

Thinking Gender 2010

Abortion in Brazil: contending discourses and women's experiences

*Fernanda P. Tussi*¹

Federal University of Rio Grande do Sul
nandatussi@gmail.com

Introduction

It is a common practice for anthropologists to explore connections where scholars from different disciplines do not expect to search and find them. This is the theoretical and methodological orientation in which I was trained as an anthropologist and from which I approach the practice of abortion in Brazil in hope to reach an understanding of the constituent dimensions of this social fact.

Before I move on to the discussion, I would like to provide some background on the practice of abortion in Brazil. In contrast to the US, abortion is a crime according to the Brazilian Penal Code of 1940. Abortion is punishable by one to three years in prison, except in cases of rape or life-threat to a pregnant woman. The illegal practice, however, is still widely carried out to interrupt unplanned pregnancy, and there are just a few cases of punishment in the jurisprudence.

Based on my fieldwork in the South and Central-West of Brazil, my research goal was to examine how various discourses intersect on the issue of abortion. My purpose in this paper is to analyze the interplay of cultural, political and experiential dimensions on hidden abortion practices. I have been working on this issue for four years and it is from my fieldwork experiences and interviews that I collected for my master's thesis that I will discuss.

I conducted fieldwork in two research sites. One is located in the southernmost part of Brazil (State of Rio Grande do Sul, the city of Porto Alegre), where I studied a group of 13 women between the ages of 23 and 53 years old, belonging to different socio-economic segments. I conducted semi-structured interviews from 2006 to 2009, aiming to understand the experience of

¹ Graduate student in the Social Anthropology M.A. Programme at Federal University of Rio Grande do Sul (UFRGS), Porto Alegre, Brazil, under the supervision of Dr. Ceres Victora. Fernanda Tussi has a bachelors degree in Social Sciences and, as an undergraduate student, worked as a research assistant in a survey on adolescent pregnancy and abortion in Brazil. She has been a member of NUPACS (center for research of medical anthropology) for five years, hosted at UFRGS, Porto Alegre, Brazil. Her research interests include contemporary feminist social theory, anthropology of the body and reproductive health.

women who practiced one or more abortions. All women interrupted pregnancy illegally, however, no one was legally punished for it. This case represents the explicit absence of State intervention in the practice of abortion.

My other research site was the city of Campo Grande (State of Mato Grosso do Sul, central west of Brazil), where I followed the actors involved in a nationally known media case of indictment of hundreds of women due to the practice of abortion. In this case, a family planning clinic was shut down by the accusation of being a place where abortion procedures were conducted for several years. About ten thousand health records of patients were seized and a massive lawsuit were initiated against women who supposedly performed abortion in the clinic. In order to reconstruct the case, I followed and interviewed State prosecutors, police deputy and lawyers involved directly in the case, including the doctor (who was the owner of the clinic), as well as women from Campo Grande who carried out abortions.

These two research sites represent ways in which abortion issues are treated in Brazil. In both cases, I explored different perspectives, their convergence and divergence. I will now highlight the contending discourses that I collected from different actors involved.

The interplay of different perspectives on abortion

Based on the data gathered from newspaper articles, pamphlets from social movements and political parties, and websites with information on abortion, I observed the centrality of women as an object of the contending discourses. From the legal perspective, in Brazilian Penal Code of 1940 there is no mention about the participation of man in cases of abortion. The Article 124 provides penalty of imprisonment of one to three years for those who “make abortion in itself or allow others to make it”. In the articles related to “Induced Abortion”, the punishment is three to ten years in prison for anyone who performs abortion without consent of the pregnant woman, and one to four years when performed with her consent.

In case of male participation regarding someone responsible for the intervention – such as a doctor, for example - there is no doubt about the punishment as prescribed by law (Articles 125 and 126). On the other hand, there are few discussion of male participation as co-authors, if he is the woman's partner. In the case of Campo Grande family planning clinic, the State prosecutors and the police deputy I interviewed argued that most indicted women preferred not to denounce their partners at the time of abortion. One of the women who had an abortion in the clinic stated that it depended heavily on the participation of a former boyfriend to pay the medical intervention.

Despite not having received a summons to deposition at the time of the interview, she said that if called, she would not mention his presence, since he “helped” pay for the abortion.

When I was in Campo Grande/MS one of the first things I have heard was that there were about 200 women already indicted and around 920 to be indicted. Regarding men, only eight had been indicted until February 2009, some of them being former employees of the family planning clinic. There is no indication of how many men are going to be indicted, since it depends on the denunciation by women, which, as already mentioned, rarely occurs.

One important thing to observe is that mostly women are being condemned by the practice of abortion. This fact goes unquestioned from the legal point of view, since one can argue about the difficulty of identifying who would be the father in cases of interrupted pregnancy. On the other hand, the presumably unmediated relation between abortion and women provides the condition for a massive condemnation of a specific gender. The “Campo Grande case” became a paradigmatic one because it represents the State intervention in the practice of abortion, affecting mainly women, including the clinic owner². The event occurred in a context where the debate about abortion has taken visibility on the commercial media, fomenting mobilization for a possible - but not yet implemented - change in legislation. From the point of view of the clinic owner, the closure of her establishment was linked to political persecution. The case, oddly enough, was guided by a law from the 40's, which is totally disconnected from the daily lives of women in Brazil.

The Feminist Voices

The impact that this case had in the local, national and even international³ press aroused discussion in various political networks. Many feminist activists spoken against the massive indictment, starting heated public debates. The reactions from political movements brought even more discussion about the empowerment and autonomy of women with respect to the right to conduct safe and legal abortion, reclaiming autonomy for women to make their decisions, involving, therefore, the resolution to interrupt a pregnancy.

The feminist discourses express an ongoing “fight for equality and autonomy of women”,

2 The owner of the Family Planning clinic was an anesthesiologist. Because of the process against her for abortion, she had her diploma revoked by the Federal Council of Medicine (CFM) in July 2009. In November of the same year, she was found dead in her car, with evidences of suicide.

3 See <http://www.rhrealitycheck.org/blog/2008/07/21/kansas-and-brazil-punish-women-abortion>;
<http://news.bbc.co.uk/2/hi/americas/7740996.stm>;
<http://www.medicalabortionconsortium.org/regionalnews/abortion-persecution-in-brazil-816.html>;
http://www.thaindian.com/newsportal/health1/brazilian-doctor-accused-in-almost-10000-abortions-found-dead_100282751.html

justifying abortion as a way to change the unequal relations between men and women⁴. Moreover, there are arguments on the decriminalization for “free choice”⁵, and the “women's right to decide about their lives, their body and on reproductive roles as fundamental human rights”⁶. The discourse that demanded “women rights” as “human rights” and “reproductive self-determination” directly and explicitly involved the issue of abortion, defending the autonomy of women's body.

In the Brazilian public sphere⁷, abortion is a topic of contention amongst most religious groups, social movements and political parties. The feminist movements, since its resurgence, especially in developed countries and soon after in Brazil, carried the slogan that “the personal is political”. They brought up issues such as sexuality, domestic life and abortion. This historical event can be considered as a political removal of the public-private dichotomy, since private domains of life, such as family and home life started to be politicized (Gamba, 2009; Costa, 2009).

It is possible to observe in the political discourse that the male presence is not much mentioned in the question of abortion. The ideology of autonomy of women's body considers that every woman has the right to make her decision on the termination of pregnancy, focusing solely on the woman and diverting attention from the participation of man, when it is the case.

Women's Narratives

The women I interviewed who had one or more abortions but were not prosecuted - the vast majority of cases of illegal abortion in Brazil – offered me a different perspective from that of the social movements and the legal operators. Although they do not compose a homogeneous group, since they belong to distinct age groups, levels of educational instruction and socio-economic class, the narratives do manifest recurrences and regularities. They described past abortion events, therefore, requiring an effort to reconstruct the context in which they lived at the time of abortion/s. The context may not be reproduced fully in the present time, as evidenced by their recurring arguments that abortion was the most appropriate decision at that time, although, they would not do it again, as they report below:

4 Coalition of Brazilian Women (Articulação de Mulheres Brasileiras)
<http://www.articulacaodemulheres.org.br/amb/index.php>

5 CLADEM – Brasil (Latin American Committee for the Defense of Women's Rights - Comitê Latino-Americano e do Caribe para a Defesa dos Direitos da Mulher) - <http://www.cladem.org/>

6 CLADEM – Brasil (Latin American Committee for the Defense of Women's Rights - Comitê Latino-Americano e do Caribe para a Defesa dos Direitos da Mulher) - <http://www.cladem.org/>

7 Understood by M. Rosaldo (1974) as: “activities, institutions and forms of association that link, rank, organize or subsume particular mother-child groups” (1974:23)

I accomplished my obligation, that's right. But, then, I felt a remorse and sadness for having done it (...). I don't like to think about it, I know I had killed someone, this is terrible, but...no, how can I tell you, I don't regret. At that moment, it was what I could do. Right or wrong, I did what I could have done at that moment. (...). So, in that sense, I couldn't regret, I did what I could have done.

(Denise*, 44 years old, up-middle class, married, one child, one abortion)

Looking back, well, I think at that moment it was something that helped me, at the time was valid to me, you know? Not today (...). If this happens to me today, let's say, with my daughter, I would not do that. (...) At that moment it was my salvation. By uncertainty, I don't know, I decided to do (...). At that time it was valid, I needed to do it. It was not the solution for everything, but I learned, if that was such a good experience for me I would have done much more (...). One time was enough for me.

(Gina*, 42, working class, divorced, seven children, one abortion)

So, at that time I thought, you know what, I will do that! (...). But today I had already promised to me: I do not want more children, I do not want to make [abortion] anymore. We are not proud of it, it hurts, you know? Back then, every time I saw a baby I felt bad! He was supposed to be my baby (...) I am not proud of myself, I do not think it is beautiful to say "that is you choose to do", but each one has a choice in life (...) I will tell you: I will not do it anymore. The last one [abortion], (...) I do not even like to talk about. (...) It hurts me a lot.

(Gabriella*, 29, working class, divorced, mother of two, about six or seven abortions)

Regarding the legal code which prohibits and prescribes penalties for those who make abortion, women who have had this experience does not seem to take up a political position to challenge the law. While some say they are “against”, “agree” or “agree, with restrictions”, we can certainly affirm that there is an ambivalence and a lot of suffering in the narratives. These evidences show that even though abortion is “morally wrong” and legally condemned, in specific situations it can be tolerated (Victoria, 1991; Leal and Lewgoy, 1995). “I do not want to make an abortion again” is a recurrent sequence in the narratives, which expresses either a traumatic event and/or a moral disposition that renders the practice “wrong” and painful. The event of abortion is often depicted as a disruptive one:

I'm still in favor of abortion, I must say. (...) But, obviously I would not do it again.

(Sophia*, 42, working class, divorced, one child, three abortions)

Nowadays, I am against it. I revolt myself if someone tells me that she is pregnant and wants to perform an abortion. I shall even denounce this person. I think you have to be careful, you have to prevent the pregnancy (...). I think nobody has the right over anyone's life. The responsibility is mine, who made a wrong thing was me. I would not have [another abortion].

(Ines*, 45, working class, married, two children, one abortion)

I approve abortion only in case of rape, violence. Today there are measures to prevent, to project a pregnancy. [...] I agree when it was the outcome of an act of violence against women... I'm not in favor of abortion: "abortion? all right!", no, not really. (...) Here [in Brazil] it is like that: once you decriminalize, the practice becomes a mess, I do not think it is OK.

* Women's names were changed to preserve their identities.

(Tania*, 52, middle-class, widow, two children, one abortion)

The legal condemnation is far from these women, since what prevails is the moral character involved in the abortion and it is precisely what will define whether it should be condemned or tolerated. The linkage between abortion and morality provides the grounds for the legal matter as well - unknown to some women who have had abortions, especially those with lower education levels.

It is prohibited, so no matter how much you support it, you feel that something is wrong. Everybody is against it, it is an horrible practice. So you feel inside... it is not a sense of guilt, but I know I did something wrong. First, it is against the law, second, it is something that people consider wrong.

(Ana*, 23, middle class, single, one child, one abortion)

*Nowadays I would not do it, whatever the situation be. People say it takes a life and all that (...). I think I did wrong. If it were today, I would not do it. I think we have to be careful, because it's **almost** a crime, right?*

(Mary*, 28, working class, divorced, one child, one abortion)

In the narratives one can observe that the ideology of autonomy of women's body as advocated by feminist movements is far from actual experiences and expectations. The priority is situated on relationships with a male partner (in cases of abortion in Brazil, not in general terms, it should be clear). Based on the interviews, it is possible to observe the role of the male figure as crucial to the definition of keeping or interrupting the pregnancy. Some studies suggested that the figure of man is essential to the concept of family in Brazil (Sarti, 1996). Others argue that even if the pregnancy is a “female thing”, abortion involves more than just woman (Víctora, 1991), but a whole net of relationships that goes beyond even kinship.

These cited elements from the women's narratives are important to illustrate the relational feature of men and women facing an unplanned pregnancy. As it was suggested before, the attitude of a man facing a situation of unexpected pregnancy is crucial to make or not to make an abortion. Even though the decision to perform an abortion is supposedly of her as an individual, the male subject influence the situation and his presence is always necessary for the concept of family as a value to be sustained.

Final Considerations

Based on discourses and narratives on abortion in Brazil, it is possible to observe a great number of ambivalences that constitute the polemic issue. On the one hand, the discourses in circulation on the public sphere and the narratives of women diverge in regard to the involvement of

man. For the former, there is an absence of his involvement as a discursive object. In contrast, the latter suggests the involvement of a wider group of actors (family, work colleagues, partners) in the decision to perform or not an abortion.

The feminist movements' generalized stance regarding sexual and reproductive rights had its first appearance in Brazil during the period of democratization (from the end of the dictatorship regime, from 1985 onward, to the so-called “opening to democracy”) (Sarti, 2004). It started heated debates on the decriminalization of abortion, and this flag was kept and carried on up to the present day.

The women's narratives reconstructed the moment of abortion as a traumatic experience (Schutz, 1979). The moment being part of a past was only reconstructed to justify the conditions in which the decision to make an abortion was made. The decision, therefore, was dependent on time, situation and relationships that were influential during the event. The narratives on experiences of abortion, not only reinforced moral values, such as the expectation to constitute a family, but also underscored the importance of a whole net of relationships for the women.

In face of a whole network of intersecting discourses, ultimately inscribing themselves on the women's bodies, I suggest some further questions on how to reframe the abortion issue, mobilizing Sherry Ortner's concept of “agency” (Ortner, 1996, 2007). Since the possibility to decide about the interruption of pregnancy in Brazil is often associated with a wider project on family that is not individual, the context that involves its negotiation can be understood as a form of agency. In the brazilian context, *to what extent can we think of agency as empowered practice to decide about our own bodies?*

Based on the empirical data I discussed briefly, one is now able to observe a dynamic flux of various discourses and narratives intersecting around the problematic issue of abortion in Brazil. My stance on the debate, therefore, is to require information on the **context** that informs decisions (time, situation and relationships) on the event of pregnancy and on the decision to perform an abortion. Without analyzing the interplay of institutions, discourses, narratives, values and commitments in which women are interwoven, a reflexive approach to the autonomy of the women's body is rendered infeasible.

Cited References

Costa, Ana Alice. O Movimento Feminista no Brasil: dinâmica de uma intervenção política. (2009) In Melo, Hildete P. de; et al. (org.) *Olhares Feministas*. Brasília: Ministério da Educação: UNESCO.

Gamba, Suzana B. “Feminismo (Historia y Corrientes)”. (2009). In GAMBÁ, Suzana B. (Coord.). *Diccionario de estudios de género y feminismos*. Buenos Aires: Biblos.

Lamphere, Louise and Michelle Zimbalist Rosaldo, editors. (1974) *Women, Culture, and Society*. Stanford: Stanford University Press.

Leal, Ondina F. e Lewgoy, Bernardo. (1995) *Pessoa, Aborto e Contracepção*. In: LEAL, Ondina F. (org.). *Corpo e significado: Ensaio de Antropologia Social*. Porto Alegre: Editora da UFRGS.

Ortner, Sherry B. (1996) *Making Gender: The Politics and Erotics of Culture*. Boston: Beacon Press.

Ortner, Sherry. (2007) *Uma atualização da Teoria da Prática e Poder e Projetos: Reflexões sobre a Agência*. In: Grossi, Miriam; Eckert, Cornelia e Fry, Peter. Conferências e diálogos: saberes e práticas antropológicas. Blumenau, Nova Letra/ABA.

Sarti, Cynthia A. (1996) *A Família como Espelho: um estudo sobre a moral dos pobres*. São Paulo: Cortez.

Sarti, Cynthia A. (2004). O feminismo brasileiro desde os anos 1970: revisitando uma trajetória. *Revista de Estudos Feministas*, Florianópolis, v. 12, n. 2, 2004.

Schutz, Alfred. (1979). *Fenomenologia e relações sociais*. Rio de Janeiro: Zahar, 1979.

Víctora, Ceres (1991). *Mulheres, Sexualidade e Reprodução*. Dissertação (Mestrado em Antropologia Social) do Instituto de Filosofia e Ciências Humanas, Universidade Federal do Rio Grande do Sul.