

PUBLIC POLICIES, GENDER AND THE PERFORMANCE OF DEMOCRACY:
BRNGING THE FAMILY BACK IN

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Violence against women is the most humiliating element of women's condition. It is something that indicates where people want us to be. There cannot be a democratic society while there is not a high level of respect for women.

Ruth Cardoso, Roda Viva, 03/09/1999.

On November 24, 2008, as a tribute to Ruth Cardoso, a medal was issued by the State of São Paulo to honor individuals and institutions that had an active participation in the fight for women's rights. Ruth Cardoso certainly deserved such tribute. It may be an oversimplification, but it is not incorrect to say that poverty and gender issues were central themes on Ruth Cardoso's academic researches and reflections.

Her participation in councils, committees and meetings aiming at combating economic inequality was based on the idea that poverty can only be overcome if gender equality is promoted. With much pride she defined herself as "feminist" in a context in which this expression was seen with suspicion even by activists committed to social justice.

What I want to show in my paper is that the contemporary refusal to "feminism" is not only the refusal of the researchers and policy makers to an old-fashioned label. This denial is accompanied by a new vision of the family and its importance in building the good society.

This concern with the new meanings the family articulates – and the way in which it reproduces hierarchies, inequalities and poverty – was the subject of one of the last conversations I had with Ruth Cardoso. It was a conversation about the research project Maria Filomena Gregory and I were carrying out in the Center for Gender Studies at UNICAMP on

the changes faced by the **Specialized Police Station for the Defense of Women** in Brazil, from its creation in 1986 up to the present time.

Ruth Cardoso was the advisor during my graduate studies and a key informal counselor on all the researches I did after my PHD. I do miss such creative interlocutress, her ability to solve problems and her sensitivity to look for alternative perspectives to reshape conventional approaches to theories and to social problems. Her untimely death in the prime of her distinguished and socially committed career left us with a deep sense of loss and profound sadness. Thus the text I am now presenting – inspired by our talks – is my sole and full responsibility.

During the 1970' social movements – particularly feminist movements but also movements for child and adolescent and for elderly defense – were very active in denouncing domestic violence. Through reports, documentation and interviews these movements reached growing spaces in the media to expose the daily abuses of women by their husbands and companions, of children and adolescents by their parents, and of elderly individuals by their adult children. In increasingly dramatic ways, the family was no longer unquestionably considered a space of harmony and protection, a refuge in a heartless world. On the contrary, the integrity of the family as the basic unit of caring in society was dented and governmental and non governmental organizations were created to combat domestic violence and to defend its victims. This paper explores the unexpected emergency of the family as the privileged institution to guarantee the good society. The main argument is that a new model of family role underlies public policies and campaigns aimed at fighting poverty and social and legal injustice. As the case of Brazil demonstrates, poor families are transformed into privileged state allies in dealing with the failed or those risky to failed citizenship, that is, individuals that are considered incapable or potentially incapable of exercising their legally granted civil rights. It is not the Latin American patriarchal family model – a private world impervious to

state institutions – that is being reinforced¹, and it is not the family as the domain of protection and affectivity that underlies public policies or campaigns aiming at combating poverty. The family is perceived as an entity where the duties of its members must be clearly defined, and public policies have to create mechanisms capable of reinforcing and stimulating the performance of conventional sex and generational roles.

The transformations undergone by the Specialized Police Stations for the Defense of Women in Brazil - the *Delegacias de Polícia de Defesa da Mulher* (DDMs, from the abbreviation in Portuguese) show in a remarkable manner the new meaning and practices that this new model of family articulates. Through the analysis of these transformations this paper shows the way by which private matters may become political issues but can again be reprivatized by the same institutions brought into being to grant civil rights.

The DDMs – created to investigate crimes committed against women – were a pioneering Brazilian initiative first founded in the state of São Paulo in 1986. This initial step was followed by the founding of more than 310 similar police stations all over urban Brazil and in other Latin American countries.

This initiative can only be understood within the context of Brazilian democratization. It was a state response to the feminist movement critique to sexism that prevailed in police stations and within the justice system as a whole, in that women's complaints of conjugal violence were disregarded.

At the end of the 1970's a murder shocked Brazil: a wealthy businessman shot his wife to death and was ruled not guilty by the judicial court arguing that his act was a "legitimate defense of his honor"². After a long women's movement protest, he was taken to court again and was sentenced to fifteen years in prison.

The great repercussion of this murder gave new motives to the feminist movement: to closer watch the application of the law and to call attention to the sexism rulings in the

judicial courts and police stations then became one of the main foci in the feminist movement struggles. The police stations specialized in the defense of women was a proposition of the Conselho Estadual da Condição Feminina, in whose foundation, in 1983, Ruth Cardoso actively participate. The DDM was the state's answer to the feminist movement and are, up to now, the main public policy in the struggle on violence against women in Brazil.

These precincts are police equipment, an integral part of the Brazilian system of justice, and their aim is to guarantee women's citizenship rights, providing police service to women victims of beating, rape, attempted murder and other forms of violence considered in the legal codes.³ Brazil has today approximately 310 police stations specialized in crimes against women.

Such an institution is one of the most visible faces of the politicization of justice in the defense of women's rights, a substantive victory for the women's movement in bringing a gender-based agenda into the state and more specially in successfully pressing the justice system to criminalize an issue that was considered to be a "private" matter. However, these stations, created to ensure women's rights, run the risk of being transformed into stations for family defense. In these terms, they would reestablish the hierarchies within which women were treated when family defense was the central focus of the system. This return to the family as the privileged institution to guarantee the good society is a backlash against women's quest for civil rights. The reinforcement of the family is a convention that underlies policies and campaigns launched by political forces that are defined as progressive and as standing pro human rights. That is the reason why such a surprising return to the family deserves special attention when gender and democracy are at stake.

This risk of transforming a political question into a private matter derives from distinct processes that combine, in the Brazilian context, when transformative or alternative justice come into play. After describing the functioning of the DDMs I highlight three of these

processes: first, the justice system's interest in decongesting the criminal justice system and accelerating the courts in order to widen the people's access to it (an access that is generally very difficult for the poor people); second, the interest of some sectors linked to the defense of human rights in humanizing the way prisoners are treated and their endeavor to decrease an undue reliance in incarceration and imprisonment; and, finally, the importance that conciliation acquires in alternative forms of justice. The conclusion presents some of the feminist conquests that followed the democratization of South American countries in the 1980's and discusses the hypocrisy involved in the bringing the family back in that characterizes current public policies.

Universality, Particularities and the Politicization of Justice

In new democracies with a long history of authoritarianism, the criminal justice and especially the police deserve a special attention. The security system is one of the most visible faces to evaluate democratic consolidation and in this system the police is the institution generally exposed by the media to weigh up its accountability. Police stations in Brazil are also a resource largely used by poor people to acquaint themselves with their rights and find an authoritative legal base for different dispute resolutions among family members and neighbors. Such a central role contrasts with the negative evaluation that prevails in the country about the police according to which its agents are arbitrary, inefficient in fighting violence and corrupt. These divergent images of the police also contrast with the inferior position the police occupies in the system of criminal justice hierarchy, in so far as its autonomy is limited not only by the judges and prosecutors, but also by its higher authorities, through their *corregedorias*, which could be defined as the police's police, as the *corregedorias* were created during the democratic regime to control police violence and to

enforce its accountability. It is in the context of these contrasting views of the police that specialized stations, as the DDMs, should be understood.

Another important condition to understand the dilemmas faced by the DDMs has to do with the way universality and particularity relate in the Brazilian context. The specialized precincts are a response to demands made by government and civil society organizations aimed at asserting specific rights and involved in fighting the specific forms of violence that affect discriminated groups. As their initiatives target specific population segments, the assumption underlying these organizations' actions is that the universality of rights can only be achieved if discrimination, exploitation and oppression experienced by different minorities are addressed.⁴ This movement leads to the implementation of various types of police stations for the defense of disadvantaged groups, for example: children, teenagers and elderly police stations, and ones specialized in racial crimes. The agents' predicament in each of these instances is to combine police ethics with the defense of the minorities' interests. This dilemma creates arenas for ethical conflicts, giving a specific dynamic to the precincts' daily routines, which demands an extraordinary dose of creativity on the part of their agents.

The conflicts between particularity and universality also give a specific character to what has been called the "judicialization of social relations". This expression highlights the fact that social life is increasingly subject to legal forms and procedural requirements that are enforceable in the judicial system. In contemporary western societies, the process by which non judicial negotiating and decision-making forums come to be dominated by quasi judicial (legalistic) rules and procedures reaches some life spheres traditionally considered strictly private in nature, as in the case of gender relations and that of the relations between children and parents.

The new objects under the scrutiny of lawyers and governed by formal regulations draw an image of societies as more and more engulfed in juridical semantics, with its

procedures and institutions. Some analysts consider this expansion of law and its institutions a threat to citizenship and a dissolvent of civic culture, in so far as it tends to substitute the ideal of a democracy of active citizens for an order of jurists that, claiming to be holders of the idea of fairness, end up usurping popular sovereignty.⁵ The police stations specialized in minority defense are, however, a result of social movements' demands and, because of this, can be seen as expressions of a reverse movement of "politicization of justice." This expression has to be understood as indicating a progress of the equalitarian agendas, for it expresses an intervention of the political sphere to transform into new subjects of rights groups historically relegated to relations of dependency and subordination. It is for this reason that the creation of specialized police stations breeds the expectation that, besides their police activity, these institutions constitute a pedagogic space for the exercise of civic virtues.

These conditions represent an enormous task for the special police stations, whose success will depend on the precincts' context, as I show in the next section.

Procedures and Characteristics of the DDMs

DDMs have different forms, are located in states and cities of different sizes, and have distinct resources and infrastructures. They are generally installed in an adapted house, in areas easy to access using public transportation (bus or subway). In most cases the special police stations have a telephone and a computer, but not a car and driver. Besides the chief, each precinct should have at least a clerk (copyist) and a detective (investigator), who in most cases are women. The precinct in the city of Salvador, Bahia, offers a sophisticated service with special attention to the victims. It is located in a house built for this purpose that, in addition to the traditional infrastructure of police services, employs women social workers and psychologists. In contrast, however, in some northeastern Brazilian cities, the special precincts do not even have a telephone.

The DDMs are also different with respect to the support given to them by state and county executives and by non-governmental organizations (some DDMs have psychological services provided by NGOs or universities). They also depend on local political injunctions, according to which they can have more or less prestige with the local political powers. Finally, the services offered depend on the political beliefs of their officers and on the way they characterize their public and its interests. In this sense a close relationship between feminist movement militants and the police officers is very important in determining the quality of the service offered in each context. What research has shown, at least in São Paulo – which has 126 of the 310 Brazilian DDMs – is that, even if today there is a loose relationship between the feminist movement and the specialized police stations, its agents have a gendered discourse in the sense that they are committed to defend women as subjects of rights.

In fact it is evident that when DDMs' officers speak of women in general they tend to consider them as an oppressed group. Such position, however, is not kept when they confront the public that demands their services. In such a case, their tendency is to segment the public, separating the women who demand their rights from those who make an unfair use of the police in order to make their husbands and mates remember their duty and comply with their social role.

The DDMs' public consists mainly of women of the popular classes, with a relatively low level of schooling (generally less than 5 years), who come to the precinct to complain of violence inflicted on them by their husbands or mates. The majority of the women does are either unemployed or employed in domestic services and most of them are from 20 to 35 years old.⁶

Understanding the procedures adopted in the DDMs requires an understanding of how their agents envisage the job they are responsible for and how they characterize the public that presents demands to the institution.

As noted earlier, when officers refer to the women in general, they take on an attitude of solidarity with an oppressed group. This attitude is rarely kept when they approach specific cases submitted to them. The agents' tendency is to make a division in the public demanding for their services, sorting out a sociological discourse or opposing the public's differences on moral and psychological behavior.

“There are women that enjoy suffering; they do not want to leave home and fight for their rights... They live in a condition of dependence, without the chance of a job that may give them worthwhile survival conditions... Their problem is intrinsic to their social condition (...) they live in faraway neighborhoods, don't have a good level of schooling, have children, have to work as domestic servants... They remain dependent on the condition their mates offer them. In truth, I think they would like a solution of the kind: 'take me out of this life, give me a solution'. An immediate solution. They feel deceived for we do not have such a solution.”

Another police chief classifies her public into three groups:

“the bold ones, who go to the end in the legal suits against their aggressors; those that come to the DDM only occasionally, for they were attacked in unusual circumstances within the domestic context; and the recurring ones, that are always attacked, but never go to the end in their suits against their mates-aggressors.”

The *recurring ones* represents the most intolerable aspect of the officer's daily routine work. These victims – the officers complain – come to the police station to report the aggressions committed by their husbands or mates, but they refuse to officially register their report. They want, in the words of another police-woman, *“to scare their mates, but they do not want them to be legally punished.”*⁷

This is the reason for the police allegation that women's police stations call more for the work of social workers than police-personnel, in so far as the DDMS' public expects a solution to a social problem and not the punishment of the culprit.

The police agents' perception that women do not seek criminal sanction and the fact that police occupy the lowest position in the criminal justice system hierarchy give a specific dynamic for the procedures adopted in the DDMS. Regardless of the counties' characteristics and of the equipment and personnel available, most of the complaints are classified as threats and light body injuries.

For example, a police agent has a prompt answer to the question “why don't you classify as a murder attempt the complaint presented by a woman who comes to the police station with bruises in the neck, saying that her husband tried to hang her with a belt?”

“if the judge happens to consider it was not a murder attempt, but bodily injury, the question is considered time-barred, and it is worse for the claimant”

The DDMS' agents know that the family is a violent institution and many times they themselves were victims of violence. It is quite common to hear accounts by police-women saying they were “enslaved” by their husbands, “expert stove pilots”; “victims of muffled domestic violence”. The agents argue that they were able to escape that situation when they looked for a job and became economically independent. They thus consider that a salaried profession is the best way for a woman to become independent and fight for her rights.

Only a very small proportion of the complaints registered at the police stations get transformed into Incident Police Reports. Such disproportion is also present in other police stations that, inspired by the DDMs, treat cases involving other minorities, like the precinct for elderly defense. The disproportion is in fact present in all police stations, for the police, as I already noted, is a tool widely used by the poorer people in order to know what their rights and duties are and to look for an institutional support to solve disputes in the family and among neighbors.

However, in the DDMs, such disproportion causes a disappointment with the institution itself. Analysts have given little emphasis to the fact that some DDMs do not have a shelter for the victims and that, in most cases, the victims have to go back to their husband-aggressor home before police procedures and the prosecution decision are initiated.

The enthusiasm over the establishment of the DDMs felt by most feminists was followed by disappointment: the victims do not pursue legal sanctions against their aggressors, thereby preventing punishment.

Three explanatory models have been invoked to explain the difficulties faced by the women's police stations 1) the model of the disciplinary forms of control that permeate hierarchical relationships, which make the police stations ineffective institutions; 2) the model of the tactics of conflict involved in affectionate relationships, which points out the cyclical character of the game of violence built and maintained by both parties, who turn to the police stations into a channel for reaffirming and reiterating the victim's position; and 3) the model that emphasizes the importance of the social role played by police stations, independent of their judicial procedures.⁸ From the point of view of this third model, the Brazilian precincts frustrate those who count on a punitive solution to crimes committed against women. However, the services provided are very important: the precincts are generally sought out for short term solutions to conflicts which fall outside the usual realm of the justice system. What

the complainants who turn to the police precinct expect is not so much judicial sentences, resulting in the punishment of the accused, but rather a negotiated resolution for unmanageable domestic conflicts. The officers of these police stations, especially when they are sensitive to women's concerns, are caught between the real world and the legal sphere, and in practice they translate between one domain and the other: on the one hand, offering instruments of pressure and negotiation for the complainants, and on the other hand being forced to give up some of the legal norms and standard tools in order to respond to the demands of a territory as treacherous as that of domestic violence.⁹ This third model inspires the initiatives aimed at transforming the DDMs into police stations for family defense. From this point of view, which always praises conciliation¹⁰, the DDMs tend to be transformed into institutions for the judicialization of conjugal relations. In other words, in the name of a conciliatory endeavor, the DDMs' officers would define norms and roles that are to be played by members of poor families, who are considered as people who refuse to exert their conquered civil rights. The causes of the crime production are to be seen as moral in nature or as results of the incapacity of relatives to take on the different roles that have to be performed in each stage of family life.

In 1995, special criminal courts (JECRIMs from the Portuguese abbreviation of *Juizados Especiais Criminais*), inspired by North-American Small Claims Courts were created in Brazil. Oriented by the principles of conciliation, the JECRIMs aim to increase the people's access to justice and to promote rapid and effective functioning of law, through procedure simplification both in the civil and criminal area.¹¹ These objectives are worthy of praise in so far as the vast majority of the Brazilian people do not have access to justice and justice is seen as exceedingly bureaucratic, dilatory and inefficient. Dealing with misdemeanors and crimes considered petty offenses, whose maximum penalty is no more than one year confinement – such as bodily injuries and threats – these courts – to the surprise

of the authors of its proposal – undergo a feminization process. Most of the victims in the cases these courts process are women, victimized because they are women. The creation of JECRIMS allowed criminal police reports that once stayed for ages at the police stations to arrive faster at the courts for judgment.

In other words, the informal and simplified procedures that the JECRIMS¹ made possible radically changed the dynamics of the DDMs that has to send as fast as possible the claims before them to the JECRIMS. At the JECRIM, the judge – who in most cases does not have a feminist perspective and generally thinks the family must be always defended – tries to conciliate between the conflicting parties.

Couple's conciliation may occur in the DDM, but research has shown a difference between conciliation at the JECRIM and at the DDM. This difference is not that conciliation and conflict mediation is a formal part of the JECRIMS' practice and an informal procedure in that of the DDMs'. Regardless of the degree of identification DDMs agents have with feminist ideas their central tenet is that women are subjects of rights, and this view organizes their interaction with the conflicting parties. In contrast, at the JECRIMS, conciliation is organized around the defense of the family – of the social roles expected from men and women. Phrases like “you don't ever beat a woman, even with a flower”; “send her a bunch of roses”, said by the judge to the aggressor illustrate the character of the procedures adopted in these courts when family is at stake.¹²

As an answer to the feminist claim against the way gender violence was dealt with in these courts and as a response to the growing amount of complaints about domestic violence reaching the institution, a JECRIM specialized in dealing with family violence was formed in São Paulo in 2003, whose purpose is to deal with the family's defense.

¹ The JECRIM was created by law number 9099, 1995.

NGOs inspired by human rights were invited by JECRIMs' judges to help in couples' conciliation. These NGOs usually do not trust court system procedures as a whole. They also consider that justice, inspired by feminism, seeks out vengeance, as a result of women's victimization bred by feminism. They claim that psychotherapy should substitute penal sentences as a way to heal psychological malfunctions that lead husbands and mates to aggression. Thus they invite professionals to promote therapeutic dynamics for the couples. In all cases there is an effort toward extending the solidarity to the male aggressors, as far as the aggressors are seen as a victim of psychological malfunction.

In São Paulo, the state with the largest number of DDMs, these precincts' functions were expanded. Decree no. 40693, in 1996, included among its functions the investigation of crimes against children and teenagers committed within the home. In this expansion a new perception of the DDM is involved emphasizing shifts from women's rights to domestic violence. Such change is defended by the coordinator of the state of São Paulo's DDMs in strictly juridical terms that I quote from memory with help from my field notes:

When a precinct specialized in women investigates specific crimes against women victims what happens is the following: I have in a house a woman attacked, a son attacked, a grand-father attacked, a daughter who's a victim of sexual aggression; I could only deal with the crimes where the woman was the victim. By extension, I also dealt with the crimes where the child was female. The male child was left for the district's precinct to investigate. The same case was investigated by two different precincts. Conclusion – the victim had to be heard in my precinct, in the district's precinct and before the court. One had split a case in a way that is not appropriate in juridical terms. And with this we bring damage to the evidence. And the district precinct dealt poorly in regards to the children; it gave the guilty party a

big opportunity to be acquitted. Thus we wanted the DDM, if possible, to have another name, be it the Precinct in Charge of Crimes Against the Family, in general. But it is difficult, because some (feminists) won't accept the change... Then, it keeps the name, but opens the competence to deal with children and teenagers of both sexes, when victims of domestic violence.

The São Paulo DDMs coordinator's concerns are with the quickness and efficacy in crime investigation and the offender's punishment.

At the national level, as an answer to the feminist claim against the way gender violence was dealt with in the JECRIMs, Brazilian President Lula, in August 2008, signed a new law on "Domestic and Family Violence against Women".² The law changes the Penal Code, allowing an aggressor to be arrested not only in the act of committing an offence, but also preventively, if the aggressor's freedom is determined to be a threat to a victim's life. The law also provides for crimes against wives and mates to be judged in special courts. The new legislation offers unprecedented measures to protect women in situations of violence or under risk of death. But it places the emphasis on family protection blurring women's defense.

The law was the result of an extensive process of consultation and discussion, with different types of women's organizations in which a feminist perspective is not always present.

In some of these NGOs – even those pro human rights – what prevails is a lack of confidence with regard to punitive actions. The aggressor is seen as a bearer of some psychological defect that has to be corrected. But in both cases the family is invited to come back in. The family coercive harmony is the way of pacifying the poor – women that failed as citizens because they were incapable of assuming civil rights – women already conquered.

² The law is being referred to as the "Maria da Penha law". Maria da Penha was continuously beaten by her husband who tried to kill her twice. The second time, he shot her in the spine, paralyzing her permanently. Ms. da Penha then initiated a long struggle to have her husband punished for his crimes but the courts repeatedly found him not guilty. It is a long story of of frustration and disappointment and a powerful example of the impunity enjoyed by gender-based violence perpetrators in Brazil.

The Family and Failed Citizenship: Conclusion

The historical and cultural diversity among Latin American countries did not prevent impressive similarities in what has been considered substantial progress in women's rights.

We know that international treaties aimed at eliminating gender inequalities are very recent. Among them, those with more impact in the Latin American and Caribbean countries were the Convention on the Elimination of all forms of Discrimination against Women (CDAW, UN, 1979), the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Belém do Pará, OEA, 1994) and the Beijing Action Platform, of the IV World Women Conference (UN, 1995). The vast majority of Brazilian states ratified these agreements, committing themselves to guarantee the elimination of discriminatory laws and the elimination of gender prejudice in law applications.

Besides questions related to the areas of health (especially dealing with reproductive health) and education, the feminist movement has considered as progress the implementation of the following initiatives in the wake of the democratization of the eighties: the creation, within the executive branch, of agencies dedicated to the guarantee of women's rights, as, for instance, councils under the Presidency, Ministries and Secretaries (see table in the appendix); and of police equipment to combat gender and domestic violence, such as the DDMs and special training courses for police personnel on women's rights.

In the same way, all South American countries implemented quotas calling for women candidates in political parties. Changes in the civil and criminal codes point very clearly to countries' similarity in regards to women discrimination. As, for instance, the establishment of juridical equality for spouses and the right of women to acquire, manage and dispose of property. In Ecuador, Guatemala and the Dominican Republic, the husband manages the couple's goods. In Chile, up to 1989, women had a legal position similar to that of children,

and in Panama, even in 1994, discrimination norms existed against women in the commercial code. In Bolivia, Guatemala, Peru and the Dominican Republic restrictions still exist in regards to women participating in certain professions without their husbands' authorization; and, in terms of labor, women in Bolivia, Costa Rica, Ecuador and Guatemala have a position close to that of children.¹³

With respect to violence against women, most countries have adopted laws against family violence (see table in appendix), and from the eighties on, changes were introduced in the criminal codes. Among these changes, special attention has been given to substituting crimes against honor with crimes against freedom or sexual integrity. However, some countries in the continent maintain adultery as a crime and terms relative to women's honesty are utilizable for the characterization of crimes. For example, some countries still permit mitigating circumstances for rapists if the aggressor gets married to the victim, or if the victim gets married to some third party.¹⁴

It is in the so-called honor crimes – aggression and murder of a woman by her husband or mate under the argument of adultery or of women's desire of separation or divorce – that violence against women reaches a bigger indignation particularly when the figure of “legitimate defense of honor” is used by the defense, with success.

These data suffice to show that, in spite of the differences among the countries in the continent, feminist organizations – linked to transnational networks – show combativeness, in contexts where social and economic inequalities impose limits to the exercise of civil rights by both men and women, whether elderly or children, whatever their religion and racial characteristics.

In Brazil – a country marked by blatant social hierarchies – an institution created for the guarantee of certain rights, as the DDM, may redefine its public as constituted by people who are unable to exercise rights already conceded.

The transformation of Specialized Police Stations for the Defense of Women into family precincts presupposes that the victims should negotiate with their aggressors, their material and their social conditions of existence. Thus, the victim will be a victim again, this time the victim of a failed citizenship, because she rejects the citizen condition, in a country where citizenship rights are considered legally granted.

Rather than defining what are backward or forward movements, it is important to show the specific forms through which institutions may change the stimulus and meanings that led to their foundation.

In other words, actions to fight domestic violence run the risk of transforming the victims and the aggressors into human beings considered incapable of exercising civil rights. Only the family can pacify them, thus, the State should implement policies capable of enforcing the family and its hierarchies.

Many authors have shown that in the eighties and beginning of the nineties western societies saw the emergence of a new moral agenda that questioned their dependence on the State. The concern with the material costs of social policies led to a new emphasis on the family and community as agencies capable of providing solutions to many social problems. However, what the case of Brazil demonstrates is a new conception of the family, different from the family whose role characterized previous social policies in western societies. In the post-war the ideologies and practices of the Welfare State had a paternalistic content that forbade the questioning of the family's integrity as the privileged institution to take care of its members. Such paternalism was shaken in the seventies by the waves of accusations of domestic violence against women and children. Today in Brazil's agenda, the family's duties and obligations are redefined, for governmental agencies and the court system called on the family to deal with the failed citizenship. To perform this task families are stimulated by governmental programs such as *the family minimum income* – or the proposal of an elderly

monthly stipend to encourage family younger members to take care for their elderly parents or relatives – which complement the law on “Domestic and Family Violence against Women” at the level of the court system, as mentioned above. These agencies claim a right to precisely define each member of the family’s rights and duties, in order to assure the interaction among kin and other persons linked by affective relations.

Institutions created in the context of the valorization of democratic ideas, with the aim of politicizing justice to grant a more egalitarian society can thus, paradoxically, sharpen forms of gender hierarchy calling the judicial sphere to discipline relations that cannot be left to social creativity.

Talking to Ruth about the difficulties involved in the critique of the family and its new role she argued, with her wisdom and experience, that she was convinced that the best way of dealing with this problem and of exposing the fragility of the family to grant the good society is to say that the family is a realm of conflict. Gender conflicts, generation conflicts and the conflicts involved in distributing economic resource among its members, resource that are always limited and scarce.

References

- Amaral, Celia G. et al. (2001). *Dores Invisíveis: Violência em Delegacias da Mulher no Nordeste*. Fortaleza, Edições Rede Feminista Norte e Nordeste de Estudos e Pesquisas sobre a Mulher e Relações de Gênero (REDOR).
- Ardaillon, Danielle. (1989). “Estado e Mulher: Conselhos dos Direitos da Mulher e Delegacias de Defesa da Mulher”. São Paulo: Fundação Carlos Chagas, *mimeo*.
- Ardaillon, Danielle and Debert, Guita. G. (1987). *Quando a Vítima É Mulher: Análise de Julgamentos de Crimes de Estupro, Espancamento e Homicídio*. Brasília: Conselho Nacional dos Direitos da Mulher.

- Azevedo, Maria A. (1985). *Mulheres Espancadas: A Violência Denunciada*. São Paulo: Cortez Editora.
- Azevedo, Rodrigo. G. (2000). *Informalização da Justiça e Controle Social – Estudo Sociológico da Implementação dos Juizados Especiais Criminais em Porto Alegre*. São Paulo: IBCCRIM.
- Benhabib, Sheila and Cornell, Drucilla. (1987). *Feminism as critique on the politics of gender (Feminist Perspectives)*. New York: Basil Blackwell Limited.
- Berten, A. and Pourtois, H. (1997). *Libéraux et Communautariens*, Paris : PUF.
- Blay, Eva and Oliveira, Maria. (1986). *Em briga de Marido e Mulher...* Rio de Janeiro, IDAC, São Paulo: Conselho da Condição Feminina.
- Brandão, Elaine. (1999). “Violência Conjugal e o Recurso Feminino à Polícia”. In C. Bruschini and H. B. de Hollanda (eds.). *Horizontes Plurais*. São Paulo: Fundação Carlos Chagas/Editora.
- Brockson, Sandra. (2002). “A Delegacia de Defesa da Mulher de São Carlos, SP”. Relatório da Pesquisa Gênero e Cidadania, Tolerância e Distribuição da Justiça, Campinas: PAGU - Núcleo de Estudos de Gênero da UNICAMP, *mimeo*.
- Cardoso, Ana. P. (1996). *A Justiça Alternativa: Juizados Especiais*. Belo Horizonte: Nova Alvorada Edições.
- Carrara, Sergio et al. (2002). “Crimes de Bagatela: a violência contra a mulher na justiça do Rio de Janeiro”. In M. Corrêa (ed.). *Gênero e Cidadania*, Campinas: PAGU - Núcleo de Estudos de Gênero da UNICAMP.
- Chatterjee, Partha. (2004). *Colonialismo, Modernidade e Política*. Salvador: Fábrica de Idéias/EDUFBA.
- Corrêa, Mariza. (1983). *Morte em família: Representações jurídicas e papéis sexuais*. Rio de Janeiro: Graal.
- Correa, Mariza. (1981). *Os crimes da paixão*. São Paulo: Editora Brasiliense.
- Cunha, Luciana. G. S. (2001). “Juizado Especial: ampliação do acesso à justiça?”. In M. T. Sadek. (ed.). *Acesso à Justiça*. São Paulo: Fundação Konrad Adenauer.

- Debert, Guita G. (2002). *Arenas de Conflitos Éticos nas Delegacias Especiais de Polícia*. Primeira Versão, Campinas: IFCH, UNICAMP.
- Debert, Guita G. and Gregori, Maria F. (2002). "As delegacias Especiais de Polícia e o projeto Gênero e Cidadania". In M. Corrêa (ed.). *Gênero e Cidadania*. Campinas: PAGU - Núcleo de Estudos de Gênero da UNICAMP.
- Debert, Guita G. and Oliveira, Marcella B. (2004). "Os modelos conciliatórios de solução de conflitos e a violência doméstica". São Paulo: ANPOCS, *mimeo*.
- Dora, Denise. (2000). "Honour Killing – Cultural Practices and Human Rights". Essex: University of Essex, LLM. International Human Rights Law, *mimeo*.
- Faisting, André. L. (1999). "O dilema da Dupla Institucionalização do Poder Judiciário: O Caso do Juizado Especial de Pequenas Causas". In M. T. SADEK (ed.). *O Sistema de Justiça*. São Paulo: Editora Sumaré.
- Fraser, Nancy. (1987). "What's Critical about Critical Theory – The case of Habermas and gender". In S. Benhabib and D. Cornell (eds.). *Feminism as Critique: on the politics of gender (Feminist Perspectives)*, New York: Basil Blackwell Limited.
- Garapon, Antoine. (1996). *Le Gardien des Promesses*. Paris : Ed. Odile Jacob.
- Gregori, Maria F. (1993). *Cenas e Queixas: um estudo sobre mulheres, relações violentas e a prática feminista*. São Paulo: ANPOCS/Paz e Terra.
- Grossi, Miriam P. (1994). "Novas/Velhas Violências contra a Mulher no Brasil". *Estudos Feministas*, 2, 473-483.
- Htun, Mala. (2001). "A política de cotas na América Latina". *Revista Estudos Feministas*, 9, 225-230.
- Izumino, Wania P. (1998). *Justiça e Violência contra a Mulher: O Papel do Sistema Judiciário na Solução dos Conflitos de Gênero*. São Paulo: Annablume/FAPESP.
- Izumino, Wania P. (2002). "Delegacias de Defesa da Mulher e Juizados Especiais Criminais: Contribuições para a Consolidação de uma Cidadania de Gênero". *Revista Brasileira de Ciências Criminais*, 10, 40-83.
- Kant de Lima, Roberto et al. (2001). "L'administration de la violence quotidienne au Brésil. L'expérience de Tribunaux criminels spécialisés". *Droit et Cultures – Revue semestrielle d'anthropologie et d'histoire*, n. hors série:199-228.

- Lins de Barros, Miyriam M. (1987). *Autoridade e Afeto. Filhos e netos na família brasileira*. Rio de Janeiro: Zahar Editores.
- MacDowell dos Santos, Cecília. (1999). "Cidadania de Gênero Contraditória: Queixas, Crimes e Direitos na Delegacia da Mulher de São Paulo". In A. do Amaral Júnior and C. Perrone-Moisés (eds). *O Cinquentenário da Declaração Universal dos Direitos do Homem*, São Paulo: Editora da Universidade de São Paulo.
- Machado, Lia Z. and Magalhães, Maria T. B. (1999). "Violência Conjugal: os Espelhos e as Marcas". In M. Suárez e L. Maria Bandeira (eds.). *Violência, Gênero e Crime no Distrito Federal*. Brasília: EDUnB/Ed. Paralelo 15.
- Muniz, Jacqueline. (1996). "Os Direitos dos Outros e os Outros Direitos: Um Estudo sobre a Negociação de Conflitos nas DEAMs/RJ". In L. E. Soares (ed.). *Violência e Política no Rio de Janeiro*. Rio de Janeiro: ISER/Relume Dumará.
- Nader, Laura. (1984). "Harmonia Coerciva: a economia política dos modelos jurídicos". *Revista Brasileira de Ciências Sociais*, 9, 29, 18-29.
- Nelson, Sara. (1996). "Constructing and Negotiating Gender in Women's Police Stations in Brazil". *Latin American Perspectives*, 23, 1, 131-148.
- Pimentel, Silvia et al. (2004). "Legítima Defesa da Honra, Ilegítima impunidade dos assassinos, um estudo crítico da legislação e jurisprudência na América Latina", *mimeo*.
- Rifiotis, Theophilos. (2001). "As delegacias Especiais de Proteção á Mulher no Brasil e a judicialização dos conflitos conjugais". São Paulo: ANPOCS, *mimeo*.
- Sadek, Maria T. (2001). *Acesso à Justiça*. São Paulo, Fundação Konrad Adenauer.
- Saffioti, Heleith I. B. and Almeida, Sonia S. (1995). *Violência de Gênero: Poder e Impotência*. Rio de Janeiro: Revinter.
- Saffioti, Heleith I. B. (2002). Violência Doméstica: questão de polícia e da sociedade. In M. Corrêa (ed.). *Gênero e Cidadania*, Campinas: PAGU - Núcleo de Estudos de Gênero da UNICAMP, 59-69.
- Soares, Barbara M. (1999). "Delegacia de atendimento à mulher: questão de gênero, número e grau". In Soares, L. E. et al. *Violência e Política no Rio de Janeiro*. Rio de Janeiro: ISER/Relume Dumara.

Suárez, Mireia and Bandeira, Lourdes M. (1999). *Violência, Gênero e Crime no Distrito Federal*. Brasília: EDUnB/Ed. Paralelo 15.

Taube Maria J. (2002). “Quebrando Silêncios, Construindo mudanças”. In M. Corrêa (ed.). *Gênero e Cidadania*, Campinas: PAGU - Núcleo de Estudos de Gênero da UNICAMP.

Vianna, Luiz W. et al. (1999). *A Judicialização da Política e das relações sociais no Brasil*. Rio de Janeiro: Ed. Renavan.

Appendix I

Number of occurrences brought to the Police Stations for the Defense of Women Brazil 1999

States	Number of precincts that answered the survey	Total	Percentages
Brazil	254	326.693	100
Acre	1	4867	1,49
Alagoas	1	-	-
Amazonas	1	5928	1,81
Amapá	2	2200	0,67
Bahia	3	7400	2,27
Ceará	1	-	-
Distrito Federal	1	485	0.15
Espírito Santo	9	11461	3,51
Goiás	3	10118	3,10
Maranhão	4	2734	0,84
Minas Gerais	33	22041	6,75
Mato Grosso do Sul	4	6477	1,98
Mato Grosso	3	2550	0,78
Pará	14	3358	1.03
Paraíba	3	3269	1,00
Pernambuco	2	4330	1,33
Piauí	2	3825	1,17
Paraná	10	27470	8,14
Rio de Janeiro	5	5228	1,60
Rio Grande do Norte	2	3672	1,12
Rondônia	4	2476	0,76
Roraima	1	-	-
Rio Grande do Sul	18	12183	3,73
Santa Catarina	10	6753	2,07
Sergipe	1	198	0,06
São Paulo	112	176230	53,94
Tocantins	4	1440	0,44

Source: Ministry of Justice – National Survey on Functioning Conditions of the Police Stations for the Defense of Women

Appendix II

National Initiatives to the Elimination of Gender Inequalities in South American Countries

South American Countries	Ratified the Belém do Pará Convention 1994 ¹⁵	State Agencies For the Defense of Rights	Law on Family Violence	Specialized Women or Minority Precinct
Argentina	1996	National Council on Women 1992	1994	Special Police Corps
Bolivia	1995	Undersecretary for Gender Questions 1993	1995	
Brazil	1995	National Secretary for Women Policies 1985	Constitutional Commitment 1988	Police Stations since 1986
Chile	1996	National Women Service 1991	1994	Police Training
Colombia	1996	Council for Equity for Women 1995	1996	Precincts and Prosecutors for the Family
Ecuador	1995	National Women Council 1997	1995	Women Police Stations 1994
Guiana	1996		1996	
Guiana Francesa				
Paraguay	1995	Women Secretary 1992		Police Training
Peru	1996	Ministry for Women Promotion and Human Development 1996	1993	
Suriname				
Uruguay	1996	National Institute for the Family and Women 1987		

Source: Inter-American Commission of Human Rights

Notes

¹ See Correa (1983); and also Lins de Barros (1987).

² On the figure of “legitimate defense of the honor” see Corrêa (1983).

³ With the exception of cases of murder, which are processed in different police precincts.

⁴ For the debate on universality and particularity see Chatterjee (2004) and Fraser (1987). See also the collection of articles edited by Berten and Pouetois (1997) on the debate between liberals and communitarians. For the feminist criticisms see the book organized by Benhabib and Cornell (1987).

⁵ For a summary of this debate, see Werneck Vianna (1999). On the juridicization of matrimonial conflicts, see Rifiotis (2002).

⁶ On the DDMs see Amaral et al. (2001); Azevedo (1985); Ardaillon (1989); Blay and Oliveira (1986); Brandão (1999); Brockson (2002); Carrara et al. (2002); Debert and Gregori (2001); Debert (2002); Grossi (1994; 1998); Izumino (1998; 2002); MacDowell dos Santos (1999); Machado and Magalhães (1999); Muniz (1996); Nelson (1996); Oliveira (2002); Rifiotis (2001); Saffiotti (1995; 2001); Soares (1999); Soares et al. (1996); Suarez and Bandeira (1999); Taube (2001).

⁷ See in the appendix a table with the cases presented before the DDMs that responded to a survey conducted by the *Conselho Nacional dos Direitos da Mulher* [National Council on Women’s Rights] in 1999.

⁸ For the first model, see Izumino (1997), for the second Gregori (1993), and for the third Soares (1999).

⁹ See Soares (1999).

¹⁰ On coercive harmony see Nader, (1994).

¹¹ To avoid jails sentences, at the JECRIMs penalties range from fines to community services sentences. On the JECRIMs see Azevedo (2000); Cardoso (1996); Cunha (2001); Debert (2002); Faisting (1999); Kant de Lima (2001); Vianna et al (1999).

¹² On conciliation, see Debert and Oliveira (2004).

¹³ Analysis of the *Información Recibida de los Estados Miembros y de Organizaciones no Gubernamentales*, Inter-American Comisión on Human Rights OEA, 1998.

¹⁴ Pimentel et al (2004).

¹⁵ Inter-American Convention to Prevent, Punish and Eradicate Violence against Women.

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