



FAMILIA Y EDUCACIÓN EN UN MUNDO EN CAMBIO

DEEP VIOLENCE AGAINST WOMEN AND MARIA DA PENHA LAW

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ABSTRACT

This paper scrutinizes the bowels of violence against women, identifying the aggressor and attempting to bridge that violence with the symbolic violence from male dominance over centuries, emphasizing women predisposition to victimization and their body objectification. In this context, it analyzes Maria da Penha Law, sanctioned on August 7, 2006 by the president Luiz Inácio Lula da Silva (2006-2010), a tribute to Maria da Penha Maia Fernandes, a woman whose husband attempted to murder her twice, causing her to become paraplegic. It consists of a bibliographic study with the purpose of pointing out not only the explicit behaviors of gender-based violence but also ideologies with that potential. Thus, supported by structuralist, constructivist and psychoanalytic studies from various authors, whose references contributed to the perception, although recognizing the providential function of such law, of how questionable the implementation of such law was undergone and, therefore, its competence to stop the flux of virile violence. It was concluded that undervaluing a crystalized culture on male power according to which women are viewed as sexual objects, may have contributed to other forms of more aggressive violence against women.

Key-words: Women, Men, Gender, Media, Maria da Penha Law

INTRODUCTION

“The duty of a Brazilian woman president is to provide and putting in place the inclusion of gender, class and ethnicity. Such fact changes the nature itself of state” (Rose Marie Muraro).

The word “violence” derives from the Latin word *vis*, strength, multiple phenomenon referring to the constraining notions and use of physical and psychological superiority over the other. Violence and violation are associated with the feeling of moral offence, dishonor, arising with no measure or limits, devastating body, spirit and society (Lipovetsky, 2005, Minayo, 2006, Chaui, 2006). The phrase “Violence against women” seems to lack the responsible agent for such violence which are, generally, men. However, Silva (2010) distinguishes between man and male. Men haven’t the impulse of proving virility, don’t become vulgar promptly, have confidence in their own masculinity; and male,



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not necessarily muscled or corpulent, is unsecure, seeking erotic adventures, doesn't miss a chance to prove or exhibit virility. Therefore, the phrase "Violence against women" appears to be most adequate as describes better the scenery of violence, on one side the aggressor, the identified subject: the male and, on the opposite side, the victims: women, adolescents and children.

The creation of a specific law to protect women, sets out that such a general law didn't covered the needs of all citizens. From this absence or negligence, Brazil's federal law nº 11.340, also called Maria da Penha¹ Law 1, was put in place with the intent of reducing domestic and family violence. It was sanctioned on August 7, 2006 by the president Luiz Inácio Lula da Silva (Freitas & Lima, 2010). The law intention isn't questioned here but its implementation within a reality strongly affected by male domination. Are other forms of violence being perpetrated due to this law? Why victims' attitudes in situations of violence aren't studied? Based on this issue correlated phenomena, this paper attempts to contribute to emerge some comprehension to the problem under study.

2. DEVELOPMENT

2.1. Violence against women, domestic violence

Violence is installed when dialog no longer exists, so overlapping the destructive force, therefore, in all respects there is no greatness, being always a failure (Melman, 2003, Sartre cited by Caon, 2005, Arendt, 2010). Violence is practiced certainly from the perspective of impunity, its liberation focused on this context as "the objective of aggression consists in seeking for control and forcing it to function" (Winnicott, 2002, pp.100-101). There is violence when the actor(s) directly or indirectly, massively or sparsely causes damages to physical or moral integrity to varying degrees (Michaud cited by Keil, 2005).

Physical violence is evidenced from symbolic violence, thickens and basically acquires support through the prevailing paradigms: male chauvinism, women as sexual objects, women desire for emancipation, media and Maria da Penha Law itself. The representation of the easygoing Brazilian contradicts itself when this country violent daily life emerges, sharpened by the ambivalence and ambiguity of its slavery and colonial heritage (Keil, 2005, Minayo, 2006, Hohlfeldt, 2010). Violence is inherent in our social nature, all societies are violent, some more than others, but in the last years, the public dimension of violence in Brazil has led to the trivialization of evil (Minayo, 2006, Chauí, 2006).

Symbolic violence occurs by means of a cognition act and bad recognition, beyond or behind conscience and volition control (Bourdieu, 1998a). Women victims of explicit violence are, before this happens, affected by a growing number of symbolic violence, sometimes even perceived but rarely identified as offensive. Due to this subtlety, resistance reactions and protest attitudes are weakened and an unhealthy complicity takes place.

The so called "domestic violence" is perpetrated by a close partner or by another family, in any situation or form (Sudário, Almeida & Jorge, 2005, Batista cited by Saffi, Camargo & Oliveira, 2006). Family is no longer the sacred sanctuary, the safe place where the vulnerable and transitory existence was welcomed, today is built on wounds and violence, not always silent (Lasch, 1991, DaMatta, 1997, Bauman, 2000, Roudinesco, 2003, Ferry, 2008). The victim of such violence shows low self-esteem and undergoes either a material or an emotional dependence relationship with the aggressor which, almost always, accuses her of being the pivot of such aggression and, therefore, he doesn't feel guilty as he denies the responsibility of being real in this scene (Arendt, 2002, Ballone & Ortolani cited by Saffi et al., 2006).

Violence against women is a social and public health concern, consisting in a world phenomenon without considering social class, race/ethnicity, religion and education (Werlang et al., 2009).



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But just the cases belonging to the popular strata tend to become public and the cases belonging to richer classes remain unknown as a rule. However, not any aggression, independent of social, economic and cultural condition concerning the victim, is reported in the Occurrence Bulletin (OB). In those stories, emotional dependence (codependence) is greater than the financial one (Saffi et al., 2006), therefore, the victim will be notified of acceptance and immobility.

2.1.1. Sexual abuse of little girls and adolescents

Sexual abuse against children is defined as any sexual conduct practiced with a child by an adult or child older, with physical or psychological violence and seduction. It may consist in vaginal and/or anal penetration, manipulation of the genitals or breasts, to oblige to the practice of oral sex, to press or stimulate child to see pornography or the genitals (Ballone cited by Saffi et al., 2006). Sexual abuse against children can occur: Within the family – any form of sexual intercourse with a family member (incest) or with who represents; Outside the family – any form of sexual intercourse with a non-family member that can be acquainted or unacquainted (Seabra cited by Saffi et al., 2006).

In relation to the fragmentation of present values, Lipovetsky (2004) refers that “a great number of men and women think that there is no moral and that everywhere prevail cynicism, selfishness and anarchy of values” (p.23). However and according to this author, sexual life goes on within precise limits. Last researches have revealed that men over the age of 25 reported having had from twelve to fourteen sexual partners and women from two to five partners throughout their lives. To a certain extent, such data don't include the Brazilian panorama where the “adolescent sexuality has been hyper stimulated from the age of 10” (Muraro & Duarte, 2006, p.21).

2.2. Women victims of violence profile

Under this kind of violence, the majority of the victims and aggressors range from 22 and 30 years old. About five in ten murders are committed by men belonging to their caring and loving relationships: husbands, boyfriends, companions, “lovers”. The murders occur mainly with firearms at home, in the workplace, in the street, etc. Day of the week and time: generally Sunday morning. The majority of the victims are white women and white² little girls, from 5 to 9 years old, are the most targeted (Muraro & Duarte, 2006, Blay, 2008).

Women with secondary education overcome the ones without schooling and about 3% studied at university level. Violence occurs in all social layers and it is not limited to social class but related to hierarchical cultural values of gender (Blay, 2008). According to Associação Brasileira de Proteção à Infância e Adolescência [ABRAPIA], data from 2003 revealed that about 80% of the reported cases the victims are little girls and 85% of the aggressors are in the family (Oliveira, 2005).

2.3. Women and their place as second sex

According to Poli (2007), “being neurotic, we suffer from the attempt to construct an image that might correspond to what we suppose being a man or a woman” (p.11). That gender ideal is emphasized by the cultural construction of differences plurality between the two sexes, distinguishes bodies, a relational concept of power without which it is not possible to analyze men and women separate, one that is defined in relation with the other, in the social determinism of male behavior: instrumental, techno scientific and aggressive and the female remains directed by the segments: intimate, affective, domestic and esthetic (Lipovetsky, 2000, Butler, 2003, Meyer, 2003, Coulouris, 2004, Minayo, 2006, Touraine, 2007a).

Gender “falls into the series of mythical and ritual oppositions: tall/short, up/down, dry/wet, hot/cold” (Bourdieu, 1998b, p.33). In hunting societies, the power relations begin, the masculine becomes hegemonic taking the public domain for him and the private for her. Henceforward,



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man/woman relationship turns into domination, the will of knowing nature which is power desire, led man to dominate woman to his selfish purposes identifying her as the closest of the natural gestation processes and of life care (Muraro & Boff, 2002, Matos, 2006).

In short, what is feminine is the other historically denied and repressed, either by the male domination or in sociability. The word *anèr* (citizen) can only be pronounced in the masculine form and is associated with the notion of bravery and virility (Arán, 2006). Aristoteles and Saint Thomas Aquinas interpret the difference man/woman as disability and inequality. That distortion served to subordinate woman to man as one of his possessions, as producer of descendants and excluded from the social scope (Metzke cited by Muraro & Boff, 2002).

Education acts as a psychosomatic action that leads to the somatization of sexual difference and the highly competitive capitalist society through that category increases the hetero mentality clear in science discourses oppressing lesbians, women and gay men (Bourdieu, 1998a, Muraro & Boff, 2002, Wittig cited by Butler, 2003). However, "feminism of the seventies has identified family as the generating instance of gender inequality" (Oliveira, 2004, p.37), since the beginning, in the color outfit and even in the way babies are treated: masculine with abrupt attitudes associated with virile connotation; and feminine with delicateness, stimulating femininity.

According to Héritier cited by Arán (2006), the utopia of revolution is improbable because the inferiority of women is structurally impregnated in our way of thinking and of being in the world. As a matter of fact, the patterns of male sexual privilege were not all broken but there are evidences that such a privilege is not inevitable or immutable (Weeks, 2001). Man has lost his referential and began to complain and to show insecure in relation to the values of masculinity (Garboggini, 2003). However, gender equality still seems a long way off in many societies.

2.4. Feminine: stolen intelligence and negotiated body

Beauty, intelligence and body in women are what most appeals men (Goldenberg, 2004). Such an order contradicts facts, beauty and body no doubt are women attractive attributes that alternate as a stimulus in the choice of men. If intelligence in terms of seduction was relevant to men why would women invest so much in aesthetics? The apology of perfect body is one of the most cruel sources of frustration of women of that time, society demands her to be young, excitant and performative, even romantic men hardly decline physical appearance (Schelotto, 2000, Badinter, 2003, Orbach cited by Goldenberg, 2004).

Brazilian people are the one that undergo plastic surgery in the world and specially women. Men claim that the majority of women are concerned so much with their own body that becomes less attractive (Goldenberg, 2004). That is, they expect not only beautiful face and/or body but also other concerns besides gymnastics and beauty subjects. In thesis, men desire the perfect object and leave aside that the masculine, in itself, is sufficient. According to Goldenberg (2004), is disturbing to note that after decades of female struggles towards the full exercise of pleasure many women submit themselves to a new type of prison. While men are viewed as subjects of independent desires, they are not divided into categories and don't function as choice object (Ameno, 2001, Bozon, 2004b).

Benjamin cited by Matos (2006) states that "feminine is annihilated by modernity and body transforms itself in instrumental body, far from Eros and not related to vitalism or hedonism – is the machine body" (p.202). Gaining sexual object status, women are disqualified from their condition as citizen and such fact contributes to her vulnerability to the most diverse forms of violence. Thus, when women is confronted with that alleged superiority of men, that is, no longer retrieves her domain or ceases her utilitarian sexual function (being used), being disposable, beaten or killed.

2.5. Why men are violent towards women?

In the nineties, some studies pointed out a correlation of dysfunctions in the frontal lobe and left



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brain hemisphere with violent behavior of men (Josef et al., 2000). But “hormones are not an excuse to explain male aggressiveness” (Biddulph, 2002, p.47). Men violence is influenced by culture and particularly in the relationship many women are physically and/or verbally aggressive however they are excused as provoking agents. According to Ameno (2000), “man is a biologically human being and society transferred the same freedom he enjoys to the social world” (p.63). For such reason, man shows himself unable to intimate relationships, half of the marriages are disrupted and two in three divorces are initiated by women (Biddulph, 2003).

According to Beauvoir (n.d.), “nobody is more arrogant, aggressive or disdainful towards women than man who doubt of his virility” (p.19). Thus, women are the object of a misplaced aggression that cannot be expressed directly against other men. Through rape sexual pleasure has no significance but the perverse necessity of subjugating women, power and rage expression that has its matrix in self-assertion desire. So, rape is a violence of gender because sexual violence can only exist based on power inequality (Kaplan & Sadock, 1993, Coulouris, 2004).

Social environment forces women to accept the belief of her inferiority (Adler cited by Lasch, 1991), and that condition attracts injury as there is a greater pleasure in humiliating those hit by misfortune. The smaller the risk in the position of superiority the more intense the satisfaction before victim despair (Adorno & Horkheimer, 1985). Facing their own fear, many men act with violence but some have a pathologic desire of hurting and dominating (Biddulph, 2002, 2003). The perpetrator lying in the potential aggressor “confuses power with oppression; strengthening of the self by subjugation of the other and, if necessary, till his/her annihilation” (Rolnik, 2007, p.156). However, even direct victimization, according to Philippe (2007), not always is reported, it is considered irrelevant or believes that an event under private sphere doesn't allow the intervention of public authorities, fear of retaliations or having no more confidence in any type of help what is even more serious.

2.6. Women and their envy of penis

To psychoanalysis, libido undergoes three phases: oral, anal and phallic. The phallic phase characterizes the oedipal complex that in turn is associated with the castration complex. Freud reports woman and the feminine to the place of missing, failure or hole and on account of such fact contributes to become male sex more desirable (Monteiro, 1998, Lacan cited by Arán, 2006). That theory refers only to a sex, the male sex, without existing a difference but pairs of opposites that turn around the phallic logics (Arán, 2006). However, the sexual fable counteracts the phallic fable, it isn't the penis the object of envy but the unforgivable envy of women fecundity, therefore, a different social and political masculine order was invented in which such natural power was diminished (Baudrillard, 2001).

However, the envy of penis has nothing to do with sexual life, being the symbolic expression of equality desire in relation to men, male power and prestige symbolized by the male organ (Thompon cited by Lasch, 1991). After Freud death and according to Friedman (2002), “feminists redefined penis as instrument of sexual and political oppression. They didn't feel either castrated or with envy but condescending and passive” (p.173).

2.7. Women emancipation

The word emancipation as used in the XVII century aimed a liberating action and came to refer all the oppressed, the Jews, black men and women (Hill, 2006). Feminist emancipation now is related to her freedom, independence, modernity in order to become master of her own acts and destiny (Ghilardi-Lucena, 2003). Thus, women occupy a constant central position now while men less and less have partnership with them and being less important to exist in male environment (Touraine, 2007a).



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Women lean on the word as a means of access to life but Money owners are men still and the same applies to power and firearms, almost always take important decisions, society doesn't go towards equality between men and women, even less the androgynous one but rather to a culture directed or dominated by women in a women society (Touraine, 2007b).

Due to the "new woman" doesn't accept to live under his shadow, man would be anxious, weakened, destabilized in his identity and concerned with his virile capacity. Meanwhile, the devaluation of male behaviors and the independence of women didn't contribute to an extreme weakening of virile identity because men belonging to the marginalized classes the most "attached" to the traditional demonstrations of male power and hardly dealing with their actual male condition (Lipovetsky, 2000 - emphasis added). However, it must be pointed out that in male cultures, virile behavior is valued regardless their social class.

In male structure, women loved men that mistreat them and don't satisfy their desires (Muraro & Boff, 2002). The female object disqualified until then, now exhibits demands, men have before them an almost nude³ women¹, who desire their virile potential of before but under the regency of an equal mentality, a pact in which they resist to be in.

The actual violence against women is in the rupture is related to the breaking of these paradigms, a reconstruction that men haven't realized yet or made their mourning. As "sexuality hasn't revolutionized gender relationships or modified the places of each of them radically" (Bozon, 2004a, p.93). Perhaps violence is the male attempt to ban the changes in course.

3. CONCLUSIONS AND SUGGESTIONS

With the conquering of autonomy and Maria da Penha Law, many women became more audacious and daring. According to male perspective, more often than in past decades women should not be respected because they are sexually free. Due to this fact, such men include such women in the group of "bitches" and as Maria da Penha Law restricts their aggressiveness it is possible that their hope lies in impunity preferring to murder their victims than suffering any type of punishment.

According to Wittig cited by Butler (2003), only with the fall of compulsory heterosexuality a true humanism will be unveiled, free from sex chains. But the transversal public policies aiming at men and women equality, with the participation of civil society is the way to change violence mainly against women (Blay, 2008).

Although Maria da Penha Law aims to stop men violence or better male violence against women, imposing itself without any effort or work of awareness concerning the right of equality of gender, going against a male cultural formation of centuries without considering male dominating ideology reigning in the family, schools, media, finally the society as a whole in which women are viewed as sexual objects in the name of after modern freedom and material gains, accepting to expose their bodies and living their sexuality in the coverage of promiscuity.

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NOTAS

- 1 - That Law was implemented as a result of foreign pressure and entered into force on September 22 of the same year when was sanctioned, receiving that name in tribute to Maria da Penha Maia Fernandes, a woman considered a symbol of the fight against domestic violence, whose husband, the university professor Marco Antônio Heredia Viveiros, attempted to murder her twice, causing her to become paraplegic on May 29, 1983. Maria da Penha appealed to Interamerican Commission of Human Rights, integrating organ of the Organization of American States (OEA) that condemned the Brazilian State due to the lengthy criminal prosecution against the aggressor that occurred only 19 years later (Werlang, Sá & Borges, 2009).
- 2 - Skin color is a curious fact but the authors do not explain such preference, they only refer it as contradicting what was thought.
- 3 - The feminists tore and burnt their bra, symbol of oppression, in a public square in the sixties. Nowadays, the bra, personal accessory from a recent past, parades partly or sometimes totally in the visibility suggested before any visual effect, a ready availability.

