e. the right to make informed and responsible choices on their sexual and reproductive life. Moreover, the EPF claimed that SRHR are intrinsically linked to gender equality and

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\(^5\) The more the foetus grows, the more it acquires humanity, the less the woman’s rights should prevail.

\(^6\) Pope Paul VI expressed the Catholic Church’s opposition to abortion in the 1968 encyclical *Humanae Vitae* (Oldmixon 2005).
women’s empowerment. Reproductive rights indeed affect “both the right and the opportunity to participate in the workplace and political life (Ferree et al. 2002, 107).” Interestingly, each pro-choice organization noticed that the Estrela defeat took place on December 10th, “the International Human Rights Day”.

In conclusion, far from being the master frame, the human dignity frame was still one component of the EU-level abortion debate. However, while the human dignity frame was shared by both pro-choice and pro-life organizations, it also divided both groups on the question of who is entitled to human dignity: the foetus and/or the woman? The opponents to the report defended the sacredness of the foetus’ life while the proponents insisted on the sacredness of women’s life. However, the latter challenged the human dignity frame through the gender frame: they did not frame their position in terms of women’s dignity, but in terms of women’s rights. So, they attempted to gender the debate and to transform the abortion issue into a feminist issue.

**Framing frames: The double level of framing practices**

The pluridimensionality of the abortion debate allowed actors to frame the debate “in a manner favourable to their position (Baumgartner and Mahoney 2008, 436).” This rose “contestation about what issues are ‘really’ about (Princen 2007, 32)”. Hence, it was important to deconstruct the rhetorical construction of the abortion issue in order to understand its underlying political dynamics.

The Estrela debate centred mainly on subsidiarity; subsidiarity constituted the master frame of the debate. It referred to the more technical aspects of the vertical/territorial and horizontal/functional distributions of power. In the latter case, the EU multilevel governance offers numerous opportunity structures. Although the subsidiarity frame was shared by everyone, pro-choice and pro-life actors tended to use it in opposite directions. In other words: they did not frame the subsidiarity frame in the same way. Hence, “That a frame is dominant is not to say that it is monolithic or without challengers (Bergeron, Castel, and Saguy 2014, 4).”

The human dignity frame referred to the more substantial aspects of the report, not the procedural ones. Although it was less prominent than the subsidiarity frame, it involved more contrasted strategies. This is due to the religious and philosophical implications of the abortion issue (see next chapter).

The human dignity frame was more prevalent in the pro-life discourse, which entitles the foetus with human rights from the moment of conception and emphasizes the humanity of the embryo. Conversely, pro-choice organizations backed women’s dignity. However, they did not frame their position in these terms. They rather tried to gender the debate and to defend women through feminist claims.

The value amplification strategies developed by pro-choice and pro-life organizations through subsidiarity and human dignity reveal a double level of framing. At a macro level, we have observed the strength of the subsidiarity frame in comparison to the human dignity frame. At a micro level, value amplification consisted in “framing

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7 The fact that the Estrela defeat took place on the International Human Rights Day was purely coincidental, but highly symbolic.
frames”, a process by which macro frames were in turn subject to micro framing practices. For example, in the case of human dignity, intense controversies about the sacredness of human life opposed the embryo dignity to the woman dignity. Value amplification framing strategies induced a great confusion about what the concepts of subsidiarity and human dignity were really about. I am not saying that there is such a “truth” about these principles beyond actors’ interpretations. I rather mean that even though all actors agreed to discuss the reports from these two points of view, their pre-existing antagonistic agenda (pro-life v. pro-choice) influenced their own interpretations.

As a result, the very sharing of similar frames seems to have not been enough to reach consensus. Still, are these different points of view irreconcilable? Do they necessarily lead to a “clash of absolutes” (Ferree et al. 2002)? I now turn to the actors’ purpose in developing framing strategies and the effects of the politics of meaning.

The EU-level abortion debate: a culture war scenario?

The analysis of the subsidiarity and human dignity meanings has explained how European actors participated in the EU-level abortion debate. I now turn to the question of why they developed such framing strategies. The objective here is to understand the intention behind the speech. This raises two questions: firstly, did pro-life and pro-choice organizations seek to influence policy-making or did they merely look after public and political recognition?; secondly, is the politics of meaning a factor of conflict or a factor of consensus?

According to Oldmixon, “whatever the reason and purpose, submission of legislation on culturally significant issues is worthy of credit-claiming, symbolic posturing (Oldmixon 2005, 116)”. However, the very existence of an alternative resolution to the Estrela report shows that the opponents did not limit themselves to symbolic contestation. They also expressed their worldviews in an explicit, formal and institutional way. As already said, pro-life actors entered the EU scene through the horizontal subsidiarity window in order to defend vertical subsidiarity. Moreover, they did so through official and legal means of contestation. This suggests that they sought more than public and political recognition: they also wanted to influence policy-making (i.e. the adoption or the rejection of the Estrela report).

The attempt to use the state (in this case, the EU) in order to promote a particular worldview highlights the public nature of the abortion debate. The abortion debate does not confine itself to the private life of citizens; it rather involves public morality as a whole. Through the abortion issue, different groups compete for the legitimacy of different cultures in the public space (Oldmixon 2005; Iltis 2011).

Still, what are the effects of framing strategies in terms of breeding conflict and/or consensus? The culture war theory suggests that rhetorical radicalization (1) leads to a dichotomist scenario (2) that renders compromise not easy to reach (3). We will go

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8 The corpus on which I relied for this study is not robust enough to provide any precise nor definite answer to these questions. A deeper empirical analysis would require conducting semi-structured interviews. Hence, I will limit myself to suggest some working hypothesis.
through these three components in order to investigate the emergence – or not – of “European culture wars”.

**Rhetorical radicalization**

We have seen that the organizations under study often expressed their arguments through abstract statements of principles. In the case of the confessional organizations, this is due to the fact that pure religious discourses are increasingly challenged in the context of a pluralist and secularized political environment. As a result, faith-based organisations are driven to formulate their thoughts in a consensual manner and to make their claims accessible to non-believers. And if they want to distinguish their position from one another, they have no choice but to rely on value amplification processes. However, while the use of common frames – subsidiarity and human dignity – may have led to a formal agreement, the commonality of both frames did not produce any substantial nor practical consensus (Mondo 2014).

Such rhetorical processes are typical of cultural politics. The objective is symbolic, namely “the power to name things, to define reality, to create and shape worlds of meaning (Hunter 2006b, 33).” This is achieved through a particular style of argumentation “in which policy issues take on symbolic significance and therefore are framed as non-negotiable (Oldmixon 2005, 143)”. The manipulation of public rhetoric eventually leads to rhetorical radicalization and simplification (Hunter 2006a).

Pro-life COMECE denounced the “abusive and offensive” language of the Estrela report. The pro-choice EHF considers there has been a misleading and brutal campaign, deliberately defamatory, through religious harassment. Both statements account for “a tendency to shroud political claims in a rhetoric of intransigent absolutes (Clark and Kaiser 2003, 6).”

Another trend consists in appealing to martial metaphors (Clark and Kaiser 2003). For instance, the EHF compared the Estrela debate to a “battle”, and EDW talked about a “long and hard fight”. The FAFCE specified that it was a fight “between ideas”.

These examples show that cultural divergences are likely to produce an absolutist politics. Moreover, as cultural politics refers to a rhetorical style invoking symbolic community boundaries, rhetorical radicalization gradually leads to rhetorical polarization (Clark and Kaiser 2003; Oldmixon 2005).

**A dichotomist schema**

According to Hunter, radicalized public discourses “divided into sharply antagonistic tendencies (Hunter 2006b, 14).” In the case of abortion, the debates oppose a pro-life camp to a pro-choice one. The former defends the embryo’s right to live and is opposed to abortion; the latter defends women’s freedom of choice and supports permissive abortion laws. This scenario “plays out dialectically (Hunter 2006b, 15)”; it involves two sides whose antagonistic worldviews sustain a Manichean vision of the world. Each group seeks to identify who is in and who is out, who is good and who is evil, what is truth and what is error (Clark and Kaiser 2003; Oldmixon 2005).

According to the EHF, the danger is religious extremism (not religion). We see that the objective of the organisation was to define the other as a threat (Callahan 2005). Another example is EDW considering that the Estrela report and its proponents
(outgroup) aimed at politically undermining the citizen initiative One of Us (ingroup). As a result, there are “no grey zones [...] [; there is] no choice but to take sides (Clark and Kaiser 2003, 75).”

But who is the other? What is the nature of the dichotomy? Oldmixon (2005) identifies three distinctive criteria in the contest for culture: partisanship, religion and ideology.

Partisanship played a role if we believe the pro-choice organizations, which denounced “the far-right attacks” on the Estrela report. However, morality issues such as abortion often internally divide parties, so that any party model would not properly explain morality politics (Oldmixon 2005). Religion is also important as it “provides communities with a set of correct beliefs and practices on which to model their lives (Oldmixon 2005, 1).” However, the abortion debate constitutes a morally and politically fractious field. We cannot qualify all left-wing parties and non-religious organizations as pro-choice, nor can we qualify all right-wing parties and religious organizations as pro-life.

Consequently, Hunter stresses the importance of the ideology criterion. He explains why traditionalists from different political and religious traditions share more ideas and beliefs with one another than they do with progressivists coming from their own party or religious tradition (Dionne Jr. and Cromartie 2006). To be clear, “there is no single religious morality espoused by persons categorized as religious thinkers (Iltis 2011, 15),” and “Even among many secular thinkers we see different rankings of priorities or commitments (Iltis 2011, 11).” The same holds true for partisan ideology and membership. Besides, Hunter’s culture war theory is also known as the religious restructuring theory: political battles do not line up with traditional factions anymore; we rather observe the emergence of an orthodoxists/traditionalists v. progressivists divide. The former are committed to an external and transcendent source of moral authority; the latter value individual experience and scientific rationality (Mondo 2014). In the case of the abortion debate, traditionalism refers to “divinely ordained social relationships (Oldmixon 2005, 182)” in which sex and gender relationships are taken for granted, while progressive sexuality values autonomous individual decisions (Oldmixon 2005).

Nevertheless, ecumenism – i.e. religious and political heterogeneity – invites “to move beyond a binary conception of the culture wars” (Clark and Kaiser 2003, 46). Instead of a dichotomist scenario (pro-life v. pro-choice), we may observe a continuum of intermediary positions. For example, one may be pro-abortion if abortion takes place before a particular deadline, beyond which the initial pro-choice position becomes pro-life. Eventually, would the very existence of a continuum make any compromise possible?

**Implacable conflict, unreachable compromise?**

The culture war theory highlights that particular battles over family, sexuality or abortion tackle the broader stake of defining the nature of public culture. According to Hunter, “cultural conflict is about power – [...] the power to define reality (Hunter 1991, 52).” He distinguishes two groups that develop two different ways of understanding the world: “persons for whom moral authority rests in something outside of themselves and human experience and those for whom moral authority is grounded in human experience or intuition (Iltis 2011, 12).”
As culture provides a toolkit of shared norms to guide action, cultural conflict is about how we should live. In a pluralist society, competing cultures seek to legitimize a particular way of life (Oldmixon 2005). However, such disagreements cannot be easily resolved; because abortion refers to a broader cultural agenda, abortion debates are more prompt to conflict than to compromise.

Thus, culture wars correspond to “deep, apparently intractable, disagreements […] on significant moral and sociopolitical matters among persons within or across communities (Iltis 2011, 9-10).” The underlying conception of culture is the following: “Where there is culture, there is struggle (Wolfe 2006a, 104)”. Hunter considers conflict before looking for consensus instead of assuming consensus before looking for conflict (Wolfe 2006a).

In the case of the EU-level abortion debate, EDW confirmed that the Estrela report was highly controversial and raised a loud and lively debate not often seen in this intensity within the EP. The EHF also felt this intensity and stated that opponents worked hard in this battle.

However, did we witness what Ferree et al. (2002) calls “a clash of absolutes”? Even if “cultural conflicts tend to be framed in an absolutist, nonnegotiable manner (Oldmixon 2005, 18)”, the vagueness of the subsidiarity and human dignity frames could have helped opposing parties to reach compromise. In particular, the technical nature of the subsidiarity frame could have led actors to shift from a rights-based talk over ends to a technical talk over means (Van Kersbergen and Verbeek 2007; Oldmixon 2005). In other words, “framing leaves open the possibility of compromise (Oldmixon 2005, 34)”. The compromise issue is very important in the light the European Union motto: “United in diversity”. Indeed, EU politics traditionally aims at compromising solutions. The FAFCE itself stressed that the EU is founded on a quest for peace that has been achieved so far. However, ethical issues are delicate issues deeply influenced by national culture, history, and social life. As a result, the FAFCE considered that ethical issues have to be dealt with at a national level, and that this is a prerequisite for social peace.

Because the compromise narrative denies difference – which is an intrinsic and ontological feature of society (Hunter 2006b) – Hunter’s theory does not seek to solve the intractability of culture wars. The author rather suggests a “public agreement over how to publicly disagree (Hunter 1991, 318)”. The dialectic between homogeneity and heterogeneity reflects the EU’s constitutional value pluralism, “under which conflicts […] are seen as normatively acceptable (McCrea 2009, 89)”. However, morality issues such as abortion challenge the stability of political systems (Wolfe 2006b) as well as the “democratic processes of conflict resolution (Ferree et al. 2002, 6)”. The analysis of the Estrela debate has revealed that pro-life organizations were indeed worried about the democratic issue. EDW in particular considered that “the machinations and manipulations that took place behind the scene pose a serious threat to a truly democratic process”.

In this respect, some scholars believe reason is “the path to peace (Iltis 2011, 16)”. Others consider how relying on reason is subject itself to disputes. Yet, mid-level principles and widely-shared norms may help building a common morality (Iltis 2011). They could extricate bioethics from the foundational disagreements of culture wars.
(Callahan 2005). After all, cultural conflict corresponds more to a style of argumentation than to an ontological reality (Oldmixon 2005).

**Conclusion**

Through the analysis of the debate that surrounded the Estrela report (2013), the paper has proposed some working hypotheses related to the way ideas influence the growing politicization of abortion at the EU level. Notwithstanding the very complexity of the Estrela debate, the universality of the European actors’ ideational repertoire is particularly striking: both pro-life and pro-choice organizations referred to the secular – but not value-free – notions of subsidiarity and human dignity. However, the very sharing of common principles does not automatically lead to agreement. On the contrary, discursive processes can transform ideas into powerful political and ideological weapons.

First, I have tried to make clear how and why European actors relied on the same principles in order to defend different, even opposite, positions. Then, I have moved to the effects of this phenomenon in terms of breeding conflict and/or consensus. Methodologically speaking, I developed a content analysis of a limited sample of documents issued by five European interest groups (pro-life COMECE, FAFCE and EDW, and pro-choice EHF and EPF) and by the European citizen initiative One of Us. Except for the EPF, all organizations present a confessional background which is interesting in the light of the religious and philosophical dimension of the abortion issue.

The framing literature has helped to understand the value amplification strategies developed during the Estrela debate. Firstly, it has highlighted that subsidiarity is a dynamic concept which reveals the pluridimensionality of the abortion issue. Vertical subsidiarity applied mainly through a public health perspective and essentially supported a pro-life position. Horizontal subsidiarity paradoxically helped pro-life actors to enter the EU scene in order to prevent the EU from debating abortion. Globally, subsidiarity has appeared to be the master frame which focused on the technical challenges of the debates.

Secondly, the human dignity frame, though less salient, divided the proponents and the opponents more sharply. Both groups struggled about the foetus’ right to live on the one hand, and the woman’s right to terminate pregnancy on the other hand. However, the latter position was not expressed in terms of human dignity. Pro-choice organizations rather introduced the gender frame, which transformed the abortion issue into a feminist issue.

Finally, we have observed that value amplification processes evolved at two levels. At a macro level, actors chose to frame the abortion issue through subsidiarity and human dignity. At a micro level, these macro frames were in turn subject to micro framing practices, which aimed at defining what subsidiarity and human dignity were really about. As a result, the very sharing of similar frames seems to have not been enough to reach consensus (cf. the rejection of the Estrela report by the EP).

The analysis of the framing practices revealed how European organizations participated in the EU-level abortion debate. Still, it did not explain the effects of such a politics of meaning. In this respect, the culture war literature has suggested that framing practices lead to both rhetorical radicalization and dichotomist polarization, which in turn do not favour any compromising solution.
Indeed, if the commonality of the subsidiarity and human dignity frames resulted in a formal agreement on principles, it did not result in any practical agreement on ends. Actors relied on value amplification processes in order to distinguish their own positions from the others’. Besides, rhetorical radicalization and simplification gradually led to polarization between pro-life and pro-choice actors. This dichotomist scenario was neither political nor religious in nature. Rather, because abortion constitutes a morally and politically fractious field, ideology is the best distinctive criterion. It opposes the orthodox/traditionalists to the progressists. Both ideological groups reflect a degree of heterogeneity which proscribes any binary conception of the debates. Still, disagreements over the contents of public culture cannot be easily resolved. The culture war theory even conceptualizes culture as inherently conflictual. However, framing practices may help reaching compromising solutions. But diversity remains an intrinsic and ontological feature of society. Hence, we cannot avoid value pluralism; we are bound to constantly balance between homogeneity and heterogeneity.

Finally, can we really talk about ‘European culture wars’? The EU-level abortion debate corresponds certainly more to a particular style of politics than to an inescapable and intractable cultural conflict. Moreover, the prevalence of the subsidiarity frame over human dignity tends to inhibit the value- and culture-based claims. Nevertheless, as European culture wars reflect a style of politics articulated around framing practices, subsidiarity is nothing more than a substitute to pro-choice and pro-life values and it enables actors to pursue short-term political objectives (i.e. the failure or success of the Estrela report).

Further empirical analysis is required in order to consolidate these findings. For example, semi-structured interviews could determine whether the framing strategies are consciously developed, or if they more correspond to a phenomenon that has not been anticipated by the actors themselves. Moreover, the parallel with the US scenario deserves deeper reflection on the limits of an EU-US comparison in terms of secularization, institutional configuration and political situation. Eventually, it would be interesting to compare the framing strategies of the Estrela debate with the framing strategies of the Van Lancker debate. The latter refers to the 2002 report on SRHR that, contrary to the Estrela report, was well adopted by the EP.

References


Appendix: Analyzed documents

Commission of the Bishops’ Conferences of the European Community


European Dignity Watch


European Humanist Federation


European Parliament

European Parliamentary Forum on population and development


Federation of Catholic Family Associations in Europe


10th International Conference in Interpretive Policy Analysis
8 - 10 July 2015, Lille (France)

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One of Us


