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**Themes of (de)legitimation
on the burial of aborted fetuses:
*the Italian pro-life and pro-choice movements***

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Abstract

In Italy, all aborted fetuses are required to be buried. However, when thousands of fetuses graves were found displaying a cross with the name of the person who had aborted, the practice was contested. The aim of this study is to examine the justifications behind the mobilization of the pro-life and pro-choice movements in Italy around the practice of the burial of aborted fetuses. Through the analytical lens of the movement-counter movement framework, the analysis is based on concepts of legitimation and delegitimation. Interviews, public statements to media, speeches and website content of activists and organization spokespeople belonging to both the Italian pro-life and pro-choice movements were employed. The research, conducted through a thematic analysis, highlighted four themes: the legal ground of the practice; the role of Catholic religion; medical and scientific based claims; and claims linked to ideas of trauma, loss, and psychological violence. This study represents an expansion on the relevant theme of the anti-gender rise in Europe, especially concerning the conflict between pro-life and pro-choice around sexual and reproductive rights. However, limitations are represented by the small sample and the lack of attention towards this topic in academia. For this reason, more research is needed.

Keywords:

pro-life - pro-choice - reproductive rights - fetuses burial - Italy

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1. Introduction

On September 28, 2020, an Italian woman who had undergone an abortion procedure 7 months prior due to medical complications in her pregnancy, found out that the fetus she had aborted was buried in Cimitero Flaminio in Rome, unknowingly to her. To signal the grave, a cross with her name on it. After denouncing it via Facebook, thousands of women all over the country have shared their similar experiences (Obiezione Respinta, 2021).

According to the Italian legislative system, all aborted fetuses are required to be buried. For those aborted before the 20th week of gestation, parents may make the request to handle the burial within 24 hours of the abortion procedure; when this does not happen, the products of conception are disposed directly from the hospital. In many cases, hospitals, instead on doing it themselves, rely on pro-life Catholic associations, whose volunteers collect the remains and carry out funeral ceremonies. From testimonies collected by activists, it emerges that women are not adequately informed of the fate of the product of conception, given that they are usually not asked to give written or oral consent on this type of ceremony (Guerra, 2020).

Since the issue of the burial of aborted fetuses was brought to light by birthing people and families that had experienced finding out that the product of their abortion had been buried in a public cemetery without being informed and giving consent, the Italian pro-choice movement has raised its voice, carrying on class action lawsuits and organizing protests. On the other hand, the pro-life movement keeps defending its right to carry on the burials, which is indeed in line with legal regulations (Ballestra, 2020). Both movements explicitly and publicly defend their position on the matter, using specific discursive strategies of legitimation and delegitimation, employing different concepts and ideas to justify their position on the issue. But which are the recurring themes in the public

discussion of both movements? How they articulate their opinion around the burial of aborted fetuses, both for and against?

The purpose of this thesis is to examine the reasons behind the mobilization of the pro-life and pro-choice movements in Italy around the matter of the burial of aborted fetuses. In order to do this, I have conducted a thematic analysis on textual data including interviews, public statements to media, speeches in different conferences and website content of activists and organization spokespeople belonging to both the Italian pro-life and pro-choice movements, to analyze how they discursively construct legitimation or delegitimation and how it connects to their actions in terms of this phenomenon. Moreover, I aim to conduct my analysis using a framework which considers the movement-counter-movement dynamic as my analytical lens. In order to do so, I am to answer the following research question: *What are the recurring themes in the public discussion around the practice of the burial of aborted fetuses by the pro-life and pro-choice movements in the Italian context?* More specifically, I have decided to divide this RQ in two sub-RQs: *1. How is discursive legitimation constructed around the practice of the burial of aborted fetuses by the pro-life movement in the Italian context? 2. In what ways the pro-choice movement delegitimizes the claims of their opponents?*

From the first mobilization in France in 2011, the anti-gender rhetoric has spread all over Europe, including Italy. Consequently, legislations aiming to reduce gender and sexual disparities were stopped and blocked. Similar claims have been spreading even in Latin America, especially for what concerns sexual rights and LGBTQ+ rights (Corredor, 2019). Graff and Korolczuk (2022) have argued how anti-gender mobilization differs from State to State, depending on the local cultural and political dynamics, while having at its center “politics of reproduction, kinship and hierarchy of power between genders” (p. 6). In some of these contexts, anti-abortion claims are at the center of these debates, and this has had direct consequences on the laws and policies regulating it. For example, in Hungary, where the topic of sexual and reproductive health and rights (SRHR) is a

fundamental part in the political discussion, access to abortion has been reduced in the past decade (Vida, 2019). Similarly, in Poland, where the 1993 law on abortion, (Béland et al, 2016), has been recently restricted, which means that pregnancy can be terminated in two cases: if it seriously threatens to the pregnant person's life and if the fetus is the result of incest or rape (Trifonova, 2020). Looking outside the European Union, one noteworthy case is represented by Argentina, who has legalized abortion within 14 weeks of gestation in December 2020. Argentina's law on abortion represents a huge change in terms of reproductive rights in Latin America. However, on the practical level, practitioners are pressured to declare themselves conscientious objectors, especially by religious groups (Politi, 2021).

Several authors have explored the current anti-gender backlash in Europe and in the rest of the world: Graff and Korolczuk (2022) have analyzed the anti-gender movement all over Europe, focusing especially on their rhetorical strategies, and considering it as a part of the rise of the populist right; more specifically on the Italian case, Avanza (2015) has studied the discourses on the pro-life movement pronounced during national anti-gender conferences; Kalm & Meeuwisse (2020) have conducted a similar analysis during the World Congress of Families (WCF), held in Verona, Italy in 2019. In this thesis, despite not having directly considered the Italian pro-life movement as a part of the anti-gender transnational movement, I recognize that the analysis of the themes used in the public discussion in the defense of the burial of aborted fetuses may be relevant for future studies, since it involves a relatively new topic. However, despite its novelty, it presents connotations that may reveal interesting aspects of their discursive tactics. Moreover, as I will further explain on the theory section, I chose to observe the themes in the public discussion concerning the burial of aborted fetuses of both the pro-life and pro-choice movements through the lens of a movement-counter-movement framework. This theory has been employed in several studies of the same movements in different geographical contexts. For example, Corredor (2019) has employed the idea of counter-movement to study the transnational entity of the anti-gender movement; Rohlinger (2002) has analyzed how two ideologically

opposed social movement organizations have organized their actions in the matter of the abortion debate in the United States. Despite the critical aspect of the framework – Graff and Korolczuk (2022) and Kalm & Meeuwisse (2020) have both critically put it into discussion – and in spite its use is more common in the study of social movements actions, I have chosen to employ it in the analysis of public discussions, since my main focus is the construction of themes of (de)legitimation around the same topic, and this lens may be useful to highlight the use of similar or opposing argument in the same themes.

The study is structured as follows. In part two, following the introduction, the context is presented, specifically in relation to the right of abortion and the legal framework on the burial of aborted fetuses, along an overview on the pro-life and pro-choice movements in Italy. Section three offers an insight on previous literature on the topic. Part four and part five explain respectively the theoretical framework and the methodology adopted in this research. Part six displays the empirical analysis and findings of the study. Finally, part seven provides the discussion and conclusion.

2. Context

2.1 *Abortion in Italy: an overview*

In the next section, I explain the conditions under which abortion is accessed in Italy, by introducing a short description of the law and of the process necessary in order to become entitled to get an abortion, as I am to present the possible complications a person may encounter in this situation. This is to demonstrate that despite the depenalization of voluntary termination of pregnancy, the legal framework includes provisions that may represent an obstacle to the right of abortion, such as the limited use of medical abortion and the possibility for healthcare professionals to consciously object.

In Italy, voluntary termination of pregnancy has been depenalized in 1978. The so called *legge 194/1978* titled *Norme per la tutela della maternità e sull'interruzione volontaria di gravidanza* (“Regulations for the protection of motherhood and voluntary termination of pregnancy” - my translation), regulates the procedures to access induced abortion. According to this law, all pregnant people are eligible to request an abortion during the first 90 days of gestation for health, economic, social, or familial reasons. After the 90 days term, it is possible to access abortion only in case of severe malformation of the fetus, or in case the life of the person carrying the pregnancy is put in serious risk because of their condition. The abortion can take place exclusively in public hospitals belonging to the National Health Service and in affiliated private structures authorized by the Regions, which have the competency in matters of public health (Spinelli, 2019).

The first step to become entitled to get an abortion is the acquisition of a certificate that confirms the pregnancy and the pregnant person’s will to terminate it (Caruso & Zanini, 2016). After obtaining the certificate, the person must wait 7 days and after that they may complete the procedure by turning to the previously stated structures. Considering data from the year 2019, the certificate of pregnancy is produced in 44,2% of total cases in a *consultorio familiare* (a public structure somewhat similar to a family planning center); in 33,4% by an obstetrician or

gynecologist performing the abortion, and in 19,9% by a family practitioner (Ministero della Salute, 2021). In the case that the person requesting to interrupt their pregnancy is a minor, their parents or legal guardians need to approve the procedure. If they are unable or unwilling to provide said approval, it is possible for the minor to appeal to a judge (Spinelli, 2019).

The abortion procedure may be surgical or medical. Surgical abortion, consisting of procedures such as hysterosuction, uterine curettage or suction abortion using the Karman cannula, is used in 71,2% of the total cases. In the remaining cases (28,8%) a medical abortion is performed (Ministero della Salute, 2021) through the use of mifepristone and misoprostol. Since its approval in 2009, medical abortion is still not widely used, mainly because of the Italian Ministry of Health guidelines, which recommend medical abortion to be only offered in hospitals, up to 7 weeks of pregnancy, as an in-patient treatment. This choice does not conform to international clinical guidelines, “producing unnecessary burden on provision services and provoking clinically unjustified barriers to access to the treatment” (Caruso & Zanini, 2016).

Like in other European countries, the Italian law on abortion recognizes the right of healthcare professionals to abstain from performing abortions because of conscientious objection. In fact, practitioners must present a formal declaration of their choice to the local healthcare authority and to the director of the structure where they work (Autorino et al, 2020). In 2019, 67% of gynecologist declared to consciously object to perform abortions (Ministero della Salute, 2021). This percentage is growing over the last few years (Autorino et al, 2020). The law 194/1978 stipulates that each hospital or authorized structure needs to ensure provision of an abortion procedure to those demanding them. However, institutions controlling this aspect are the Regions (Ministero della Salute, 2021), that often fail to ensure an effective distribution of doctors providing abortions across the State, resulting in territorial discrimination (Autorino et al, 2020).

In the Italian context, the Catholic Church, whose capital, the Vatican, exists within the borders of the Italian State, since the approval of the law 194/1978, has

focused on encouraging practitioners to use the conscientious objection provision (DiMarco, 2009). Apart from this aspect of religion influencing reproductive rights, which is a formal practice, another reality that has recently surfaced is the burial of aborted fetuses, which is usually performed by pro-life Catholic associations all over the country (Guerra, 2020). The Church's opposition to abortion is because, according to canonic law, it represents a crime against life and human freedom, which makes it equivalent to homicide. In fact, for the Church life starts at the same moment in which the egg is fertilized. The same canonic law punishes with excommunication the woman, the gynecologist performing the abortion and any other medical professional contributing to the procedure (Milani, 2012). Moreover, the Vatican has demonstrated to have the power and resources to still be a strong entity within the countries of the European Union (DiMarco, 2009), seeing that in the Italian context it still influences the public discussion around abortion, even restricting this right with the existence of conscious objection for medical professionals.

2.2 The burial of aborted fetuses in Italy: legal and institutional context

In this section, my aim is to explain the legal and institutional context in regards of the burial of aborted fetuses in Italy.

According to the Italian legislative system, fetus aborted are usually required to be buried and the procedure depends on different aspects. In fact, the law denominated D.P.R. 10/09/1990, n. 285, at article 7, distinguishes the procedures based on the gestational age. In the case of *nati morti*, meaning stillborns, at any gestation age, their burial is mandatory, meaning that the dispositions that apply in this case are the same ones that apply for any other corpse. The second case is represented by *prodotti abortivi* (products of abortion) between 20 and 28 weeks of gestation, and fetuses above the 28th week of gestation that are not stillborns, it is the local health unit that takes care of the burial. The third case

concerns those aborted before the 20th week of gestation. At paragraph 4, article 7 of this law, it is described that in the second and third case, meaning at a gestation age between 20 and 28 weeks and of below 20 weeks, parents, relatives or *chi per essi* (whoever for them – my translation) “are required to present, within 24 hours of the expulsion or extraction of the fetus, a formal request to the local health unit along with a certificate indicating the presumed gestational age and the weight of the fetus” (D.P.R. 10/09/1990, n. 285, article 7, paragraph 4 – my translation) if they want to proceed with the burial. If the before mentioned actors fail to complete the request, the fetuses are supposed to be disposed directly from the hospital (Regolamento di polizia mortuaria, D.P.R. 10/09/1990).

Testimonies collected in the months after the issue came to light show that people undergoing an abortion procedure are not usually fully informed of their possibilities in terms of the burial and do not give written or oral consensus on a burial ceremony of any nature. They in fact usually sign a written consensus on the medical procedure alone, that does not mention the possibility of requesting inhumation for the fetus they are aborting (Guerra, 2020 – my translation). So, who carries on the burial of aborted fetuses?

In the infamous case of Flaminio cemetery in Rome, which caused the issue to come to light after a woman found a cross with her name on it on September 2020, the burial is carried on by the municipal company AMA, *Azienda Municipale Ambiente* (Municipal Environment Company – my translation), that is usually responsible for funeral services. The praxis in this specific roman cemetery prescribes that fetuses are inhumated and a cross with the name of the person who underwent the abortion procedure signals the grave (Bisbiglia, 2020 – my translation). However in other areas of Italy, especially in Northern and Central regions, oftentimes, hospitals sign an agreement with pro-life Catholic associations, authorizing them to bury the aborted fetuses themselves. What usually happens is that volunteers collect the remains and carry out religious funeral ceremonies. In both cases, it seems that the explicit consent of the person who aborted is neglected (Guerra, 2020 – my translation).

On a more institutional level, many city administrations which have a right wing ideological position and are often close to pro-life groups and associations, started to declare themselves as pro-life cities. These cities often have specific laws that compel cemeteries to dedicate a part of them to the burial of aborted fetuses (Guerra, 2020). Moreover, it is possible for regional and provincial administrations to restrict the current national regulation of the burial of aborted fetuses. It is the case of Lombardy, in which from 2007 to 2019 every aborted fetus, embryo or product of abortion, even the ones below the gestational age of 20 weeks, were mandated to be buried. The law was supported by right-wing politician Roberto Formigoni, who at the time was the region's governor. Formigoni is well known to have ideological positions close to *Comunione e Liberazione* (Communion and Liberation – my translation), an international Catholic group (Open Online, 2019).

Recently, on a national level, there have been legislative proposals that want to make the burial of fetuses aborted before the 20th week of gestation mandatory by law. The proposal submitted by Depute Luca De Carlo from the right-wing party *Fratelli d'Italia* (Brothers of Italy – my translation), which, in line with his perception of abortion as a dramatic act, deems that every body deserves a burial in alignment with the principle of human decency (TrevisoToday, 2019). In November 2021, the proposal was presented in the Italian Senate, and supported by Senator Simone Pillon of Salvini's *Lega* (League – my translation) party, who is known for his anti-feminist, anti-LGBTQ+ and anti-abortion positions. Contested by leftist politicians, the proposal foresees the burial of the fetus in a box, on which the date of the abortion procedure would be indicated (Giannioli, 2021).

2.3 The pro-life movement in Italy

Recently, the Italian pro-life movement has been more and more active, as it has launched a new wave of attacks against abortion (Caruso, 2020, p. 94). Despite its newly found activity, the Italian pro-life movement has been engaged

for decades. In fact, the *Movimento Per la Vita* (Pro-Life Movement, MpV), the principal institutionalized movement objecting to the right of abortion, has been working since its approval to restrict the 194/1978 law. However, the movement has experienced some internal divisions: one side of the movement approved a minimal solution in regards of abortion, meaning it would be allowed only in case the mother's life was in danger; on the other, the part of the movement closer to the Catholic Church advocated the solution referred to as maximal: a total ban on abortion. The movement is currently structuring its claiming to be more moderate, as it is now presenting as a pro-life movement rather than a movement against abortion, meaning it has abandoned its stance on the penalization of abortion (Avanza, 2018). Throughout the years, the MpV has opened more than 300 CAVs, *Centri d'Aiuto alla Vita* (Centers for the Aid to Life – my translation), where pro-life women volunteer to emotionally support women facing unwanted and/or difficult pregnancies. CAVs often offer economical support to women that are persuaded from getting an abortion (Avanza, 2015).

Along with the MpV, another pro-life association is *Scienza e Vita* (Science and Life), founded by Doctor Massimo Gandolfini, a neurosurgeon active in the pro-life movement, proposing scientific backing to anti-abortion ideas. Similar is the *Giuristi per la Vita* (Lawyers for Life) association, which uses juridic evidence to support anti-abortion and anti-feminist claims (Avanza, 2015).

Along with other anti-feminist movements, the pro-life movement in Italy has been advocating against the so called 'gender ideology', which according to them, would promote homosexuality and endanger 'the family', seen as a heteropatriarchal way, and life, from conception to death (Avanza, 2015). The same discourse was brought on during the World Congress of Families (WCF), that was held in Verona, Italy in 2019. Against abortion and birth control, female emancipation, gender theory, and sex education in schools, the WCF connects conservative organizations internationally and resembles a social movement as it mobilizes on the basis of a shared collective identity, aims for a social change through collective action (Kalm & Meeuwisse, 2020).

Among the pro-life movement, there are also associations that perform burials of aborted fetuses. One of these is called *Difendere la vita con Maria* (Protect life with Mary – my translation). The association, which counts three thousand volunteers operating in 19 out of the 20 Italian regions, has buried 200 thousand fetuses in the last twenty years (Melina, 2018). On their website, they state that law 194/1978 has generated “severe and complex consequences in several fields: spiritual, moral, legal, administrative for what concerns the healthcare system and social services” (Difendere la vita con Maria, undated – my translation). One of these consequences is represented by the urge of burying the fetuses, which they call “*bambini non nati*”, meaning unborn babies (Difendere la vita con Maria, undated – my translation). Throughout their website, it is possible to read several testimonies of lawyers, cardinals and bishops that support their actions, which they consider to be completely ethical and compliant with Italian law (Difendere la vita con Maria, undated). The President of the association states, in accordance with the Catholic Church, that life begins at the moment of the fertilization of the egg, and from that same moment, the fetus is a human being in its entirety. For this reason, he describes the actions brought on by the association are an act of love and solidarity (Melina, 2018).

2.4 The pro-choice movement in Italy

In the years prior the approval of the law regulating the right of abortion, the so called 194/1978 law, in Italy, the *Movimento di liberazione della donna* - MLD (Women's Liberation Movement – my translation) was born, which aimed to raise awareness on the subject of contraception and to fight for the liberalization and decriminalization of abortion. It was the MLD that proposed the first bill on the voluntary termination of pregnancy. Generally speaking, the Italian feminists were divided on this theme: on one hand, those who found that a law on the topic could not contribute in changing the condition of subordination lived by women; on the other hand, those who supported it as they considered it a step forward, a way to

reclaim ownership over one's body. When the 194 law was approved in 1978, the whole feminist movement considered it as a huge milestone for Italian women, while recognizing its critical aspects (Lussana, 2012). In fact, the radical feminist wing of the movement was critical of the 194 law, as it was considered the result of a compromise with the State's institutions and political parties against women (Lussana, 2012; Calloni, 2001). After 1978, whenever the law was attacked, the women's movement and feminist reacted and tried to defend it. However, they still demand a better implementation of it, and they recognize its limitations (Calloni, 2001).

To the recent challenges brought on by pro-life actors, the Italian pro-choice movement has responded promptly. In 2019, when Italy hosted the World Congress of Families in Verona, attended by at the time Interior Minister Matteo Salvini, around 20,000-30,000 pro-choice activists demonstrated. The protest was organized by *Non Una di Meno* (Not one less – my translation), one of the biggest trans-feminist organizations operating in Italy (Facchini, 2019). When in 2020 the issue of the burial of the aborted fetuses was brought to light, associations belonging to the Italian pro-choice movement like *Differenza Donna*, started a legal action and organized protests and sit-ins (Ballestra, 2020).

3. Literature review

3.1 The practice and regulation of fetuses burial

In this section, I present some of the studies conducted on the regulation of the burial of aborted fetuses. There is a very limited body of academic literature focusing on the practice and regulation of the fetus burial. The majority of the studies I have found focus mainly on interpreting the legislative aspect of the practice and cover the context of the United States of America.

Leach (2021), on the basis of the US context, recognizes that pregnancy and the existence of the fetus complicates pro-choice and pro-life discourses by denying the ambiguity of the condition. According to the author and from an ontological perspective, pregnancy could be considered multiple, meaning that the pregnant body would become pregnant bodies, with the fetus being shaped by pregnant subjects' self-conceptions. By mandating the burial of aborted fetuses, and consequently arguing for fetal personhood, pregnant bodies start to be considered as a single body shared by two people, which complicates the issue from an ontological perspective. That is why the before mentioned ambiguity comprehends also fetal funeral laws in pro-life discourses, which may result in the construction of fetal personhood, due to the emotional aspect of the matter. Similarly, even pro-choice and feminist ideas may be complicated by the issue. However, Leach (2021) argues that a solution is to consider pregnancy as ontologically multiple, meaning that the pregnant body would become pregnant bodies, with the fetus being shaped by pregnant subjects' self-conceptions. Moreover, despite the topic being ontologically intricate, the author also argues that "these laws construct fetal personhood and undermine women's agency" (Leach, 2021, p. 148), based on the claims made by pro-life associations in the USA context. In fact, by legally binding the performance of funerals of aborted fetuses, fetuses become validated as 'grievable lives' and consequently this creates a contradictory legal status for fetuses, which could potentially overrule abortion laws (Leach, 2021).

Similarly, when analyzing the laws and proposals concerning fetuses' burial, Collette (2019) considers these laws to be one of the many barriers created by anti-choice policymakers as they try to ban abortion and as ways in which these groups intend to restrict abortion and a one's right to have agency over their own body. This is because by mandating the burial, the recognition of an unborn fetus changes, and it allows to support the idea that life begins at the moment of conception. The author refuses the claims according to which these laws are put in place for a matter of public health and safety and denounces their imprudence in dealing with a topic that may be considered deeply philosophical and moral (Collette, 2019).

Despite considering solely the legal aspect of this phenomenon, these studies have contributed in giving me some perspectives on the recurring themes in the public discussion around this topic in the Italian context. Moreover, I have drawn into some of the concepts used by the before mentioned authors to reinforce my analysis. My study has in fact considered the legal framework but having at its center the justification both for and against the practice of the burial of aborted fetuses, offers a different understanding of the topic.

3.2 Analyzing the pro-life and pro-choice movements

In this section of my literature review, I present some studies and research concerning, firstly, discourses of the pro-life and/or pro-choice movements. Secondly, I focus on studies that cover the two movements in the Italian context.

Vanderford (1989) has researched on the controversy around abortion by producing a discourse analysis on the US pro-life and pro-choice movements. The main focus of the study is the use of vilification as a rhetorical strategy in the movement-counter-movement dynamic. The author concludes that the vilification of the opponent is a strategy largely used to encourage and sustain activism.

Heinen & Matuchniak-Krasuska (1995) have conducted a sociological study on the political discourses around abortion in Poland. The study analyzes how and in which ways the pro-life movement has developed its own discourse around abortion. It highlights how terms and rhetorical forms are used by the movement's spokespeople to communicate scientific as well as religious and ideological based claims against the topic of abortion.

Avanza (2015) has conducted an ethnographic study on the biggest pro-life movement in Italy, *Movimento per la Vita* (translating literally to pro-life movement) during anti-gender protests. For instance, she has researched how militants for the anti-abortion cause have adopted the anti-gender rhetoric, since the promotion of what they call *omosessualismo*, the ideologic promotion of homosexuality, endangers their conceptualization of family, which is heteropatriarchal, and life, which starts at conception and finishes with a natural death. The author found how this happens not only because this movements, despite officially declaring to be non-confessional, follows the Church's doctrine, it is also because a big part of mobilization is conducted by women - especially inside the CAVs (*Centri d'Aiuto alla Vita*, Centers for the Aid to Life – my translation) - which have the interest to defend the woman-mother binomial.

The same author in 2018 has conducted a study on the internal division of the associations within the same movement. In fact, going beyond the movement - countermovement dichotomy and basing herself on ethnographic data, Avanza (2018) analyzes the different strategies used to categorize the associations as religious or secular, as well according to the actions they choose to use and who they address their actions to. The results of her study highlight that despite believing that life begins at conception and condemning abortion as it ends a life, pro-life actors have different ideas in other matters. This, according to the author, should be studied by pro-choice and feminist movements, to avoid considering them as monolithic and seeing them as solely religious or anti-progressive.

In my study, I chose to focus on themes in the public discussion around the topic of the burial of aborted fetuses. Despite not covering the same issue, studies

on discourses of the two movements were helpful to understand how these two movements interact with each other; moreover, the studies covering the Italian context were the basis of my understanding in terms of their story and structure. In addition, my research builds on both literatures by considering the idea of discursive (de)legitimation and covering public discussions and not actions and contributes on the discussion concerning the Italian pro-choice and pro-life movements by adding the perspective of the topic of the burial of aborted fetuses, which is yet to be explored.

4. Theoretical framework

The aim of my research is to analyze the themes of legitimation and delegitimation used in the public discussion of the practice of the burial of aborted fetuses in Italy, produced by the Italian pro-life and pro-choice movements. As previously stated, the burial is oftentimes carried out by pro-life Catholic associations, without the consent of the person that terminated the pregnancy, and since the moment it came to light in late 2020, the pro-choice movement has disapproved the practice or certain aspects of it. Therefore, my focus is on the discursive (de)legitimation strategies articulated by the pro-life movement in defense of the praxis and the pro-choice movement, in opposition to this practice. Therefore, I am concentrating on how legitimation and delegitimation are constructed by the pro-life and pro-choice movements in the Italian context for what concerns the practice of the burial of aborted fetuses. In order to do so, I am adopting Berger and Luckmann (1966) conceptualization of legitimation and Van Leeuwen (2017) theoretical framework of legitimation and delegitimation in discourse and communication. Additionally, my analysis is guided by the lens of movement-counter-movement framework, in order to highlight the dynamic between the pro-life and pro-choice movements in Italy.

4.1 Movement-counter-movement framework

I have decided to use the movement-counter-movement theory as the basis of my framework, in order to grasp the connections between the discussions of the two movements. In fact, seeing that I have chosen to analyze both the pro-life and pro-choice movements in the Italian political arena, the framework would be helpful to understand how they stand in the public discussion surrounding the burial of aborted fetuses. Moreover, this framework is to be considered an analytical lens, since it has allowed me to simultaneously study the two movements, without adopting a comparative approach, but grasping how the two interact and communicate with each other. Therefore, in this thesis, both the pro-life and pro-

choice movements are considered to be and referred as movements, and each other's countermovement.

According to Diani (1992), "a social movement is a network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in a political or cultural conflict, on the basis of a shared collective identity" (p. 13). This definition allows to comprehend in the analysis of social movements broader and less specific cases, like the Italian pro-life and pro-choice movements, which like other transnational movements both involve grassroots and elite actors (Kalm & Meeuwisse, 2020).

It is common for movements to interact directly or indirectly with each other. In fact, any social movement with a political significance will generate opposition, which leads to the creation of a countermovement. As they advance demonstrations and create symbols that evoke any form of generalized change of the status quo, a condition for the raise of a movement that claims the exact opposite is created. As a countermovement is born out of the existence of a movement, they react to each other (Meyer & Staggenborg, 1996). When studying a movement-countermovement dynamic, it is interesting to see how one's action are determined by its opposition. In fact, the more the two influence each other, their actions will be more coupled, meaning they would oppose each other. Similarly, "interactions between opposing movements may prolong conflicts and cycles of protest indefinite" (Meyer & Staggenborg, 1996, p. 1647). The authors support this claim with the case of the USA anti-abortion and pro-abortion movements, which have continued to oppose one other even years after the legalization of abortion. As mentioned by Meyer & Staggenborg (1996), adopting the movement-countermovement framework allows to comprehend how these types of dynamics work, through the analysis of ongoing interactions and tactics that vary through the changes of the political environment, as well as public policies.

In my research, I have chosen to focus on the simultaneous analysis of both movements, in order to see how legitimation and delegitimation are relationally constructed.

4.2 Legitimation and delegitimation

To analyze the different recurring themes in the public discussion of the pro-life and pro-choice movements in the Italian context concerning the burial of aborted fetuses, I am making use of the conceptualization of legitimation and Van Leeuwen (2017) theoretical framework of legitimation and delegitimation in discourse and communication.

Legitimation is broadly understood as providing the justifications for the elements that compose the institutionalized reality (van Leeuwen 2017). This definition is based on Berger and Luckmann (1966) who adopt a constructivist vision of reality. In their vision, institutionalization is the process that follows the creation of customs and that allows reality to exist as foreseeable, and the creations of institutions allows for actions to be carried on in society without being perceived as a threat by other individuals. However, when institutions become traditionalized and are passed from generation to generation, legitimation becomes necessary in order to justify their existence. This means that the institutional order of the social reality is justified by dignifying in a normative manner its practical imperatives and by ascribing cognitive validity to its objectivated meanings (p. 111). In other words, legitimation, which is defined as “the process of explaining and justifying” (p. 111) is constructed when socially constructed reality, process or institution is not objectively justified anymore, and an explicit explanation and justification is needed (Berger and Luckmann, 1966). Legitimation is therefore defined as “an answer to the spoken or unspoken ‘why’ question” (Van Leeuwen, 2017, p. 94). It is also fundamental to note that legitimation is strictly connected to the specific context of the institutional order in which a certain practice takes place. Moreover,

as in my study, legitimation is often analyzed altogether with delegitimation. For Berger et. al. (1998), in fact, while legitimation is a process through which a certain structure – which can differ, and can be, for example, an emergent power – acquires properties that have collective support; delegitimation is the exact opposite, meaning the process through which a certain structure loses the before mentioned properties.

Van Leeuwen (2017) distinguishes four categories of legitimation: authorization, moral evaluation, rationalization, mythopoesis.

In the first case, legitimation comes from an authority, which can be a tradition, a law, or a person which is invested with institutional recognized authority. Authorization may be justified by customs, authority, or commendation, meaning that it can be the consequence of homologation, of a tradition - “this is what we have always done” (p. 96) – or of a personal or impersonal authority – a law, expert or someone relevant in the public sphere.

The second category is moral legitimation, which refers to a specific value system and is based on moral values. Moral legitimation can be expressed through evaluation, meaning with the use of evaluative adjectives that vehiculate the qualities of the actions, processes, or objects in analysis. Another method of expressing moral evaluation is by using abstractive linguistic constructions in order to moralize the practices in questions. Finally, analogies and comparisons are a way to express moral value.

The third category is rationalization, which refers to the goals and employs institutionalized social action. Rationalization legitimation can be instrumental or theoretical. In the case of instrumental rationalization, practices are justified using their goals, means and effects. On the other hand, theoretical rationalization is grounded in a certain form of truth, and it may have its roots on experience, science, or other bodies of knowledge, or on the definition of the practice itself, its explanation, or its prediction.

The fourth and last category is mythopoesis, which consists in the narration of stories that legitimize certain actions and punish others, who are non-legitimate. Mythopoesis may take the form of a tale, which can be moral, in which the

protagonist finds its reward because of the legitimate social practices they have adopted, or cautionary, in which the protagonist faces the consequences of not adopting the correct behavior (Van Leeuwen, 2017).

I have adopted Van Leeuwen (2017) framework on (de)legitimation to map the recurring arguments in the public discussion concerning the burial of aborted fetuses. The categories indicated are used to systematically study the data through a thematic analysis and to go deep into the discursive (de)legitimation strategies of the case study chosen. Specifically, the conceptual categories I have selected to map out themes of (de)legitimation are: authorization, to study the legal grounds of the practice of the burial of aborted fetuses; moral evaluation for the discussions revolving around the religious connotation of inhumation, related, for example, the use of the cross or of the prayer during the act; legitimization via rationalization, to highlight scientific and medical justifications adopted in support of the movements' position; lastly, the category of moral evaluation is used to highlight claims around ideas of trauma, mental health and loss in the discursive justifications. As my findings have not presented viable options to be analyzed through this category, mythopoesis has not be employed in the thematic analysis.

5. Methodology

In this section, my aim is to describe which methods I am using to answer the following research question:

What are the recurring themes in the public discussion around the practice of the burial of aborted fetuses by the pro-life and pro-choice movements in the Italian context?

To facilitate the process of answering this RQ, I am dividing it into two sub-questions:

- *How is discursive legitimation constructed around the practice of the burial of aborted fetuses by the pro-life movement in the Italian context?*
- *In what ways the pro-choice movement delegitimizes the claims of their opponents?*

After a description of the research design, I am illustrating the methods used to collect, code, and analyze my data. Moreover, the ethical aspects of my study are considered and explained.

5.1 Research design

The research I aim to conduct is based on a case study. A case study is a qualitative research design that concerns an in-depth analysis of a case, event, program, or process (Creswell & Creswell, 2018). Moreover, one characteristic of case studies is that data collection must be detailed and in-depth and must involve multiple sources of information (Creswell & Poth, 2017). Their aim, in qualitative analysis, is to “understand the intrinsic aspects of what is studied” (Fischer, 2006, p. 430).

Therefore, to perform my study, I have gathered different types of data concerning different actors. Since my focus is the themes employed to advocate in

favor and against the burial of aborted fetuses, I aim to investigate this through a case study of the pro-choice and pro-life movements in Italy. To perform this analysis, I have collected interviews, statements, and declarations given by activists and representatives of the two movements. Using media coverage of the moment in which the topic was brought to light, I have identified some key actors. First, for the pro-life movement, I have collected data on: Movimento per la Vita (Pro-Life Movement), Pro Vita e Famiglia (Pro-Life and Family), and FederVita, Ora et labora in difesa per la vita (Ora et labora in defence of life), Difendere la Vita con Maria (Defend Life with Mary), Associazione Comunità Papa Giovanni XXIII (Association Pope John XXIII). All the before mentioned associations operate in the pro-life movement, but the last two carry on the burial of aborted fetuses. Second, for the pro-choice movement, I have interviewed lawyers and activists active in the campaign Libera di Abortire (Free to get an abortion) and from journalists who have mapped the phenomenon, and collected statements and declarations of associations like Differenza Donna, Radicali Italiani, Donne in difesa della legge 194, as well as regional initiatives like Collettivo Zona Fucsia.

Additionally, I have conducted five online semi-structured interviews to gather the testimonies of the activists, lawyers, and journalists of both the pro-life and pro-choice movements. I have chosen to perform semi-structured interviews as in this type of interviews, participant use their own language to respond, since there is no set of acceptable answers; for this reason, responses can be long and involve stories or descriptions (Leavy & Harris, 2019). I am confident that adopting this type of interviews means giving the participants the opportunity to express their ideas freely.

5.2 Methods

5.2.1 Data collection

Since my study is of qualitative nature, I have drawn on multiple sources with the aim to extrapolate interpretations about the research problem (Creswell & Creswell, 2018). Specifically, I have gathered interviews and public documents.

Interviews and interview conditions

Firstly, I have conducted five semi-structured interviews with actors belonging to the pro-life and pro-choice movement. Apart from being a source of my textual data, these interviews have contributed in giving me a fuller picture of the context, background and legal framework of the phenomenon that I am studying. As a result, the topic guide (Appendix B) I have used is structured as it follows: the first sections covers questions aimed to contextualize the actor in the pro-choice or pro-life movement and let them explain their action in opposition or support to the burial practice; the second and third section concern the pro-life and pro-choice movements, their actors, how they operate and communicate their work and what are their justifications (e.g. legal, religious, scientific based on the conceptual framework) in the promotion or opposition of the burial of aborted fetuses; the final questions focus on the next steps or what would be the desired outcome in terms of the practice for the participants. The topic guide, which was used as a data gathering instrument, contained questions which are informed by the conceptual categories elaborated in theory. In fact, the topic guide was constructed not only to contribute to the understanding of the context, but especially to grasp the ideas of legitimation and delegitimation in regards of the burial of aborted fetuses.

I have conducted four interviews with actors of the pro-choice movement and one interview to one actor belonging to the pro-life movement. In order to do so, I have sent them an invitation via e-mail, disclosing the topic of my study and my positionality. To ensure transparency, the two versions of the invitation I have sent, which I have modified as the research design became clearer during the writing process, are available in the Appendix section (Appendix A). For the pro-choice movement, I have sent six interview invitations, while to pro-life actors I have sent seven invitations. In the first case, two people answered and granted me

the interview, while another actor was able to connect me to two other participants. In the case of the pro-life movement, two actors answered: one granted the interview, while the other refused. Reflecting on the access, I want to make two considerations. Firstly, I realize that one group of actors, meaning the pro-life movement, was easier to access than the other and I personally find the reason behind it in my positionality, which, as shown in Appendix A, I have stated. Secondly, I recognize that I have more extensive interview data on one of the movements, hence, to complement the data set I have collected as many public documents on the pro-life side as possible, to even out this discrepancy.

The interviews were collected via Zoom, using a video-chat, and were transcribed by myself verbatim in Italian after being recorded, upon having permission granted from the participants. Collecting interviews via internet represents an advantage since it provides participants with flexibility and allows the participation to social research to everyone who is in possession of an internet connection (Creswell & Poth, 2017). In the specific case of my research, it has allowed me to conduct the interviews from Sweden without being physically present in Italy. However, as Johnson et al. (2021) affirm, qualitative in-person interviews are often considered to be the best option, while remote interviews to be inferior, despite having become, in the last years, more and more used by researchers all over the world. The authors suggest that is crucial for participants to have a strong internet connection and to be located in a private and free of distractions environment. A part for the possible difficulties caused by the environment and technical issues, the building of the relationship between the researcher and the participant is influenced by the online nature of the interview. However, the interview, even if conducted via Zoom, as in the case of my research, can still remain participative if the researcher maintains resilience, energy, and balance. Moreover, on a positive note, online interviews are found to be more focused and shorter than those conducted face-to-face, and to be involving less emotional labour (Żadkowska et al., 2022).

All participants have been granted anonymity. To achieve it, I have renamed the participants using common Italian surnames.

Documents

I have collected public documents, meaning media statements, audio and video interviews, statements published in websites and conference speeches. In the case of audio and video interviews, to ensure that all my data set was of textual type, I have proceeded with verbatim transcription. As Prior (2003) suggests, it is important to keep in mind that documents are not just their content, and that the researcher needs to be mindful of the dynamics behind their production and consumption and therefore utilize that in their analysis.

Both data types have their own limitations and biases. In the case of interviews, the information that is collected is filtered through the views of the participants and bias responses may be given due to the presence of the researcher. Moreover, it is fundamental to recognize, as I have stated before, that the data driven from the interviews is influenced by the setting in which the interview is produced (Creswell & Creswell, 2018). In the case of public documents, some limitation may be the consequence of people not being articulate, the incompleteness of the material and, from the researcher perspective, the need to search out information in hard-to-find places and the need to transcribe the material, which can be time consuming (Creswell & Creswell, 2018).

Document analysis, which is the systematic process of review and evaluation of documents aimed to examine and interpret the data gathered from it (Fischer, 2006), is often used in combination with other qualitative research methods. This happens when the researcher decides to adopt triangulation, meaning “the combination of methodologies in the study of the same phenomenon” (Denzin, 2017, p. 48). In this case, the researcher draws upon multiple sources of evidence to ensure that different forms of data support each other phenomenon’ (Denzin,

2017). In the case of this research, I have decided to combine interview analysis and document analysis to ensure, firstly, a more complete set of data, and secondly, that the findings are not a mere artifact of a single method (Fischer, 2006). Moreover, the previously stated limits and biases of both data sources would be less impactful in the context of a triangulated study, since I, as the researcher, have the opportunity to weight them out and have a fuller picture of the case study under investigation.

Table 1: Overview of data types collected

	Pro-life movement	Pro-choice movement
Document analysis	<ol style="list-style-type: none"> 1. video interview with a representative of Difendere la Vita con Maria association; transcription from video on Youtube (10 pages) 2. interview with a representative of Difendere la Vita con Maria association ; webpage (3 pages) 3. interview with a representative of Ora et labora in difesa per la vita association; transcription from video on Youtube (4 pages) 4. conference speech of a representative of Difendere la Vita con Maria association; transcription from video on Youtube (4 pages) 5. conference speech of a representative of Difendere la Vita con Maria association; transcription from video on Youtube (4 pages) 6. interview with a representative of Difendere la Vita con Maria association; web page (2 pages) 7. article from association Pro vita e famiglia website; web page (1 page) 	<ol style="list-style-type: none"> 1. statement from association Differenza Donna; web page (1 page) 2. statement from a representative of Radicali Italiani; web page (1 page) 3. statements two actors of the pro-choice movement; transcription from video on web page (1 page) 4. statement from Radicali Italiani in support of a documentary on the topic; web page (1 page) 5. interviews during a manifestation from Collettivo Zona Fucsia; transcription from video on Facebook (2 pages) 6. statement from association Donne in difesa della legge 194; web page (2 pages)

	8. interview with a representative of Comunità Papa Giovanni XXIII association; web page (2 pages) 9. joint statement from associations Federvita, Movimento per la Vita and Donne in difesa della vita; web page (2 pages) 10. statement from Movimento per la Vita Civitavecchia association; web page (2 pages) 11. legal opinion published on the website of Difendere la Vita con Maria association; web page (19 pages)	
Interviews	1. semi-structured interview with D. Russo	1. semi-structured interview with A. Bianchi 2. semi-structured interview with Avv. B Gallo 3. semi-structured interview with C. Costa 4. semi-structured interview with D. Rossi

5.2.2 Coding and analysis

To answer my research question, I have decided to combine interview analysis and document analysis and consequently to triangulate my data. Moreover, the entirety of data I have collected is textual. However, as previously stated, the interviews I have collected and some of the documents were available in video or audio form and in order to utilize them, I had to transcribe them. As Kiger & Varpio (2020) affirm, transcribing is an excellent way to familiarize with the data and this has helped me build codes over time. In fact, in order to organize the data, I have performed a manual coding to find the themes that embed the discussions around the burial of aborted fetuses, both for and against it. Moreover, my approach has been initially inductive, given that the initial codes have been developed from the data itself, therefore they have been informed by the literature and theory.

Coherently, the process of theme identification has derived from an inductive analysis, meaning that themes have derived from the coded data, which results in them being linked closely to the data set and being representative of the entire data set (Kiger & Varpio 2020).

For what concerns the methods of analysis, I have conducted a thematic analysis. Thematic analysis is a method for analyzing qualitative data involving the identification, analysis, and report of repeated patterns in a selected data set (Kiger & Varpio 2020). Thematic analysis offers a method of qualitative analysis that is not strictly connected to a certain theoretical framework and therefore can be used within different theories, disciplines, and frameworks. This type of analysis can be useful when analyzing participants' lived experience, views, and perspectives, as well as behavior and practices. Moreover, it is a flexible method of analysis, since it adapts to different research questions, sample size and constitution, data collection method, and approaches to meaning generation (Braun and Clarke, 2015).

A thematic analysis uses both narrative descriptions and representative data extracts, which means that it should describe the data, as well as answer the research questions and sustain the claim brought on by the researcher (Kiger & Varpio 2020). In the case of my research, I am using the process based on Braun & Clarke's (2006) six-phase thematic analysis approach (Kiger & Varpio 2020). The six steps start with the familiarization with the data; the generation of initial codes is then followed by the research of themes; themes are then reviewed and after named and defined; finally, the manuscript is produced (Kiger & Varpio 2020). Additionally, on a later phase, additional codes were informed by theory and literature.

Since the flexibility that comes with thematic analysis can be risky, in the sense that it may produce inconsistent research (Kiger & Varpio, 2020), I made sure to state and follow the theoretical framework I am using, as well as the themes I have selected through an inductive approach of analysis.

5.3 Ethical considerations

Ethically speaking, this research presents various challenges. First of all, as a feminist researcher, I am aware that we tend to study sensitive topics that may be highly personal and require emotional labor. This research is a perfect example of how my demonstrations of empathy and my emotions are called upon in order to facilitate the project (Leavy & Harris, 2019).

In the process of data collection and generation for what concerns the in-depth semi-structured interviews, I have made sure to obtain the informed consent of participants at the beginning of each virtual encounter and, as Leavy & Harris (2019) suggest, at multiple stages of the project, I have ensured to process consent by checking with the participants. Moreover, I have decided to ensure anonymity and the protection of the participants, and the participation of each research subject has been voluntary and confidential.

The data I have collected is in Italian. Since I speak Italian as my first language, I was able to access data in the original language it was produced, but since my thesis is written in English, I have personally translated part of the data to incorporate into the research. Translation does, however, have the potential to alter the meaning of a text (Prior, 2003). To erase the risk of losing the meaning of the data, I have translated the needed data after the coding process and have conducted my analytical process in Italian.

Finally, for the presentation of my research, I made sure to be extremely attentive in the choice of the words and I have shaped the content paying attention to the language (Leavy & Harris, 2019). Despite the majority of the documents, speeches and interviews I am analyzing is not mindful of gendered language and using binary term, I have tried to use gender inclusive words that respect the different experiences of people giving birth and getting abortion procedures.

Throughout my research, I was guided by reflexivity. This concept helps to addresses how power is shown and influences the research process, as well as the researcher position within the research endeavor (Leavy & Harris, 2019).

Furthermore, because I aim to be reflexive, during all steps of my research process, I have situated myself, meaning my personal and political knowledge and ideas, my autobiographical experience, and my intellectual baggage (Carroll, 2013). Moreover, since I am working with a highly sensitive topic for myself and for anyone involved in the research, I pay particular attention to emotional reflexivity, which puts together the researcher's and the participants' emotions and embodied experiences throughout the research process (Carroll, 2013). In fact, I believe that in the case of my research, emotional reflexivity is extremely important as I am dealing with a highly sensitive topic that engages me emotionally, politically, and personally. Indeed, I identify myself as a woman which having lived in Italy for most of my life could have experienced the situation in question, a feminist, as a person having a left-wing political ideology and I was raised and educated, as the majority of the Italian population, as a Catholic. To this day, even if I am deeply critical with the institutions of the Church and I am an intersectional feminist that actively defends women and LGBTQIA+ rights, my upbringing influences my values. Finally, it is fundamental for me to state that I identify with the ideas of the pro-choice movement, meaning that I believe that the right of abortion should be ensured to anyone without difficulties, shame, stigma, or violence, and in the respect of privacy.

6. Analysis

In this section, I am proceeding with the analysis of the data gathered around the burial of aborted fetuses in the Italian context, taking into consideration both the pro-life and the pro-choice movements and their public discussions around the practice, using thematic analysis.

This chapter concerns how the two movements use discursive legitimation to explain the practice and how they articulate their position on it. It is divided in four parts, each one focusing on the recurrent themes identified in the analysis: the legal grounds of the practice of the burial of aborted fetuses; the religious connotation of inhumation; the scientific and medical justifications adopted by both movements to support their position and the aspects linked to themes of trauma, loss and psychological violence in discursive justifications.

6.1 Justifying the burial of aborted fetuses: discursive (de)legitimation

6.1.1 (De)legitimizing the burial of aborted fetuses on legal grounds

The first theme I have found to be recurring in the public discussions on the topic of inhumation of aborted fetuses concerns the legal ground for the practice. The legal aspect is considered by both movements to justify their position on the matter and, in the case of the pro-life movement, the possibility to organize funerals of aborted fetuses, encoding the need of ritualizing the mourning caused by the loss of the fetus; in the case of the pro-choice movement, to oppose the interpretation given by the opposing movement and consequently to provide a justification for the legal actions taken against the practice. The interpretation of certain aspects and sections of the regulation is a key aspect in the construction of (de)legitimation, which falls under the category of authorization (Van Leeuwen 2017). More specifically, the use of law as a form of authorization is defined by Van Leeuwen (2017) as impersonal legitimation. As the author states, this form of legitimation is often visible through verbal process clauses, especially concerning the existing

laws, policies, and regulations, and is often expressed through the adjectives “obligatory” or “mandatory”. In my analysis, I have considered this choice of verbal process clauses and highlighted the laws, norms and regulations used in the attempt to (de)legitimize the practice and their interpretations.

When discussing the legal legitimation of the burial of aborted fetuses, actors of the pro-life movement explain the law regulating the burial, the so called D.P.R. 10/09/1990, and the history of its approval. In fact, the law was approved in 1990, two years after a Circular Letter written by the Minister of Health at that time, Carlo Donat Cattin, which ordered that fetuses needed to be disposed differently than other anatomical parts, like limbs, for example, which were discarded for different reasons. According a spokesperson of one of the pro-life associations in analysis, Minister Donat Cattin declared that treating “*children’s remains as garbage*” (Representative of the Association Difendere la Vita con Maria – my translation) was against common sense and therefore modified to law to ensure their inhumation.

The law that currently regulates the burial of aborted fetuses leaves space for interpretation and pro-life actors use this aspect to legitimize the agreements with hospitals, which allow them to collect the remains of aborted fetuses and proceed with inhumation. Precisely, the law expresses that the burial can be requested within 24 hours from the moment of the abortion by the parents, family members or whoever for them. That last part of the norm, the ‘whoever for them’ is used by pro-life associations to justify their actions, especially concerning the lack of consent to the actual inhumation. On the website of one of the associations that carries out the burial two legal opinions on the interpretation of the law are published. One of them states:

“the normative expression ‘whoever for them’ assumes, moreover, that the delegation act [...] can be subscribed by the parents (even separately, by a relative prior the presentation of the same request, which can be subscribed by a delegate (whoever for them) or – in the case of a collective subject (for example, an association) – by its lawyer or its delegate” (legal opinion

published on the website of the Association Difendere la Vita con Maria - my translation).

In the same legal opinion, the existence of conventions and agreements is deemed to be “*closely implementing the current legal framework*” (legal opinion published on the website of the Association Difendere la Vita con Maria).

Pro-choice actors I have interviewed recognize that the law regulating the inhumation open the possibility to interpretation. They in fact deem the law to be unclear, despite recognizing that the inhumation of aborted fetuses without the consent of the person who has aborted them is illegitimate and unethical. As I will present in my analysis, they contest the interpretation given by pro-life actors and delegitimize it on legal grounds, considering two main aspects: the lack of consent on part of the person who aborted, which is considered to be essential, and the violation of privacy in the case of the display of the name of the person on the cross signaling the grave.

Agreements or conventions between hospitals and pro-life organizations are considered to be “*very concerning*” (Interview with Avv. B. Gallo – my translation). However, considering the existing legal framework, the existence of these agreements is justified by the law 194/1978 on abortion which “*foresees that there may be conventions with civic and welfare realities that deal with the theme*” (Interview with Avv. B. Gallo – my translation). Despite recognizing that their existence is legitimate under the current legal framework, the fact that they allow the creation of practical obstacles to the right of abortion is considered to be wrongful. For what concerns the role of the institutions, the pro-choice movement opposes the administrations of a local and regional level, as well as political parties on a national scale that propose laws that would mandate the burial of aborted fetuses. These laws are seen as a “*step back*” and talking about consenting to the burial, “*if there is a gray area today, their aim is to provide for burial regardless of consent*” (Interview with Avv. B. Gallo – my translation).

According to the pro-choice movement, the “*gray area*” of the law is what the pro-life movement uses to justify their actions. As one of my interviewees, a lawyer says:

“From a legal point of view, they exploit the fact that the law on the burial of fetuses is not clear: by saying that the parents or whoever for them can apply for burial within 24 hours, they find the legal justification in the whoever for them part. They stress a lot the fact that their action is legal” (Interview with A. Bianchi – my translation).

Within the pro-choice movements, some lawyers have started a collective lawsuit to request to recognize this praxis as illegal. As I have mentioned, they are emphasizing the requirement for consent when contesting the practice:

“From our point of view, the regulation is very clear in asking for the consent of the woman or whoever for her, says the regulation, that is, of the people whom the woman indicates as her delegates” (Interview with Avv. B. Gallo – my translation).

Since they believe that the pro-choice movement, being supported by institutions and political parties is aiming for inserting an illegal praxis in a new legal framework (Interview with Avv. B. Gallo – my translation), actors in the pro-choice movement are actively opposing the burial by promoting and conducting lawsuits against some cities administrations in order to legally contest the praxis.

Furthermore, emphasis is put on the right of privacy. Concerning especially what happened in Roman cemeteries – in which the fetuses graves were habitually signaled by crosses indicating the name of the person who had aborted – pro-choice actors I have interviewed highlight that “*names and surnames in the cemeteries of fetuses, which among other things represent a violation of the right to privacy and confidentiality*” (Interview with Avv. B. Gallo – my translation) are also in violation of law 194/1978, the law on abortion, which states that “*anyone who has knowledge of facts concerning the voluntary interruption of pregnancy cannot disclose them*” (Interview with Avv. C. Costa – my translation). Adding that “*evidently putting the*

name on a cross of a woman who has undergone the voluntary termination of pregnancy means disclosing them” (Interview with Avv. C. Costa – my translation) reinforces the claim that this practice is in fact violating law 194/1978.

As a counter-response, it is also important to note that some pro-life associations try to distance themselves from those that violate the privacy of people and families experiencing the abortion. In fact, they consider what happened in Rome and other cities that systematically disclose names on the fetuses graves to be accidental and a consequence of a convention stipulated by the hospital with the city’s administration, and therefore to the company offering burial services on its behalf.

When considering Van Leeuwen (2017) categories of discursive (de)legitimation, legal claims fall into the idea of impersonal authority, which means that both movements found a justification to (de)legitimize the practice of burying aborted fetuses in the law that regulates this aspect. Despite the law being impersonal, its lack of clarity makes it open to interpretations and the two parties find in the same regulation two different messages. As Van Leeuwen (2017) claims, “impersonal authorities can be the subject of ‘verbal process clauses’ just as readily as personal authorities” (p. 96), meaning that despite the impersonal aspect of laws and regulations, in discursive practices of legitimation their meaning may be subject to interpretation. In this specific case, the pro-life movement focuses on the fact that the law mandates the burial, which goes beyond the possibility to inform the person who has aborted and uses the “whoever for them” to legitimize their voluntary role in the practice. On the other hand, the pro-choice movement stresses the wrongfulness of the practice – when carried on by pro-life associations via agreements with hospitals or by cities’ administrations – and delegitimizes on legal grounds the practice by highlighting the violation of privacy and lack of consent that happens in the process.

6.1.2 The role of religion in the (de)legitimation of the practice

Justifications and claims related to religion are common in public discussions around the burial of fetuses. This is on one hand because a good part of associations that compose the pro-life movement align with Catholic principles; on the other hand, because funeral ceremonies have religious connotations, as well as the display of crosses to signal the presence of the grave in certain cemeteries. For what concerns how religious claims belong in one of Van Leeuwen (2017) categories, they could be seen as moral legitimation claims.

Religion is an important theme in the discussion around the burial of fetuses. In fact, some of the actors in the pro-life movement identify with Catholic values, included the associations that carry out fetuses funerals. Moreover, often, funeral ceremonies have religious connotations, one example being the display of crosses to signal the presence of the grave in certain cemeteries. Religion can be considered as a form of moral evaluation (Van Leeuwen, 2017). In fact, despite religious precepts being a substantial source of (de)legitimation, it is the moral aspect of the practice to be on one hand supported and on the other hand contested.

As beforementioned, from my research and the opinions I have gathered, the cemeteries who have displayed the crosses in order to signal the graves are not those in which pro-life Catholic associations operate but are those whose activity is the consequence of an agreement between city administration, hospitals and companies that generally carry out burials in the city. For this reason, these associations have distanced themselves from their activity, especially concerning the violation of privacy through displaying of the name of the person who had abortion. However, in the declarations I have found, while the pro-life associations condemned the act of publicly stating the names, since they strive to protect privacy, they do not condemn the displaying of the cross. Even if they mentioned how they chose to show “*extreme respect to all sensitivities*” (Representative of the Association Difendere la Vita con Maria - my translation), they did not condemn

the use of the cross in its integrity. In fact, one's organization spokesperson, who happens to be a priest, stated that "*the cross can be considered to be a universal symbol*" (Representative of the Association Difendere la Vita con Maria - my translation), even if it refers to Christian values, especially when used in a cemetery.

As I mentioned before, religion is often used as a legitimation to justify the practice. On the pro-life side, one of the sub-themes I have found in this sense is that the burial needs to happen in order for children to not be treated as garbage. In fact, quotes like "*do not throw children away*" (Representative of the Association Difendere la Vita con Maria – my translation) and "*nascent human life is treated as it is garbage*" (Federvita, Movimento per la Vita and Donne in difesa della vita - my translation), are recurring in the statements made by pro-life representatives on this topic. On one side, this could be connected to the need to put themselves in opposition to the pro-choice movement that does not recognize fetuses as people: "*While today's society tells us that they are only lumps of cells and that therefore they can be killed quietly, without problems - this is abortion*" (Representative of the Association Difendere la Vita con Maria – my translation). On the other side, some quotes like "*Catholics stand out, Catholics do not throw children and do not put them in the trash*" (Representative of the Association Difendere la Vita con Maria – my translation) put religion at the center of the legitimation strategy. Their identification as Catholics serves as a moral legitimation for their practice and helps them distinguish themselves from those who support abortion and oppose the practice of the burial. In this case, when considering Van Leeuwen (2017) categories, this quote represents a form of moral legitimation expressed through a linguistic construction of comparison, more specifically an implicit one. By constructing a comparison between Catholics and an implicit other, this quote highlights how they perceive themselves as morally superior because they believe they are doing the right thing by supporting the burial of aborted fetuses, meaning that they strive to not devalue the dignity of those who they consider as unborn children and consequently the dignity of life in general.

Coherently, the religious connotation of the practice is used as a form of delegitimation by the pro-choice movement. The fact that associations exploit a grey area of the regulation to perform the burial is aggravated by the strong religious connotation of the practice. One of the actors I interviewed also wondered about the extent of the Catholic connotation in the practice. Seeing that in the Catholic world the obsequies of the dead are characterized by three separate moments – the wake, the funeral ceremony, and the burial. For what concerns the obsequies of the dead, the general public is aware that the burial is performed, and “*it can be assumed that the other two are happening as well*” (Interview with Avv. C. Costa – my translation). This claim can be seen as a counterargument towards what is usually stated by the pro-life movement, which is that a “*specific liturgical practice*”, meaning a funeral liturgy, is “*absent*”, but that “*several priests accompany the burial with a prayer*” (Representative of the Association Difendere la Vita con Maria - my translation).

The assumption is confirmed by one of the journalists I have interviewed, who has witnessed a burial ceremony. In fact, in his opinion, the burial had distinctive religious connotations, as explained by this quote:

“It happens exactly like a funeral does. There is a hearse that arrives at the cemetery, a funeral procession that joins the hearse, after arriving at the burial ground a ceremony is held where a priest reads a specific sheet of prayers, gives a homily, and then proceeds with the burial. Obviously, there are two peculiarities: the first is that all the people who participate are not relatives, but local parishioners called by this organization to participate in these funeral services. But at least in the specific case of that funeral there were no family members, but in the case of another city, a priest of this organization told me that normally there are no family members, but only volunteers and believers linked to this organization. The second peculiarity is that there are no coffins and crates that we can imagine, made of precious wood, but white boxes, very small, like a shoe box to understand the measure, which can contain from one to more fetuses depending on the gestational age, and are buried in this way, with the sheets with all the

specifications being released by the hospital. These boxes come with local health company stamps, which is something that caught my eye a bit" (Interview with D. Rossi – my translation).

Additionally, the claim of respecting other's religions is used to oppose to the generalized religious connotation given to the burial, in particular to the Catholic characterization of it. Some of the pro-choice declarations in analysis highlight how it is ethically questionable to force a Catholic ritual on people that may have other religious beliefs. The perception of being violated due to the imposition of the religious connotations of the practice are confirmed by testimonies of one of the vocal victims of it. After having found her name on the cross of the fetus she had aborted due to medical reasons, she stated that she did not recognize herself in the symbol of the cross and that it made her crazy *"to think that some people have done a religious rite by putting a cross on it"* (Testimonies of pro-choice actor - my translation).

Another recurring claim that concerns the themes of religion concerns the concept of religious fundamentalism. In fact, the pro-choice movement, when discussing about the pro-life movement uses the idea of religious fundamentalism. Actors, meaning the associations and volunteers operating in the praxis of the burial of aborted fetuses are seen fundamentalist. In fact, one of the pro-choice movement's participants I have interviewed, when asked about the actors in the pro-life movement behind the burial of aborted fetuses, defined them as *"fundamentalist volunteers"* (Interview with Avv. B. Gallo – my translation).

When discussing religious claims as a form of (de)legitimation, both movements use what in Van Leeuwen (2017) categories is considered to be moral evaluation. For what concerns the pro-life movement, religious claims are connected to what is morally right to do, and moral evaluation is expressed through a linguistic construction of comparison, which highlights how identifying with being Catholic means acting in a morally acceptable way, as opposed to those who

oppose to this practice, who are often considered to be "*an ideologically aligned part (that, i.e.) says that it (abortion, i.e.) is nothing*" (Representative of the Association Difendere la Vita con Maria – my translation). It is interesting to note two aspects: the use of the implicit comparison is used, even in this case, to describe themselves as morally superior; secondly, the adverb "ideologically" reminds of the so-called gender ideology, against which the pro-life movement has organized the 2019 World Congress of Families (WCF) in Verona. The gender ideology would endanger family in its traditional sense through the promotion of homosexuality and female emancipation and, among others, abortion, and birth control (Kalm & Meeuwisse, 2020). On the other hand, religious claims are also used by the pro-choice movement to delegitimize the practice, since they evaluate to be morally important to respect everyone's religious identities and not impose Catholic symbolism and ceremonies to everyone, despite their beliefs. Moreover, one aspect that I have highlighted is how the counterpart is described by both movements: on one side, pro-life actors and specifically volunteers that attend burial ceremonies are seen as "*fundamentalist volunteers*" (Interview with Avv. B. Gallo – my translation); on the other, pro-choice are seen as a part of what is usually defined as gender ideology.

6.1.3 Conceptualizing the fetus: medical and scientific (de)legitimation

One of the themes that emerged in the analysis of the public discussions of both movements is the conceptualization of the fetus. In fact, a central issue in the abortion debate revolves around the concept of fetal personhood, meaning "the idea that zygotes and embryos are legal persons subject to the protections and benefits of the law" (Key, 2017, p. 320). Fetal personhood is often utilized by anti-abortion groups to prove their position against voluntary interruption of pregnancy. Coherently, laws that mandate fetal inhumation utilize the same concept as a point of departure (Key, 2017). In my analysis, I am extending this concept of utilization to grasp how the concept of fetal personhood is employed as a legitimation tool by pro-life actors to encourage or mandate fetal inhumation or, on the opposite side,

how pro-choice use other scientific and medical claims to delegitimize the same practice. The use of scientific or medical claims as justifications relate to the category of rationalization as a form of legitimation (Van Leeuwen 2017).

The use of scientific and medical claims as a form of (de)legitimation is consistent especially for the pro-life movement. The use of these type of claims to justify the legitimacy or wrongfulness could be inscribed in Van Leeuwen (2017) category of rationalization, in particular theoretical rationalization. In this specific case, scientific rationalization, which are the bodies of knowledge constructed in order to legitimate specific institutions or practices. In the instance, scientific arguments are employed to legitimate the burials.

First of all, it is important to note that the two movements use two different terms to label the object of their discussion. On one hand, the pro-life movement, in all its communications regarding the topic, does not use the word fetus or embryo, but prefer the term “*unborn child*” (my translation from the Italian “*bambino mai nato*”). On the other hand, the pro-choice movement uses the terms “*fetus*” or “*embryo*”, depending on the week of gestation that they have reached, and the term “*product of conception*” (my translation from the Italian “*prodotto del concepimento*”), which is also stated in the law regulating the burials (Regolamento di polizia mortuaria, D.P.R. 10/09/1990).

Since the pro-life movement bases their communication on the idea that the object of the practice are children indeed, that could not live due to abortion, this lays the foundations for the construction of the idea of fetal personhood. The idea of what is defined as fetal personhood, which is the idea that fetuses or embryos must be considered as people under the law, results in the demand that since the moment of conception, they should be granted rights and benefits (Key, 2017). According to Agostinone-Wilson (2020), this concept is behind most of the legislative acts attempting to limit abortion, while Key (2017) adds that fetal disposal laws are based on the same argument. The idea that life begins at conception and that a fetus is considered to be a person since then is demonstrated by these quotes: “*life is sacred and inviolable from the moment of conception to the*

end” (Representative of the Association Difendere la Vita con Maria – my translation) and “*the Church must give them (aborted fetuses i.e.) a worthy burial because they are not waste, they are not things, it is not a pile of cells, but they are people*” (Representative of the Association Difendere la Vita con Maria – my translation). It is also important to note that while religion has been one of the major influences in the construction of this vindication, it has not been the only one. In fact, it has been noted that science and medicine have been used by pro-life groups and movements to back up religious anti-abortion argumentations (Agostinone-Wilson, 2020).

In the Italian case, science and religious justifications are often connected and used hand in hand, one in support to another, for what concerns the pro-life movement’s discussion of fetal burial. In fact, to support the idea that human life starts at the moment of conception, which is one of the basilar claims that the Catholic doctrine uses to oppose to abortion, is claimed to be supported by scientific research and findings.

The development stage of the fetus is also a science and medical based claim that is employed by the pro-life movement. In fact, in many declarations that compose my data set, actors claim that the fact that an “unborn child” is actually a person for two main reasons. First, it is visually evident: especially for the cases in which the 20th week of gestation was surpassed, the argument used is that they anatomically resemble a baby, which according to their reasoning, means, consequently, that they are already a baby. For instance one of the representatives of the Association Difendere la Vita con Maria, claims that “*a baby in the 23rd week of gestation is formed, and it shows*” (Representative of the Association Difendere la Vita con Maria – my translation). Secondly, another justification is related to the moment in which volunteers collect the remainings at the hospitals, in order for them to be buried. Because some of the information they receive concern their measures in height and weight, this means that the fetus or embryo is a potential baby, that is real, and that is a life to be protected. When arguing that “*the human body has the right of honor*” and therefore has the right to be buried, one of the actors used the idea that “*administratively in the health system the fetus*

is registered with the weight, the measures and the centimeters". In their opinion, this public act constitutes "*a public act*" to countervail the idea he ascribes to the pro-choice movement that abortion does not constitute the killing of a person since "*there is no life, there is nothing, it is not right and it should not be*" (Representative of the Association Difendere la Vita con Maria – my translation).

For instance, scientific and medical claims are largely employed by the pro-life movement, especially for what concerns the idea that life begins at the moment of conception. In their discussions, science and medicine represent an authorization claim that legitimizes the need for the fetus to be buried: the idea of fetal personhood is at the basis of their justification. This is evident in their choice of terminology when it comes to their description, which is usually *bambini mai nati*, meaning unborn children. Other medical and scientific cases are employed in support of the idea of fetal personhood, such as the idea that it is visually evident. On the other end, apart from refusing terms other than fetus to describe the product of abortion, in my findings, the pro-choice movement does not employ science and medicine to delegitimize the practice of the burial of aborted fetuses. However, in the interviews I have collected, actors have affirmed that they have witnessed a shift in the communication style of the pro-life movement, meaning that "*their communication has changed a lot, since when aborting women were seen as murderers: now it is much more subtle, and it all plays on anti-science*" (Interview with Avv. B. Gallo – my translation).

6.1.4 Reflecting from the idea of grievability: trauma, loss, and psychological violence

Claims linked to ideas of trauma, loss, psychological violence, and mental health are also employed by both movements to (de)legitimize the practice and I am choosing to analyze it using Van Leeuwen (2017) category of moral legitimation.

At the center of these claims are the people who have aborted. On one side, they are considered to be the victims of this practice, which is seen as a form of psychological violence. On the other, they are considered to have been traumatized by abortion and in need of a way to overcome it. One of the concepts that is used in support of the second position is grievability, due, on one hand, to the public dimension, which is relative to the funeral ceremonies and, on the other hand, to the idea the abortion must be lived as a loss. When the pro-life movement performs public mourning rituals and craft narratives that see fetal death as a tragic loss, it enacts the grievability of fetal life (Leach, 2021). Leach (2021) utilizes Butler (2006) to better understand the idea of public mourning. Butler argues that when a person accepts a loss, this means that their life would be changed forever, meaning that they consciously agree to transform, as they choose to experience a transformation. Moreover, losses differ from one other depending on how the life lost is considered. However, an ontological problem arises, concerning the nature of lives when mourning becomes public (Butler, 2006). When the life of a fetus is publicly mourned, a fetus becomes a person - which is connected to the idea of fetal personhood - and this complicated the idea of the pregnant body from an ontological perspective (Leach 2021). In my analysis, these claims, which are employed by both movements would be analyzed using the category of moral legitimization.

When engaging on the topic of the burial of aborted fetuses, the pro-life movement stresses the importance of inhumation as a ritual that allows the person experiencing it and parents to process the abortion, which is often described as a traumatic experience. The traumatic nature of abortion is described to be leaving deep consequences and that the grief that derives from it is “*underestimated*” (Representative of the Association Difendere la Vita con Maria - my translation). The construction of abortion as traumatic and as a grief is completed by portraying the aftermath of it as lonely, due to the lack of recognition that this has in society (Representative of the Association Comunità Papa Giovanni XXIII - my translation). Consequently, they craft a narrative of burial – in its public dimension - as the only way to process and elaborate the event. The same narrative has been

found by Leach (2021), who has analyzed the discourses around the burial of aborted fetuses carried on by the pro-life movement in the United States. The author has argued that a way in which the American pro-life movement legitimates the idea that a fetus is a person that must be grieved – meaning their idea of fetal personhood – by “encoding public rituals of mourning into the law” (Leach, 2021, p. 148). It is interesting, as I will further explain in the following paragraph, how the characterization of the burial as a public and collective moment seems to be essential even in the Italian case.

One additional claim is that birthing people and parents must have the opportunity to grieve in order to find closure and overcome abortion, which is considered as a traumatic event for everyone, despite its circumstances and causes. Speeches and declarations around the recurrent idea that “*there can be no mourning without burial*” (Representative of the Association Difendere la Vita con Maria – my translation) and that “*mourning needs to be public, otherwise it will never be cured*” (Representative of the Association Difendere la Vita con Maria – my translation) are common in their communication. This idea can be interpreted through Butler (2006) idea of grievability and grievable lives. In fact, when grievability becomes collective, the nature of lives, and how lives and deaths that compel to be mourned are distinguished from those who do not necessitate to be mourned is questioned. This is, in my opinion, is a consequence of the previously discussed idea of fetal personhood and the necessity of public mourning is crafted as morally essential, to distinguish what is morally right and morally wrong. It is also important to note that the narrative concerning the idea that abortion as traumatic and therefore that burial is indispensable to heal from it has specific gendered connotations.

The idea that “*women need a journey*” to overcome it, while men “*heal faster*” ” (Representative of the Association Difendere la Vita con Maria – my translation) distinguishes the parenthood and abortion experience in gendered terms, which is based on an essentialist view of motherhood and fatherhood. This is confirmed by a recurring theme in this public discussion, which is the idea is that

a woman's mission is to be a mother. This essentialist view on women is encapsulated in this quote: "*The tragedy of abortion arises precisely from this, that in women there is always the awareness of expecting a child, not a simple 'product of conception': it is a feeling inherent in human nature itself*" (Federvita, Movimento per la Vita and Donne in difesa della vita - my translation). Women's essence is to be a mother and to feel a connection with the embryo or fetus she is carrying since the beginning of pregnancy. Consequently, the act of interrupting a pregnancy is tragic in itself, as it goes against human nature. The idea that women's essence is to become a mother also produces the belief that "*we must defend mothers' lives, since the vast majority of them, if not all of them, regret doing that (having an abortion, i.e.)*" (Interview with D. Russo – my translation). This also reinforces the argument according to which burial is the only mean to overcome the traumatic experience of abortion, which can only happen through public mourning.

For what concerns the delegitimation of the practice from the pro-choice movement, one of the recurring themes it is possible to observe is the idea that it is wrong because of the lack of consent. Since at the moment of abortion consent is not asked and people are not adequately informed of the possibility of requesting the burial, the pro-choice movement thinks freedom of choice is not granted. While I have found that at the beginning of the media attention of this issue the pro-choice movement was divided between those who asked the elimination of the cemeteries in which fetuses are buried and those who highlighted the lack of consent as the main problem, at the moment the main theme is that it is unacceptable to proceed in continuing this practice without the consent of the person who has aborted.

In this sense, the issue of self-determination is considered: the idea of my body-my choice (*il corpo è mio e decido io*) is extended to the fetus, which is considered part of the pregnant person's body and therefore theirs (Interview with A. Bianchi – my translation). For instance, one of the interviewees who is a feminist journalist and writer, says:

"Denied self-determination is an issue that is not true and has no consequences on health: mental health is as important as physical health. Women

who discovered their name and surname on a cross had important reactions, they felt crucified alive” (Interview with Avv. B. Gallo – my translation),

Connected to this is the idea that denied self-determination constitutes a form of violence. The burial without consent is often described as violent by the pro-choice movement that opposes to this practice, as it reiterates the shame that is often associated with voluntary abortion. Both discursive delegitimations are inscribed into the idea of moral evaluation, according to Van Leeuwen (2017) categories. When considering the burial without consent as a form of violence, the method used to express moral evaluation is the analogy, since the lack of consent is compared to any other form of gender-based violence. What contributes to this narrative is the idea that the burial of aborted fetuses is just the final part of a long process which is abortion, in which people seeking it often experience gendered discrimination and difficulties in accessing it due to the limitations to their reproductive rights.

Interestingly, as Van Leeuwen (2017) says, sometimes the moral evaluation aspect of discursive legitimation is expressed by referencing a practice in a certain way that is abstract and, in an attempt to add a moral quality to it. In the discussions around the burial of aborted fetuses by pro-life actors, one of the concepts that is used is the idea of “*honor*”, especially connected to the right of honor and the idea of mercy. This results in the practice to be denominated as the “*praxis of honor and mercy*” (Representative of the Association Difendere la Vita con Maria – my translation) by one of the spokesperson of one of the associations that actively pursues this practice. On the other hand, the pro-choice movement refers to the practice as a form of gender-based violence, as I briefly mentioned before, against the person who has exercised its right of abortion. The people who have experienced finding out about their product of abortion being buried without the consent, or especially those who have found their name on the grave signaling it, are seen as “*victims of this unacceptable violence*” (Differenza Donna - my translation), as “*violence has many facets*” (Interview with Avv. B. Gallo – my translation) and this represents a form of psychological violence.

Moreover, this is confirmed by one woman that found her name on a cross and was vocal about it to the point of starting a campaign against it, who declared that founding her name made her feel like she was “*buried alive*” (Testimony of a pro-choice actor - my translation). It is interesting to see how her feeling of being buried alive, which translated on feeling devalued as a human being and as a person, is the same moral justification used by the pro-life movement in support of the practice: “*human life cannot be treated like garbage*” (Movimento per la Vita Civitavecchia - my translation). Both movements highlight the importance of the value of human life, but focusing on two different protagonist of the practice in analysis: on one hand, the human life which is considered most precious is the one belonging to the “unborn children”, that “*for various reasons did not reach childbirth, physical birth as we could say, but died during pregnancy*” (Representative of the Association Difendere la Vita con Maria – my translation); on the other hand, the life of the person who has aborted, both voluntarily or for medical reason, which is devalued to the point that their name is stated to signal a corpse that is not theirs. This is explained in a quote taken from one of the interviews I have conducted with one of the lawyers from the pro-choice movement: “*In our country there is no right to give the mother's surname when a child is born, but when you decide not to give birth to a child for different reasons, the name and surname are affixed almost by way of guilt, by way of stigma*” (Interview with Avv. B. Gallo – my translation).

7. Discussion and Conclusion

This research aimed to identify the recurring themes in the public discussion employed by the pro-life and pro-choice movements in the Italian context concerning the issue of the burial of aborted fetuses. More specifically, how these themes are constructed to legitimize and delegitimize the practice, and how these (de)legitimation claims are used in support or in opposition to the practice. Based on a qualitative analysis of interviews and documents, it can be concluded that the main themes of (de)legitimation concern four main domains. Firstly, the legal ground of the practice is covered: those who support the practice consider it to be legitimate on the basis of the law regulating it, meaning D.P.R. 10/09/1990; on the contrary, those who oppose to it, highlight the violations to other laws and rights, such as the law on abortion, law 194/1978 and the right of privacy. Secondly, the role of religion is considered: the pro-choice movement contests the religious connotations of the practice, advocating in defense of people of different religious confessions; on the other hand, pro-life associations draw into Catholic precepts to justify the importance of burial. Thirdly, medical and scientific based claims are employed on both ends to define the object of the practice using a specific terminology: those who claim that life begins at conception talk about unborn children, as opposed to pro-choice actors who use the term fetuses. The final category concerns claims linked to ideas of trauma, loss and psychological violence: since those opposing abortion see it as a trauma, they present burial in its public form as the only way to overcome it; on the other hand, the pro-choice movement focuses on the burial, happening in violation of the consent and of the right of privacy of the person having undergone the abortion procedure, as a form of psychological violence.

This research may represent an expansion on the relevant theme of the anti-gender rise in Europe, especially concerning the conflict between pro-life and pro-choice instances on the theme of sexual and reproductive rights. Despite covering a sub-theme, the practice of the burial of aborted fetuses, the focus being on the

public discussions and how justifications for and against are constructed, it may offer a new perspective to the discussion around sexual and reproductive rights, and particularly around abortion. In fact, since the theme of this research could be seen as an extension of the discussion around abortion rights, my findings may also be considered in the study of the discursive (de)legitimation on abortion, and on which themes are employed in other geographical and cultural contexts. As Graff and Korolczuk (2022) have highlighted, the communication of anti-abortion actors all over the world is shifting, with more and more of them focusing on the use of the language of human rights. In my findings, this is not present, but other themes, such as scientific and religious based claims, are adopted and this may depend on the peculiar sociocultural context of Italy, which is deeply influenced by the Catholic Church.

I believe that my study could give contributions to the before mentioned discussion on different levels. From a conceptual point of view, my hope is that the theme of the burial of aborted fetuses is studied and expanded: since it refers to something that happens after the abortion procedure itself, it seems to be irrelevant. However, I believe that it is an important part of the procedure, which may leave important psychological consequences and may be protagonist of several violent endeavors. For what concerns the practical aspect of the methodology used in my research, I believe that the study of both movements simultaneously offers an interesting perspective on the topic of sexual and reproductive rights, since it allows to comprehend the relations between the discussions brought on by each party. Moreover, I conclude that the pro-choice Italian movement could make use of my findings to elaborate a coherent discourse on the topic: being aware of the themes and discursive tactics used by their countermovement, their communication may be even more effective.

On a side note, I also believe that my study has some evident limitations due to the limited time frame I have worked with and the pandemic situation, which has made data collection harder than expected. In the future, this study could be

expanded: for what concerns data collection, one possible avenue could be using a wider number of participants, or using ethnography – going on site to assist to burial ceremonies, for example; for what concerns data analysis, CDA (Critical Discourse Analysis) could offer an alternative tool of interpretation, that may deepen the extent my findings.

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Appendix

Appendix A: Interview invitation

Version 1

Buongiorno,

Mi chiamo Alessia Ibba, sono una laureanda magistrale in Social Studies of Gender presso l'Università di Lund, Svezia.

Per la mia tesi, sto attualmente conducendo uno studio di ricerca sulla pratica della sepoltura dei feti abortiti in Italia, in relazione al ruolo che la Chiesa Cattolica ha nell'influenzare le pratiche concernenti il diritto all'aborto. Per farlo, analizzerò il movimento anti-aborto in Italia, soffermandomi sulle associazioni che compiono i funerali e sugli attivisti che si oppongono a questa pratica. Alla luce del vostro lavoro di divulgazione e destigmatizzazione dell'interruzione volontaria di gravidanza, avrei piacere se un* vostr* rappresentante potesse rispondere ad alcune domande sull'argomento tramite un colloquio di all'incirca un'ora. Il colloquio sarà condotto online tramite Zoom.

Vorrei sottolineare che questa ricerca è condotta esclusivamente per scopi accademici e la Sua partecipazione a questa ricerca è del tutto volontaria. Le Sue risposte rimarranno riservate e anonime e non saranno collegate a Lei come individuo o rappresentante di un'organizzazione. Se desidera discutere del Suo ruolo di intervistata nel contesto di questa ricerca, può contattare la Dr. Milka Ivanovska Hadjievska, mia supervisore nel progetto [milka.ivanovska_hadjievska@svet.lu.se].

Non esiti a contattarmi se ha domande o necessità di ulteriori informazioni.

Version 2

Buongiorno,

Mi chiamo Alessia Ibba, sono una laureanda magistrale in Social Studies of Gender presso l'Università di Lund, Svezia.

Per la mia tesi, sto attualmente conducendo uno studio di ricerca sulla pratica della sepoltura dei feti abortiti in Italia, in relazione ai movimenti pro-vita e pro-choice in Italia. Mi soffermerò quindi sulle associazioni che compiono i funerali e sugli attivisti che si oppongono a questa pratica. Avrei dunque piacere se potesse rispondere ad alcune domande sull'argomento. Quindi, vorrei invitarLa per un colloquio di all'incirca un'ora. Il colloquio sarà condotto online tramite Zoom.

Vorrei sottolineare che questa ricerca è condotta esclusivamente per scopi accademici e la Sua partecipazione a questa ricerca è del tutto volontaria. Le Sue risposte rimarranno riservate e anonime e non saranno collegate a Lei come individuo o rappresentante di un'organizzazione. Se desidera discutere del Suo ruolo di intervistata nel contesto di questa ricerca, può contattare la Dr. Milka Ivanovska Hadjievska, mia supervisore nel progetto [milka.ivanovska_hadjievska@svet.lu.se].

Non esiti a contattarmi se ha domande o necessità di ulteriori informazioni.

Appendix B: Topic guide using during the semi-structured interviews

Sezione 1: Introduzione

- Quando sei venut* a conoscenza per la prima volta dei cimiteri di feti abortiti in Italia?
- Quando hai deciso di parlarne?
- Cosa hai fatto per supportare/opporti attivamente a questa pratica?

Sezione 2:

- Chi sono gli attori principali del movimento pro-vita/pro-life in Italia in questo momento?
- Chi sono gli attori principali - intendendo le associazioni - dietro le sepolture dei feti?
- Come vengono finanziati?
- Come sono collegati alle istituzioni governative a livello nazionale e regionale?
- Come comunicano la loro attività? Quali mezzi usano maggiormente?
- Come giustificano la loro pratica?
- Hanno una chiara giustificazione legale?
- Hanno una chiara giustificazione etica?

Sezione 3:

- Chi sono gli attori principali del movimento pro-choice in Italia in questo momento?
- Tra questi, ci sono attori che si battono attivamente contro la sepoltura di feti abortiti?
- Come vengono finanziati?
- Quali strategie utilizza l'attivista che si oppone? Quali mezzi di comunicazione usano di più?
- Quali argomenti usano per giustificare la loro posizione contro la sepoltura di feti abortiti?

Parte finale: i prossimi passi o quale sarebbe il risultato auspicato per gli attivisti

- Cosa hai intenzione di fare in futuro nel tuo lavoro per supportare/opporti a questa pratica?
- Cosa auguri per il futuro in termini di questa pratica?
- C'è qualcosa che vorresti aggiungere e non abbiamo avuto la possibilità di discutere?
- C'è qualcuno nelle tue reti che sarebbe bene parlare di questo argomento?

Source list

Video interview with Emiliano Ferri; transcription from video on Youtube <https://www.youtube.com/watch?v=iDmSkdWka3Q&t=3s> (Accessed: 22/03/2022)

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