



Literary Heroines and Legislation. Literary Discourses and Women's Rights

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ABSTRACT

Introduction: This article analyzes the influence of literary heroines on the evolution of gender legislation and the defense of women's reproductive rights, focusing on how these figures have challenged gender roles, serving as symbols of resistance and social transformation throughout history. The objective is to evaluate how literary representation has contributed to social and legal changes in favor of the struggle for bodily autonomy. **Methodology:** Analytical, comparing literary texts with the socio-legal context of different eras and nations. **Discussion:** Argumentation underlies the relevance of literary heroines as manifestations that not only reflect the desires of their authors but have also served as symbolic tools that have permeated collective thinking, encouraging debate for the construction of legal reforms that promote women's rights, influencing social movements and purposes at the global and national levels. **Conclusions:** Female characters in literature have been symbols of struggle and change, challenging the social and legal norms that have limited women. Their stories have contributed to cultural and legal transformation in favor of reproductive rights and gender equality. This demonstrates that artistic expressions have the power to change

perceptions, open debates, and transform societies. The progress made is the result of collective efforts, but it is necessary to continue the struggle to ensure that all women can fully access their rights.

Keywords: Literary heroines; Reproductive rights; Gender equality; Social transformation; Bodily autonomy.

1. INTRODUCTION

Throughout history, literature has been a vehicle for expressing and reflecting on the complexities of human life. It has also been an effective means of communicating ideals, values, political projects, and social criticism. In each era, writers have described and questioned the characteristics of the societies they examined through stories that narrate relevant issues, discussions, and problems that permeate culture and help construct social thought.

Of course, the privilege of writing has been largely male, as men have had the prerogative of accessing knowledge as stipulated within the social and cultural structures that have favored their dominance in the educational, political, and religious spheres. Even today, for example, in the field of legal research authorship, female scientific writers are in a clear minority in a male-dominated world (Bayona-Aristizábal & Milla, 2023). In most societies, women were relegated to the domestic sphere and systematically excluded from learning institutions, which were considered spaces exclusively for men. Furthermore, the historical narrative, written mainly by and for men, consolidated the idea that knowledge was an extension of male power, perpetuating the difficulty of access to it (Barreto-Montoya & Tinoco-Ordóñez, 2024). This disparity was reinforced in legal systems, favoring practices that limited women's education and ensuring that men retained control over the process of knowledge development and transfer.

In this context, literary heroines emerged as female characters in published works, becoming symbols of resistance, courage, and transformation, challenging the gender roles imposed by social and cultural norms and giving rise to the development of women's rights. Throughout history, these leading ladies have challenged traditional stereotypes, representing independent, strong, and resilient women who fight against the restrictions imposed by patriarchal norms. Through their stories, these protagonists have inspired a change in thinking among generations of readers, showing that women can take on diverse roles and transcend social limitations.

Initially, these heroines represented their authors' desire for social change, and in turn, these authors faced multiple challenges in writing and publishing their works. Some chose pseudonyms to be taken seriously by the publishing industry and literary critics, while keeping their reputations away from social reproach, which translated into anonymity to avoid questions about their behavior. On the other hand, the lack of access to education and resources directly affected their chances of devoting themselves more deeply to writing, leaving their education in the hands of family members or subject to self-taught instruction (Gutiérrez, 2014). In other cases, the heroines of literary discourse are created by male authors, but nevertheless fulfill similar functions to those explained above. In all cases, the reception of the role of the "heroine" in literature generated controversy among readers, as it called into question issues such as marriage, economic dependence, reproductive rights, and female independence, which posed problems in societies that wished to maintain the status quo.

Over time, the role of literary heroines has influenced the struggle for women's rights. In this regard, for example, the writer Soledad Acosta de Samper, a 19th-century pioneer of feminism, journalist, and historian, contributed 21 novels. This has also been part of historical processes such as the participation of Juana Azurduy and many other women in the wars of independence in Latin America (Guardia, 2010), the creation of the suffrage movement since the late 19th century, the union leadership of María Cano in Colombia, the distribution of the contraceptive pill, the disruptive cultural and political influence of Frida Kahlo, the approval

of abortion rights in the Roe v. Wade ruling in 1973 by the US Supreme Court, the movement of the Mothers of the Plaza de Mayo in Argentina, the popular election of Violeta Chamorro as president of Nicaragua in 1990, the struggles for rights by Nobel Peace Prize winner Rigoberta Menchú, the struggles for rural women's rights by Justina Inés Cima in Brazil, the battles for women's reproductive rights led by Esperanza Brito de Martí in Fem magazine, the Beijing Declaration, and the creation of the #MeToo movement, among many others.

In this order of ideas, the article seeks to evaluate the influence of the figure of the literary heroine in the development of gender legislation and in the defense of women's rights. It seeks to identify and analyze the role that literature plays in social communication of the foundations and mechanisms on which cultural, political, and legal transformations will rest, that is, in the communication of new understandings about women's social positions and roles and their rights.

To answer this question, it is essential to consider how literary works go hand in hand with social movements, legislators, and activists to highlight and legitimize the need for regulatory reforms. Thus, they have transcended the pages of books by influencing the legal, political, and social spheres, using their capacity to generate empathy in questioning the status quo.

It is important to recognize that literary heroines are not static characters; they represent values, ideas, and struggles that resonate in dynamic historical contexts. For example, the protagonist of Jorge Isaacs' *María* (1878), although she breaks with the social conventions of the 19th century and chooses freedom, still limits her life to love and, in fact, will die of love; while *La Marquesa de Yolombó* by Tomás Carrasquilla (1928) reflects not only the social limitations imposed on women, but also their ability to resist and adapt to these circumstances. This representation provided symbolic frameworks for understanding and criticizing the patriarchal structures that have historically relegated women to subordinate positions, impacting public debates on equity and inclusion.

It should be noted that, in principle, the term "literary heroine" refers directly to the characters in the works. However, most authors had to face challenging situations in order to make their work known. They had to fight for their characters and their stories in contexts that rejected them. This allowed the characters in their texts to achieve the success they later gained and kept them relevant over time. Because of this, it is possible to say that, in their own way, they were also heroes and heroines.

In order to provide an answer to the research question, four sections will be developed, in which the deconstruction of traditional notions of gender and the female body will be evidenced, giving way to the concept of bodily autonomy that will permeate socially and legally until reproductive rights are achieved, all while analyzing the influence of literary heroines during the metamorphosis.

2. OBJECTIVE

To evaluate the influence of literary heroines on the evolution of gender legislation and the defense of autonomy and reproductive rights, highlighting how these representations have challenged traditional social roles, promoting bodily autonomy and gender equality through cultural and legal transformation in different historical contexts up to the present day, considering international and national developments.

3. METHODOLOGY

An analytical methodology was used to develop the research, aimed at evaluating the influence of female characters on the evolution of gender legislation and reproductive rights. Being analytical, it allows for the breakdown and interpretation of literary representations, identifying how female characters challenged the social and legal norms of their time. On the other hand, a sociological method was applied, focusing on the social, political, and cultural contexts of the legal statements examined.

The epistemological approach adopted is not causal/explanatory, but rather comprehensive, in accordance with the parameters outlined by Max Weber (1992). Therefore, the study does not seek to establish causal links, but rather to understand how phenomena occur, their relationships, and their significant meanings.

The research has sought to explore other epistemologies and worldviews (Irala, 2021; Silva-García et al., 2021; Villalobos-Antúnez et al., 2022; Silva-García & Pérez-Salazar, 2021; 2023; 2025; Agudelo-Giraldo, 2025), with the intention of undertaking descriptions and interpretations in line with the realities and needs of the global South, which have unique features.

4. DISCUSSION

4.1. Moving from the sheet to the ideal: the evolution of the literary heroine and her influence on the development of gender concepts

The issue of gender relations is not always, but very often, associated with situations of social divergence. In these situations, the groups that make up society become embroiled in disputes over the realization of their interests or the imposition of their ideologies, even to the detriment of the rights of others, exposing states of diversity (Silva-García et al., 2024). This generates social conflicts, in which the most powerful actors tend to prevail, sometimes using the state and the law as instruments to realize those interests and ideologies (Carvajal & Trujillo Osorio, 2023; Dávila, 2023; Llano-Franco, 2023; González-Monguí, 2023; Quiroz-Vitale, 2023). Gender conflicts, which will be described and discussed later, are a specific form of social divergence, in which patriarchal interests and sexist or macho ideology tend to dominate. Quite often through violence (Levchenko et al., 2024). Subjected to unequal treatment in the justice system (Riquelme-Espinosa & Quiroz-Rojas, 2024). However, within the dynamics of social divergence and conflict, resistance is planted and the struggle for social change continues, allowing for relationships based on freedom and justice (Picarella & Guadarrama-González, 2022). Regarding the latter, literary discourses that embody heroic women, in the course of highly effective communication processes, have played an important role in generating new symbolic elements in the struggles for women's rights, pushing for changes in legislation that result in advances in the recognition or protection of fundamental rights (Orozco-López, 2025).

The first ideas of female inclusion were put on paper, conceived as absurd dreams of women who longed for freedom. This created characters who questioned the society, values, and concepts of their time, which captured the hope for a better future in the minds of female audiences. They believed that, perhaps, with enough effort, this scenario could move from the pages to reality, thus transforming “literary heroines” into the spark that would ignite change.

Lucía, the protagonist of *Una holandesa en América*¹ by Soledad Acosta de Samper (2015), represents this in the 19th century: a cry for women's autonomy, which will not depend on love, marriage, and men to make a life of their own. Her autonomy focuses on the right to choose her own life, but she also has access to the elements, such as education, that allow her this privilege, even though she claims it only for women of the elite.

Thus, “literary heroines” are understood to be female characters who act as the narrative center in a work and who, through their actions, decisions, and conflicts, shed light on key aspects of the female condition in a particular era. They reflect the restrictions imposed by dominant gender roles and the influence these would have directly on the course of their lives.

One of the first heroines emerges from classical literature in 441 BC with Antigone in Sophocles' tragedy (2000). She takes it upon herself to bury her brother Polynices despite the order of the king of Thebes, Creon, who considers him a rebel because of his role in the civil war against Eteocles. He therefore condemns his body to

¹ A Dutchwoman in America

be left exposed and without funeral rites, so that his soul cannot rest in peace, as his body will be devoured by scavengers and he will wander eternally. In order to avoid this cruel fate for her brother, she chooses her family duty over the royal decree. Her actions embody resistance to authority and injustice. By defying the rules and prioritizing her sense of family and moral duty over the laws imposed by the king, she displays a degree of autonomy that was uncommon at that time in history and emerges as a woman who challenges male political power. Women were not considered citizens, and therefore had no say in political affairs or the enactment of laws. Finally, although there have been advances in Colombia in contemporary times, women's roles as legislators are still limited given their diminished status (Silva-García & Ortega-Ruiz, 2023).

In another perspective, romantic literature features Elizabeth Bennet, known for being the protagonist of Jane Austen's *Pride and Prejudice* in 1813. Austen is an author who offers works with a subtle sense of humor, using questioning and satire to disguise her intention to describe the social problems faced by women. In Elizabeth's case, Austen portrays her as a woman who opposes the ideal of submission of the time, where women must marry even if they are not in love with their future husband. This rebellious behavior goes hand in hand with the protagonist's intelligent and independent personality, two unappreciated qualities that break with the expectations of her family and society (Austen, 2017).

A classic literary example that also supports this idea is Leo Tolstoy's 1877 novel *Anna Karenina*, a work that explores the complexities of love, morality, and social norms in 19th-century Russia. Here, the conflict is experienced by Anna, who is portrayed as a woman trapped in an unhappy marriage to Alexei Karenin, a rigid and distant government official. Her counterpart is Count Vronsky, a passionate and lively young military man with whom Anna begins a clandestine affair (Tolstoy, 2020). Throughout the novel, the protagonist seeks only happiness, with social judgment for infidelity as her main obstacle. This ultimately plunges Anna into a spiral of social rejection, emotional isolation, and despair.

In the work, Tolstoy masterfully presents a clear contrast. At the beginning of the novel, Anna travels to rescue her brother Levin's marriage, due to infidelity that has left his wife feeling insulted and seeking a divorce; with the visit of her sister-in-law, she reconsiders her decision and forgives him. However, this forgiveness is not reciprocated, since in the romance between Vronsky and Anna, the latter is fervently condemned to ostracism, at the risk of losing everything, even her own child (Tolstoy, 2020).

On the other hand, since marriage was considered the goal of a woman's life, girls were educated to follow this path. This idea created a desire among young women to find eligible partners, since if the wait was long, the possibility of marriage and motherhood was reduced. This not only restricted women's freedom and purpose in life, but also imposed an obligation on their bodies, since not being able to have children or form a family was a direct cause of the breakup of the couple and underlying social criticism (Flores, 2019). It is from this pressure that the supreme relevance of motherhood arises, as an intrinsic responsibility of female nature. Having the power to give life, reproduction and the preservation of the lineage were essential, hence there was no possibility of any woman refusing sexual intercourse.

Control of the female body is at the epicenter of gender relations. This includes control to ensure their readiness for motherhood, control over their bodies through all kinds of treatments and interventions to make them more attractive and, therefore, suitable objects for motherhood (Silva-García & Barreto-Montoya, 2022), as well as control over their autonomy to turn them into objects that are always available under subordination.

Two heroines who challenge this ideal are Nora Helmer from Henrik Ibsen's 1879 play *A Doll's House* and Defred from Margaret Atwood's 1985 book *The Handmaid's Tale*. The first of these, Nora, is the embodiment of the perfect wife, defined as a woman who fulfills the gender ideals of the Victorian era, when women were idealized as obedient and self-sacrificing figures devoted exclusively to caring for the family, raising children, and unconditionally supporting their husbands. However, due to a series of events, she helps her husband solve

a financial problem, but he becomes deeply angry with Nora, who realizes that her marriage is not a partnership based on love and equality, but a relationship of domination and subordination. This leads her to evaluate her role as a wife and mother. In the end, she prioritizes her personal development, making the decision to leave her husband and children, as she believes she must discover who she really is (Ibsen, 2020).

From this perspective, Nora made a heroic decision by choosing herself over socially accepted norms, affirming that her most important duty is to herself. Such autonomy and individuality underscore the idea that women have individual rights beyond their traditional roles and can therefore decide the course of their lives. This is an extremely important contribution to the development of feminist thought, as Nora's act inspires generations of readers to ask important questions about the concept of love and the possibility of autonomy.

Secondly, there is Defred, a literary heroine who faces an extreme reality in which fertile women, called handmaids, are subjugated in an authoritarian world and forced to conceive children for the ruling elites. In this fictional world, women are classified according to their usefulness. In addition to the "handmaids," another established subclass is the "Marthas," who are housewives (wives and maids). Of course, these categories pigeonhole women and condemn them to a life of servitude, as they are reduced to "objects" or viewed as "reproductive vessels" (Atwood, 2021).

This work is Atwood's attempt to deconstruct the idea of traditional gender and criticize socially imposed roles. The narrative presents an extreme vision, a scenario where women have a purely reproductive role and are focused on household chores, contrasting with the male figure characterized by power and authority, revealing the gender gap that exists in the real world and showing the consequences of objectifying women. Of course, Defred is considered a heroine because throughout the story she refuses to accept being considered a mere "object." Through her reflections and actions in the novel, she invites readers to rethink the power dynamics established in gender constructs. Along with this, it is possible for readers to identify with her situation, due to her constant desire to be considered a complete person beyond the roles she has been assigned simply because she is a woman (Atwood, 2021).

So far, all the heroines referred to have had a complex internal debate, which has led to the resolution of conflicts created by traditionally imposed ideas, undoubtedly offering new ways for women who read about them to change their realities or, at least, to question them. Each story is a call to action to defend women's rights.

Hence the importance of cultural development through expressions such as literature, film, art, and music in the construction of gender ideals. Although this article focuses on heroines in literature, they are not the only ones who have had a significant impact on the advancement of ideas that have created the social changes that women enjoy today (Hernández & Oliveros, 2023). Each of these artistic media is indispensable because they offer tools to question, transform, and enrich perceptions of human identities. They tell stories that reflect social realities, transforming them into media that reconfigure prevailing ideas and, in turn, foster a space for dialogue and reflection, resulting in eventual social change (Luque & Caballero, 2023).

Gender relations are a subjective social construct influenced by historical and social conditions (Berger & Luckmann, 1991). Although the world has an objective dimension, based on verifiable facts, it also has a subjective dimension based on beliefs, judgments, and definitions that shape the perception of reality. It is in this subjective realm that gender relations originate, constructed from ideas that often lack an objective basis and even contradict material reality (Silva-García, 2022).

In this regard, literary heroines have influenced both dimensions: objectively, by providing a basis for research that verifies gender roles and disadvantages in the workplace (wage inequality, lack of remuneration), education (unequal access), politics (low proportion of women in positions of power and leadership), and

health and well-being (gender-based violence). Similarly, they have influenced the subjective dimension by helping to change perceptions of reality through social deconstruction.

An example of this is the creation of social movements. Many women activists have found inspiration in these figures, recognizing in them a reflection of their own struggles. The stories of these heroines have served as tools to educate, raise awareness, and motivate society to question gender norms and build a more inclusive future. This has led to debates, reforms, and collective action in favor of gender equality. Works such as Betty Friedan's *The Feminine Mystique* in 1963 and Kate Millet's *Sexual Politics* in 1969 introduced new perspectives on women's rights, giving rise to key arguments such as "what is personal is political." An example of this is gender-based violence, which is not only an individual problem for the victim, but also a political issue that reflects inequalities within the social structure (Tomé, 2020).

In Latin America, authors such as Rosario Castellanos and Claribel Alegría became real-life heroines by transgressing the roles assigned to them, deciding their future as writers, and using their pens to address gender issues in contexts marked by violence, poverty, and colonialism. The first of these, Rosario, was a Mexican author noted for her contribution to the feminist struggle through her many writings and essays. One of the most renowned was *Sobre cultura femenina* (On Female Culture) in 1950, in which she examines the marginal place that women have had throughout history (Secretaría de Cultura², 2019). Claribel, meanwhile, was a Nicaraguan poet known for her legacy in the defense of human rights (Hermeneuta, 2022).

Once the foundations for the deconstruction of traditional roles had been laid, a profound debate began on the perception of the female body, with her concept serving as a precursor to the establishment of reproductive rights and autonomy. Heroines question the traditional role of reducing women to their reproductive function, subjecting them to symbols of purity and absolute devotion. Therefore, their contribution is the claim of sovereignty over their decisions, raising questions about the social and cultural control of the female body.

4.2. Liberated bodies, challenged norms: Female characters as agents of social and legal transformation

The female body has been subject to social, political, and religious control in many societies. It has been perceived primarily as a means of reproduction and a symbol of family honor. Women were guardians of their virtue and sexuality, monitored by patriarchal norms that reduced them to domestic and subordinate roles. This view was reinforced by Christian thought in the Middle Ages, especially during the Dark Ages (Luque, 2008), when the female body was associated with the antagonism between purity and sin, personifying a battle between good and evil in the Garden of Eden (Beteta, 2015).

Later, in the Victorian era of the 19th century, the ideal of women as "angels of the home" was consolidated, represented mainly as mothers, wives, or figures of moral purity, defining their value in terms of their reproductive capacity and their conformity to patriarchal ideals (Luque, 2008). Literary heroines broke with several of these molds by challenging these representations and raising fundamental questions in the development of debates that would help advance the reinterpretation of female corporeality.

An example of their influence is Kate Chopin's 1899 novel *The Awakening*. It stars Edna Pontellier, who finds herself trapped in a conventional marriage where she is dissatisfied with the role she is playing. On the contrary, she wants to prioritize her life according to her needs, her central conflict being the rootlessness she feels towards her family as opposed to her desire for freedom and self-understanding, seen in her connection to the sea, which is a symbol of her emotionality (Chopin, 2021). These ideas are considered transgressive for her time, especially because she decides to prioritize herself. While her husband is on a business trip in New Orleans, she makes the decision to live in a different house, where she has the opportunity to explore her sexuality with another man, while her children are cared for by her mother, which completely contradicts the

² Ministry of Culture

ideas of supposed purity that a woman should have. Here we see bodily needs as something intrinsic to human beings and not as a sinful matter. This narrative sets a crucial precedent in the idea of women's bodily sovereignty and their freedom of choice in matters such as sexuality and life goals.

As such, it could be argued that the idea of bodily autonomy led to a shift away from understanding its value in terms of biological functions and towards recognizing the body as a space for personal decision-making. Sovereignty over the body became part of the feminist movement's agenda, leading to consideration of abortion, access to sex education, comprehensive sexual health, and contraception. Each of these elements was important in defining reproductive rights (Guevara, 2020). The power to decide is also an aspect that develops more easily if economic freedom exists. Similarly, comprehensive sexual health education challenges gender stereotypes by promoting a broader and more equitable understanding of sexuality, teaching people to respect the decisions and bodies of their peers (Cavazotti, 2021).

This situation led to the struggle of social movements in the 20th century, from suffragettes to labor rights. Women began to claim spaces in the public sphere. In the 1920s, flappers challenged traditional norms by wearing short, loose-fitting clothes and behaving in a particular way, setting a precedent in the conservative society of the time and initiating significant changes (Ruiz, 2020). Then, in 1963, President John F. Kennedy appointed the Presidential Commission on the Status of Women (PCSW) to study the situation of women in the United States, revealing that they faced the same injustices as black minorities: in terms of employment, they received lower pay for performing similar tasks and duties and, in addition, had fewer opportunities to pursue a professional or managerial career (Barreto, 2018).

The novel *The Help*, by Kathryn Stockett (2022), provides a compelling analysis of the challenges faced by ethnic minority women. This text presents the reality of the 1960s in Jackson, Mississippi, one of the states with the highest rates of racial segregation at the time. This was due to its centuries-old history of racial violence that began with slavery, the Civil War, and continued with the Ku Klux Klan (Amato, 2022). The narrative is focused on three female characters: Aibileen Clark, Minny Jackson, and Skeeter Phelan are the subjects of this study. They are the subjects that challenge the oppressive system that imposes racial and gender inequalities. Aibileen and Minny join Skeeter, a young white writer, in narrating the silenced narratives of African American domestic workers in a book that challenges social norms and endangers the lives of all participants. Throughout the narrative, a persistent conflict emerges with Hilly Holbrook, who personifies entrenched racism and the oppressive control of African American women. Holbrook utilizes the "separate but equal" doctrine, which endorsed notions such as racially diverse restrooms, to justify her actions (Stockett, 2022). This doctrine was contested and adjudicated against Black women in the Supreme Court.

In this context, literary tools can serve as instruments for communicating and denouncing social injustice, highlighting the exploitation of African American women in the domestic sphere and their role in the fight for civil rights. Additionally, it addresses the exploitation of reproductive and emotional roles, illustrating how the system of racial segregation constrained the autonomy and well-being of African American women by compelling them to prioritize the needs of others over their own, even in fundamental aspects such as motherhood and health (Vergel & Martínez, 2020). This book serves as a symbol of the transformative power of literature, providing a platform for marginalized voices and contributing to a broader collective awareness regarding equal rights.

The character of Skeeter bears a striking resemblance to Jo March from Louisa May Alcott's 1869 literary work, *Little Women*. The two heroines in question defy conventional gender roles of their respective eras by opting for writing as a means of subsistence and personal articulation. By electing to pursue a career as an author, Skeeter circumvents societal norms that devalue her formal education and professional aspirations, thereby symbolizing her assertion of autonomy and dedication to self-sufficiency. In a similar manner, Jo March prioritizes her passion for writing over marriage, thereby presenting herself as a symbol of the pursuit of female

self-realization (Alcott, 2020). However, this is not the only similarity with literary heroines. In this iteration, Skeeter chronicles the narratives of African American women whose anonymity was preserved due to the perils they confronted if their identities were revealed. A parallel can be drawn to the experience of the Bronte sisters, who initially employed pseudonyms for their literary works to ensure their acceptance (Ibras, 2010).

In the analyzed work, the reductionist perspective on the female body, as it pertains to the domestic sphere, is evident. This perspective is linked to the notion that the domestic sphere is the sole life option for African American women. This denial of the ability to make decisions is linked to gender roles and is aggravated by belonging to a segregated ethnic minority. Moreover, the limited financial resources available to Black workers have a detrimental effect on their autonomy, as they are compelled to prioritize basic survival needs, thereby relinquishing their ability to make independent decisions regarding their personal lives. In the absence of opportunities, individuals resort to submission as the sole viable alternative.

One of the fundamental pillars of reproductive rights is the recognition of bodily autonomy—that is, the right of every person to make their own decisions about their body. For women, this concept is closely linked to access to reproductive health services, contraceptive methods, and the choice to become mothers. Access to safe abortion is one of the most controversial aspects and a subject of debate in various parts of the world. This debate pits those who reject abortion for religious, cultural, or moral reasons against those who consider it a basic and necessary right (González et al., 2024).

The concept of bodily autonomy is exemplified by the literary heroine Hester Prynne in Nathaniel Hawthorne's 1850 novel *The Scarlet Letter*. Set in 17th-century New England, the novel tells the story of a woman condemned to social ostracism. She is forced to wear a scarlet "A" embroidered on her chest, a punishment that subjects her to infamy. The novel seeks not only to brand her as immodest and sinful but also to subject her body and life to constant public scrutiny (Hawthorne, 2016). In Hawthorne's novel, the enlightened society is a direct allusion to patriarchal communities where female sexuality and motherhood are controlled through marriage (del Percio, 2023). Therefore, Hester's out-of-wedlock pregnancy was a direct challenge to this institution and the Church, potentially threatening the social order. Furthermore, the alleged illegitimacy of her pregnancy turns her body into an object of moral judgment, and her daughter Pearl into living proof of her "error."

Reproductive rights are closely related to the notion of gender justice and contribute to dismantling patriarchal structures that perpetuate inequality. In this sense, reproductive rights are not only a matter of health but also of power and autonomy, representing a struggle for equality in the broadest sense. To understand the advancement of reproductive rights and the evolving perception of the female body worldwide, it is important to highlight significant socio-legal milestones:

One iconic figure was Margaret Sanger, an American nurse and activist who, at the beginning of the 20th century, led the fight for access to contraception. In 1916, Sanger opened the first birth control clinic in the United States, challenging laws that prohibited distributing information about contraceptive methods. Despite facing arrests and persecution, her efforts paved the way for organizations like the International Planned Parenthood Federation, which played a pivotal role in promoting reproductive rights (Iñiguez, 2018).

In 1960, GD Searle & Company introduced the first birth control pill, Enovid, to the market in the United States. It revolutionized women's lives by providing an effective tool for family planning (Monterrosa, 2020). Combined with the growing feminist movement, this advancement would lay the groundwork for the United States Supreme Court's 1973 *Roe v. Wade* ruling, which legalized abortion nationwide. The ruling recognized women's right to decide about their pregnancies as part of their right to privacy. However, it remains a subject of debate because, on June 24, 2022, the Court reversed the decision, eliminating the constitutional right to abortion. Nevertheless, some judges continue to uphold this guarantee. For example, Wyoming Judge Melissa Owens declared two laws that nearly banned abortion and restricted the use of drugs to terminate pregnancies

unconstitutional because they conflict with the right to personal autonomy in medical decision-making (Moreno, 2024). The rapid legalization of abortion in Europe contrasts with the situation in Latin America, Africa, and Asia, where restrictive abortion laws persist due to religious and cultural influences. (Cifuentes, 2024).

Later, at the 1994 International Conference on Population and Development in Cairo, organized by the UN, reproductive rights were recategorized as a human right. This conference granted women the autonomy to decide matters of sexual health, birth control, and the right to demand quality medical services (Guevara, 2020).

These advances laid the foundation for the concept of bodily autonomy, a central idea that paved the way for choices about motherhood and sexuality. This concept facilitated the formation of a new feminine identity that went beyond traditional roles.

4.3. Emancipatory narratives: Cultural expressions and their role in the development of legislation that supports women's rights

Emancipatory Narratives: Cultural Expressions and Their Role in the Development of Legislation that Supports Women's Rights

In contemporary times, however, the common denominator remains the struggle over gender issues. Although there has been significant advancement in reproductive rights, they are still not fully endorsed in society. Furthermore, the body has become a symbol of identity and resistance that transcends traditional social norms and expectations. However, challenges such as the objectification of women and gender-based violence persist.

International legal advances have led to the identification of practices that restrict women's rights, subjecting them to violations that ignore their bodily autonomy. These include forced sterilization, female genital mutilation, and reproductive exploitation.

In this regard, international regulations have implemented several instruments to curb these practices. Regarding forced sterilization, Article 16 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women establishes women's right to freely decide the number and spacing of their children, emphasizing the need for informed consent in medical procedures. Likewise, Article 7 of the Rome Statute considers forced sterilization a crime against humanity when it is committed as part of a systematic attack against the civilian population (Corte Penal Internacional³, 2002).

Female genital mutilation (FGM), defined as the intentional alteration or injury of the female genital organs for non-medical reasons, is undoubtedly a practice that controls female sexuality and violates human rights (Quintero & García, 2021). In 2012, the United Nations General Assembly adopted Resolution 67/146, urging states to implement policies that eradicate this practice by promoting awareness campaigns and ensuring access to health services for victims.

Regarding reproductive exploitation, the Palermo Protocol against trafficking in persons has been applied, especially in cases where women are forced into unwanted pregnancies or under coercive conditions (Naciones Unidas⁴, 2000). Nevertheless, gaps remain in the international regulatory framework regarding issues such as surrogacy. Without appropriate regulation, surrogacy can be carried out commercially, compromising the rights of the pregnant woman and the fetus (Pérez, 2022).

³ International Criminal Court

⁴ United Nations

These behaviors each violate human rights and perpetuate gender inequality and violence against women. Although international standards have established a solid foundation for eradicating these behaviors, the success of these initiatives depends on their effective implementation and the political and cultural commitment of nations.

In an effort to enforce rights, U.S. Justice Ruth Bader Ginsburg helped strike down discriminatory laws and strengthen the legal framework surrounding gender equality and reproductive rights. In landmark cases such as *Whole Woman's Health v. Hellerstedt*, she defended access to safe abortions, emphasizing that reproductive autonomy is essential to gender equality (Grossman, 2016). Following in her footsteps, Simone Veil contributed to the legalization of abortion in France as Minister of Health through the Veil Law. This law specified that voluntary termination of pregnancy would be legal up to the 14th week and allowed for abortion at any stage if there were serious fetal malformations or if the woman's life was in danger (Drovetta, 2021). In Africa, Wangari Maathai's work as the founder of the Green Belt Movement is notable. She empowered rural women through reforestation and land ownership initiatives. Maathai was awarded the Nobel Peace Prize for her work (Arduino, 2013).

These women and activists fighting for rights worldwide are joined by figures who have influenced society through culture. These authors have expressed their perspectives on what it has meant to be a woman through their works. Two of the most notable figures are Simone de Beauvoir, who, in her 1949 work *The Second Sex*, explored the relationship between social constructs and their potential limitations on women's freedom, and Virginia Woolf, who, in her 1929 work *A Room of One's Own*, argued that women's economic and creative independence is fundamental to their personal development. In 1929, Virginia Woolf published *A Room of One's Own*, arguing that women's economic and creative independence is fundamental to their personal development. She also denounced the structural barriers faced by women writers, influencing feminism by advocating for equal opportunities (Woolf, 2021). Outside of her extensive novel writing, Isabel Allende reflected on feminine roles in *The Soul of a Woman* (2020) to refute patriarchalism.

4.4. The echo of literary heroines in Colombia: their impact on the establishment of gender and reproductive rights

This global progress extended to Latin America, where the battle was fought against the authority of the state and the church, which had dictated norms in colonial society. These institutions played a crucial role in maintaining male dominance in public life, while women were responsible for maintaining the home. Consequently, women's bodies were viewed as objects of moral and social control, associated primarily with reproduction and virtue (Silva-García & Ávila-Cano, 2022).

In Colombia, the outlook for women was unfavorable during the 19th century and part of the 20th century. They faced restrictions on citizenship, lacked access to voting, higher education, and control over their property. At that time, female bodily autonomy was limited; abortion was criminalized, and access to contraceptives was limited.

The first significant advance in women's rights reforms came with the enactment of Law 28 of 1932, which amended Article 181 of the Civil Code (Law 84 of 1973). This amendment permitted married women of legal age to appear in court and manage their property without the need for marital guardianship or judicial permission. Additionally, it stipulated that their husbands could no longer act as their legal representatives (Colombia, Congreso de la República⁵, 1932). Subsequently, through the constitutional reform contained in Legislative Act 3 (Colombia, Congreso de la República, 1954), women obtained the right to vote.

⁵ Congress of the Republic

Progress toward reproductive rights, however, was an arduous struggle with constant intervention from the feminist movement in American thought. At the first Pan-American Population Assembly in 1965, the country's overpopulation in the 1960s was exposed and dubbed "the population explosion" by President Alberto Lleras Camargo. The assembly concluded that couples should be encouraged to have a number of children consistent with their ideals and in proportion to the care they could provide (Medina, 2008).

That same year, family planning made significant progress with the establishment of the Colombian Family Welfare Association (PROFAMILIA). This private institution provides contraceptive information and supplies to low-income women. Several family planning centers were also established during this time. Meanwhile, feminism was conspicuously absent from the country, but its ideas were brewing in silence. However, there was an abundance of controversial reports and polemics driven by conservative thinking about women's integration into society, predicting the corruption of women and the end of the human species (Medina, 2008).

This restricted the opportunity for literary heroines to express themselves. One such heroine, appearing in 1963, ridiculed women as the culprits of all evils in the novel *El harassante verano de los dioses* (The Harassing Summer of the Gods). In it, Fanny Buitrago presents four women on a journey to find their identities and freedoms while living on the Colombian coast (Buitrago, 2016). Later, in 1987, Marvel Moreno explored the contradictions of gender norms in the Caribbean through female characters who challenge expectations and illustrate the tensions between personal autonomy and social oppression (Moreno, 2022) in her novel *En diciembre llegaban las brisas* (In December Came the Breezes).

Literary heroines appear in the works of Gabriel García Márquez. In *The Incredible and Sad Story of Innocent Eréndira and Her Heartless Grandmother* (García Márquez, 1972), Eréndira confronts the most pressing problem facing Latin American women: violence, most often perpetrated by partners or family members. She fights against sexual exploitation and violence. Meanwhile, the Inquisition persecutes freedom, turning a girl named Sierva María de Todos los Ángeles into a victim of ignorance, love deprivation, freedom denial, and violence (García Márquez, 1994). The literary discourse first denounces the violence that afflicts women and secondly, exalts resistance despite the vulnerability derived from lesser power, which marks the path to liberation.

The breaking of social taboos and conventions—in this case, age differences and forbidden, though not illegal, kinship relationships—is championed by Julia Urquidí, the protagonist of *Aunt Julia and the Scriptwriter* by Mario Vargas Llosa (1977). Meanwhile, in *One Hundred Years of Solitude* (García Márquez, 1967), Úrsula Iguarán embodies the matriarch who directs and cares for the Buendía family for a century, becoming a leader who represents the axis and grounding pole of her family for generations.

The struggle for female autonomy is a constant theme in Latin American fiction. Carmen Boullosa defends this idea in *The Book of Eve* (2020), which uses a reimagining of Genesis as a pretext to rethink female roles. This is similar to the revolt proposed by Pilar Quintana in *The Bitch* (2017), in which she explores the tension surrounding motherhood and sexuality alongside her insubordination. It is a path of personal exploration that Clarice Lispector also took in *The Hour of the Star* (1977). These women continued the tradition of questioning the injustices of the prevailing patriarchal system alongside the struggle for women's suffrage and equality, a struggle supported by Nobel Prize winner Gabriela Mistral (1992). Other pioneers include Alfonsina Storni, a social activist and feminist whose poetry debates motherhood, sexuality, and the oppression of women (2017).

Progressive ideas solidified women's position in Colombian law with the 1991 Constitutional Charter. Articles 13 and 43 of the charter established equal rights for men and women (Asamblea Nacional Constituyente⁶, 1991). Furthermore, the Charter established protection mechanisms, such as the "tutela" (right to protection) action, which allows women to demand respect for their fundamental rights in a court of law. The

⁶ National Constituent Assembly

Constitutional Court protects all of these norms and has played a fundamental role in constructing gender concepts. Through emblematic rulings, the Court has developed a progressive interpretation of gender as a social construct that requires affirmative measures to guarantee substantive equality.

Indeed, regarding reproductive rights, in 2006 the Court ruled through Judgment C-355 to decriminalize abortion in three specific circumstances: when the woman's life or health was at risk, when the pregnancy resulted from rape or incest, and when the fetus had malformations incompatible with life. This decision was a milestone because it challenged traditional norms that had historically limited women's self-determination for the first time, prioritizing women's health, dignity, and lives (Daza et al., 2024).

In 2022, this ruling was complemented by Judgment C-055, which established the right to terminate a pregnancy up to the 24th week of gestation. Feminist movements promoted this decision, which reflects a perception of the female body as a space for personal decision-making rather than as an instrument of reproduction controlled by the state. Additionally, the ruling acknowledges the structural barriers women face when accessing health services. In some cases, the procedure is legally permitted but faces significant obstacles in practice, particularly in health centers where the process is prolonged to the extent that the legal timeframe is exceeded, forcing women to seek clandestine services.

In line with these rulings, legislation has provided protection for women. Examples include Law 1257 of 2008 (the Law for the Prevention, Punishment, and Eradication of Violence Against Women), Law 1639 of 2013 (which protects the integrity of victims of acid crimes), and Law 1761 of 2015 (which establishes femicide as an independent criminal offense despite the technical and political reservations it raises). These laws focus on preventing and punishing violence against women to help protect their rights. Regarding reproductive rights, Law 2244 of 2022 was enacted to eradicate obstetric violence. This form of violence consists of the physical and emotional abuse of women during pregnancy, childbirth, or the postpartum period. The law implements guarantees that recognize women's rights throughout their pregnancies and provide them with dignified, respectful, and humane births.

While Colombia has made rapid progress, it, like many Latin American countries, still has a long way to go to establish legal guarantees for women.

5. CONCLUSIONS

Through effective processes of social communication, female characters in literature have transcended the pages to become symbols of struggle and change. Through their actions and decisions, they challenge social and legal norms, exposing the systemic injustices that restrict women's freedom. By prompting readers to consider these issues, literary heroines have played a pivotal role in the cultural and legal shifts toward gender equality and bodily autonomy.

These characters' impact reminds society that artistic expression has the power to shift perceptions, spark debate, and ultimately contribute to social change. In a world where women's rights are still challenged, these forms of expression continue to inspire new generations to challenge oppressive norms and build a more equitable future.

However, a social battle persists that can only be resolved through an ongoing cultural transformation. Today, the literary heroine lives on in literature, film, theater, music, and fashion. She is present in every daily setting, inspiring women to continue this struggle. Once confined to the pages of books, they now have a physical presence. They have paved the way for many to enjoy guarantees that were once only imaginary. It is everyone's duty to continue paving the way so that future generations have even greater possibilities.

The progress achieved thus far is the result of collective efforts, including the tireless work of pioneering

women, the support of allies in various sectors, and the transformation of legal and cultural frameworks. However, maintaining momentum and redoubling efforts is essential to ensuring that all women can access their rights. Many of the legal changes that have been enacted are still ineffective, particularly with regard to women's freedom, life, and integrity.

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