

Q: I really appreciate your account of how the 2004 Brazilian Supreme Court jurisprudence has shaped the kinds of legal arguments that are possible now and more generally, how feminist legal strategies are constrained by social and political context. This week we read Ricki Solinger and Loretta Ross on the history of the concept of reproductive justice, which emerged from women of color critiques of individualistic frameworks of reproductive rights, responding specifically to how “the right to choose” does not adequately address structural and institutionalized racism in the United States. How do these critiques translate to the Brazilian context? Do the debates around Zika, and the political context of the Bolsonaro regime, add new perspective to how we have been thinking about reproductive justice in the U.S.?

GR: From the theoretical point of view, everything that is done in the US has a huge influence on Brazil. Within the feminist academy, we can say that how the term “reproductive justice” has been framed in the US is very influential on how we frame it here. We make the same parallels: how institutional racism plays out here in Brazil, how everything is interconnected.

I think what the Zika crisis brings to us is the necessity to think about what to do when we have these very individualistic claims that clash with the protection of children with disabilities. This was very controversial, even inside the feminist movement. We had a part of the feminist movement in Brazil that would say, “Well yes, I think we have to discuss abortion rights and I’m obviously pro-choice. But I’m reaching a limit here. I’m not comfortable with reclaiming abortion rights during the moment of the Zika crisis because it clashes with the rights of people with disabilities, and I’m uncomfortable with that.”

We had this political landscape in which we knew we couldn't fight for broad abortion rights right at that moment; such a thing was just impossible at that moment in time, 2015 and 2016. But we have these black and brown women from the northeast who are very poor and are under extreme pressure and mental distress, and they may need to access an abortion. And we—the white feminists from the center who are thinking theoretically about these things—are not going to fight for abortion rights in this particular moment because we feel uncomfortable with the clashing of these two demands?

This was very intense, because we’re not just talking now about a clash of theories but about what was actually playing out in the real world. It’s not an easy debate. The only way to avoid the paradox of these two demands is to fight for them at the same time. What we have to do is demand abortion rights for these vulnerable women right now, and at the very same time we’re going to reclaim the cash transfer benefit for women who don’t want to have an abortion but rather want to have their child. We reclaim their access to the health facilities they need. We really fight for social protections for children with disabilities, because *that* is how we protect them. Sustaining criminal law is not protective for people with disabilities.

Q: Was the contradiction that people felt between women's rights and disability rights the reason that you weren't able to find a partner organization for the abortion case that you brought before the court?

GR: Yes, this was the main challenge that we had to the case. But it's mainly related to the fact that Brazil is a very Catholic country. Religion plays a huge role here. For most people discussing abortion at all is a problem, and this is why we couldn't find a partner who would agree to present a broad case on abortion in the same moment we were discussing Zika. But of course, people often wouldn't frame it in quite that way. They would talk about the right to life, use more religious frames like that. The conservative forces in Brazil, as in the US, are very much steeped in religion, so that's what we had to fight against.

Q: How has Bolsonaro coming to power in Brazil affected the fight for reproductive justice, or made your own work and research more difficult?

GR: I mentioned briefly that we managed to present a broader case to the court in 2017—back before we had Bolsonaro —seeking to fully decriminalize abortion until week 12 of pregnancy. By early 2018 the case had a record number of amicus curiae briefs filed in the history of the court. This pressure that civil society put on the court forced them to call for a public hearing, and having a public hearing at the supreme court is a huge political event in Brazil. This was in March 2018, when Lula, our ex-president, was about to go to jail, and just before the elections that would elect Bolsonaro. We were in a very complicated political scenario: our main leader on the left was going to jail, and Bolsonaro was rising. But still, the court decided this was the moment to discuss abortion.

The hearing was in August 2018 and it lasted for two whole days. It was an amazing opportunity to discuss abortion. We were able to organize and have very well-prepared experts presenting reliable data and women's stories. It was really good for the pro-choice movement and it really helped to reframe the debate.

The fact that all of this happened right before Bolsonaro came to power changed things a little bit. It changed how the media framed the debate. So even though Bolsonaro is in power and even though we have a very conservative congress right now, they haven't been able to pass any bill to restrict abortion rights. And the fact that they haven't been able to do that proves that in reality they are fighting amongst themselves. They're not so sure if they want to restrict abortion rights after all.

This shows that we had very important gains in the debate of 2018 that balance things a little bit. Of course, we have this conservative congress making very conservative claims all the time, but in practice they haven't been able to pass any related bills. That's definitely something. Now we'll see. The case was announced for next week, and we already have many anti-choice people in the media talking about and against the case. The hashtag #notoabortion or something like it was a trending topic yesterday in Brazil because the ruling is coming. It's

confusing, but I do think we're in a better place now than we were before, despite having Bolsonaro.

Q: You mentioned that when you first filed the case in 2004, you couldn't frame the issue around autonomy or a more individualistic approach. Why was that, and has anything changed in the intervening years?

GR: There were a few factors that helped us understand that we couldn't frame it like that. First, there was something of an anthropological sensitivity to how women were framing their demands. Women who received a diagnosis of anencephaly, they weren't feminists. They wouldn't talk about it by saying, "I'm an activist and I want abortion rights." They would say, "I would love to be a mother and this is a desired pregnancy, but I'm suffering in the knowledge that this pregnancy won't end with a living baby in my arms." They wouldn't be framing it in terms of autonomy.

We couldn't say it was a matter of privacy, because that just wouldn't resonate with the terms of the debate here in Brazil. It sounds almost selfish in Brazil. This is somewhat less true now than it was then, but the privacy frame still doesn't make sense in the Brazilian context, unless you're talking to activist groups.

However, the dignity frame does make sense, and there's a possibility to link the issue of dignity to that of autonomy. Since the anencephaly case, people can understand that the right to have a dignified life can include the right to make other relevant decisions about one's life. But dignity is a complex and very Christian concept. It implies a relationship to others—an audience for your dignity or lack of dignity—so it's not very individualistic. But it is somehow linked to autonomy in this broader sense.

Q: I was wondering about the broader movement in the Latin American region, especially as Mexico and Argentina have been grappling with the decriminalization of abortion. Has there been international cooperation around these issues and how does it impact the court case that you're working on?

GR: Brazil is a little bit isolated in the region, not least because of language; we speak Portuguese and everyone else speaks Spanish. It's difficult for us to have the level of collaboration that other countries have. But despite this, ever since the Green Wave in Argentina, we've seen a strong collaboration between countries. It's changing even the imagery around the feminist movement: we had so many green pañuelos [handkerchiefs] at our feminist marches in Brazil in 2018. The pañuelos are everywhere now.

Of course, we also have our clashes. Some sectors of the feminist movement in Brazil don't want to use the green pañuelos because they say, "This is from Argentina. Ours should be

purple!” But this is all normal for social movements; the important thing is that we do have a connection with other countries.

Q: I was interested in the religious aspect of it all, because personally I went to Catholic school growing up and it was pretty blindly pro-life. We were never really educated on other sides of the debate. In the Brazil context, do you think the strength of the pro-life movement is due to a lack of education about the pro-choice side of the debate, or because of people’s blind belief in Catholicism?

GR: Education and family values are the basis of the problems we’re having. We don’t have sex education in Brazil, so the lack of education around this issue is very basic and it makes it very hard to move forward in the debate. Even if you try to push the discussion around gender-based violence or very basic things around gender discrimination, the attack against gender ideology comes back again.

We have to grapple with the influence that the Catholic church has, but now we have a strong neo-Pentecostal influence in Brazil as well. Sometimes the church is the only so-called institution that the most vulnerable people on the margins of Brazilian society have regular access to. They go to church in their free time. Even if someone in the public schools tries to express a different perspective—which is not common, but even if they try to—people will then just go to church and hear everything from the opposite perspective. It is a struggle in Brazil.

Q: I’m interested in how both sides of the debate get reframed in the process of accommodating or appeasing the other. For example, you talked about how you would have liked to focus on autonomy, but instead you focused on dignity. On the anti-abortion side, they framed the problem in terms of eugenics and disability rather than religious ideas of life. I’m wondering if it will be possible for the feminist movement to combine arguments for reproductive rights with disability rights in order to resist this tendency of co-optation?

GR: Starting with our arguments in the Zika case, we’ve been pointing out that the pro-choice movement is the side that is actually looking to protect life. We’re the ones pushing for social policies to protect kids and their families. So many groups are only concerned with pushing back on abortion rights, but they’re not interested in fighting for the cash transfer benefit or recognizing that these children need special access in our public healthcare system. These kids are dying of pneumonia. These kids are dying because their families can’t afford the special milk that they need. Mothers can’t go back to paid work because their kids require care 24/7.

That’s how we try to reframe criticisms: Who exactly is it that’s trying to protect life here? Who is really protecting these kids with disabilities? It’s not someone’s push against abortion that’s doing that.

That's what we'll be saying in the coming days as the trial approaches. Critics have already been saying, "We're in the middle of a pandemic where we're trying to save lives, and now the supreme court wants to rule against life and in favor of abortion!" And we're going to say, "No. What's happening is we're finally taking seriously what a public health emergency looks like for vulnerable populations, and in particular, vulnerable girls and women."

Q: Back to an element of the last question—because of the way conservative counter-movements have taken up human rights, such as ‘the absolute right to life,’ is there a degree of “language fatigue” in the feminist movement—a stepping away from human rights talk because it’s been so thoroughly co-opted by critics that it’s been rendered useless?

GR: If you only use human rights language in an abstract way, your arguments aren't going to work on the ground. I'd say that we don't have to avoid the use of certain human rights language, but we do need to be mindful that certain language isn't resonating with peoples' moral values. We have to find ways to really talk to people. We've been working a lot on this, especially in the current political context. We have to ask ourselves, "What has the progressive movement lost in this battle?"

The motto "My Body, My Rights" isn't resonating with the majority of women in Brazil. Autonomy and privacy don't resonate. We have to talk to Brazilian women in their terms, and we have to recognize that we have a very religious population. It's not to say that we have to use their terms to manipulate them, but we can frame our arguments in a way that can reach their hearts.

That's why we talk about dignity. We can still use very traditional human rights concepts and constitutional concepts, but it's important to always combine them with personal stories and other ways of framing our demands in a very values-based way.