From Doctor to Monster: Disputes over The Categories of Sexual Violence in Abdelmassih's Case*

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Abstract

This article explores the case involving Roger Abdelmassih and its media coverage, in order to understand the symbolic constructions at stake in the period between 2009, when the complaints against the doctor were disclosed by the newspaper Folha de São Paulo, and 2016. The public exposition of the complaints and its legal-police deployments in the commercial media promoted a social reading of the case, producing a moral narrative about the type of violence, the aggressor and his victims.

Keywords: Sexual Violence, Media, Gender, Sexuality.

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This article recalls some elements concerning an event that drew widespread media coverage, in order to analyze the disputes around sexual violence categories. The empirical frame encompasses the complaints of several harassments committed by a celebrity Assisted Reproduction doctor, Roger Abdelmassih, which became a media scandal in 2009.¹

We aim to understand how Brazilian hegemonic media has covered this case before and particularly between the years of 2009 and 2016, and how media have constructed the categories of sexual violence, victim and offender. Some of the focused terms – harassment, rape, abuses – not always are criminal offences present in Brazilian criminal code, but nevertheless they appear intensely around the case, in its public and media narrative.²

The media headlines the complaints against the doctor in the very year that the legal definition of rape in Brazilian criminal code has changed. Abdelmassih was first charged of "harassment" by his former patients and an employee of his clinic, but he was convicted in 2010 to a 278 years sentence for two rapes and 52 sexual assaults. His conviction is based in the valid legal definition of rape before 2009, when the crimes were committed. However, what was widely broadcasted after the charges and the preventive detention is the term "rape".

This article focuses in the way the media constructs the victims (women willing to be mothers), the doctor image – shifting from great expert to a rapist/"villain" –, and the facts for which he was convicted. Landini's account (2003, 2006) discuss the transformation of narrative forms on sexual violence against children throughout time and, similarly, we emphasize here the

¹ This research was funded by CNPq – Lais Marachini PIBIC scholarship, and Research Productivity Scholarship – CNPq and Research Aid by FAPESP.

² This research had collected and systematized 183 newspaper and magazines stories/articles, TV shows, and online newsmedia articles. We have consulted two books on the case – Vilardaga (2016) and Tognolli and Magalhães (2015).

visibility and the disputed categories in a case that, considering how it was presented in different mediums, became a moral narrative. Analyzing the visibility of rape cases in press media during the 1990s, Landini (2006) shows how the newspapers progressively treated rape crimes as a journalistic scandal, emphasizing brutality scenes (perversely injured or dead victims), where the rapists are portrayed as "maniacs" or have their mental sanity questioned.³

Our theoretical premise is to analyze the media as part of social and cultural reality construction – media as part of a public sphere in which some violence notions are in discussion, a sphere of power and symbolic construction (by means of cultural goods) acting in the public sphere. This article analyses the production and circulation of journalistic⁴ meanings, considering the news as a result of a commercial structure of media – newspapers, magazines, TV shows, online newsmedia –, hence, influenced and constraint by a certain way of producing and selling facts.

Media, while promoting the repetition of narrative forms and canons, reiterate certain meanings associated to sexual violence and the characterization of offender and victims. Especially in open TV news bulletins, the stories had tense soundtracks, thriller atmospheres, off narrations of the moments of juridical convictions, fleeing and recapture, and imprisonment. Lightning

³ The line drawn between the uses of rape and pedophile, as analyzed by the author, is the presence of other forms of physical violence, as the rape was associated with marks left in the body and even with the death of the victim.

⁴ We sustain the perspective of the anthropology of media, as discussed in Media Worlds (Ginsburg; Abu-Lughod; Larkin, 2002). I consider that there is a profitable dialogue with a cultural studies branch concerned with social inequalities (as in Williams, 1977; 1992; Hall, 2006) which also refers to how such inequality articulates with the production and the meanings of the media. Finally, there is also an important inspiration in the way the media is analyzed as a public sphere, acting in a powerful way in recognition struggles in contemporary societies (Fraser, 1990; 1996).

and background music are resorts in the construction of the drama and the suffering expressed by the victims.

We have chosen the commercial structured media, including hegemonic companies like Globo, Abril Press, Folha de São Paulo, whose penetration in the public debate is deep. The case we chose to present allows us to discuss the production of journalism and how it echoes and acts redefining what constitutes a rape. Our argument here is to understand how certain recognition and justice claims in the public sphere are channeled through media.

The "in vitro fertilization" pioneer

Before the complaint, Abdelmassih became a celebrity in a wave of New Reproductive Technologies notoriety and media coverage during the 1990s. The commercial structured media in a consumption society was advertising the treatment as a sophisticated and high tech way to assure the production of biological children.⁵ During the 1990s, a sophisticated market of technological-medical production of embryos has emerged, as reported by Martha Ramirez-Gálvez account (2003; 2009; 2011). Inspired by how Strathern's work (1992; 1995) demonstrated the logic of familiar and consumption enterprise, where the child is a commodity and a promise of happiness, Ramirez analyses the reproductive clinics advertising materials, among which Abdelmassih clinic outstands.

Formally advertised as a "cure" to infertility, such technologies were also presented by the press as a magical and technological "children production". This idea is explicit in the notion spread by Abdelmassih clinic website that it was a "baby's factory", when he was the most notorious specialist of the country.

⁵ About this media structure and the promotion of cultural goods and services on television, see Almeida (2002; 2003; 2007; 2013).

Abdelmassih graduated in urology at the University of Campinas in 1968 and during the 1990s he presented himself as an andrologist, an authorized source to explain the assisted reproductive procedures at press articles and TV shows, in which he was promoting his clinic together with celebrities who have used his services. The fact that he has "made" the children of "famous folk", such as football star Pelé in his last wedding, was a powerful appeal of the press advertising the use of complex techniques. His clinic had a much higher success rate than average market standards. During the 1990s, Abdelmassih was a constant presence in TV shows and magazines targeting a feminine audience, such as Caras. The doctor was friend of the TV hostess Hebe Camargo, who had given him the nickname "Dr. Life". On TV shows, Abdelmassih stressed his clinic great productivity and success, showing that it was worthy to make "Anything for a baby" (the title of his self-promoting book, published in 1999 by Globo Press).⁶ The doctor always emphasized his love for his wife and family, presented himself as a pious Catholic and thanked God for the productivity of his clinic and for the opportunity to make the happiness of so many couples. The friendship with stars, the religious discourse and the family exaltation (his own and the ones created by his clinic) outstand in his discourse.

This display was created as an advertising technique, exhibiting the testimony of famous people (to provide credibility to the broadcasted product), as well as "common" folk (not celebrities) also present at the events, which publicly assured the happiness of a child conceived at the clinic and the family wholeness as an ideal. Common people's testimony would led the consumption public to relate and to wish to consume the same

 $^{^6}$ Miceli (2005) has analyzed how the studio audience TV show hosted by Hebe Camargo and staged as a feminine living room has promoted consumption, ideals and lifestyles for the middle class.

product (as informed by the advertising handbooks⁷). The books and stories produced by Abdelmassih⁸ reinforced the promotion of the ideal of a complete family and children as a necessary complement for the couple.

Abdelmassih demonstrates, in some of his more technical articles, the technological refinement of his clinic: for instance, the *Fantástico* coverage of the 30th birthday of Louise Brown, the "first test-tube baby", where the doctor explains the most used technique of his *in vitro* fertilization technique⁹. In April 12 1999, during an interview at *Roda Viva*¹⁰, then a prestigious interview program of TV Cultura, Abdelmassih was introduced as a "pioneer" of assisted reproduction in Brazil, and the interview allowed him to highlight the impressive rates of his clinic and explain the main technologies. While the doctor was confronted by journalists and praised by other interviewers, the program has addressed some controversies – such as assisted reproduction access to homosexual couples, the disposure of embryos, the lack of legal parameters, and ethical issues.

In this phase, there are recurrent elements in the analyzed news: the use of numbers to demonstrate the great numbers of "manufactured" babies at the clinic; the portrayal of in vitro fertilization treatment and the most innovative techniques as a solution to the "infertility problem". Furthermore, the images restate the gender normative encompassing the heteronormative

⁷ See Ogilvy, David. Confessions of an Advertising Man, New York, Atheneum, 1963.

⁸ Tudo por um bebê (1999) and Guia da Fertilidade – Tudo o que você precisa saber sobre reprodução (2008).

⁹ Fantástico, November 11 2007. "Roger Abdelmassih - Fantástico", available at https://www.youtube.com/watch?v=3MCdavA1DvY&feature=youtu.be - accesso in: Nov 28 2016.

¹⁰[http://www.rodaviva.fapesp.br/materia/580/entrevistados/roger_abdelmassih_1 999.htm – access in: Dec1 2016].

family, reinforcing the desire for genetic filiation as a legitimate motor to recur to (expensive) technological treatment.

At the time, the complaints against the doctor reported to the Regional Medical Board of São Paulo (CREMESP)¹¹ had not emerged in public – they had not led to an official inquiry and seemed innocuous to his prestige at the board, as he stayed as a technical reviewer of other litigations -, and neither the rape complaints presented (but never investigated) at police stations were publicized before 2009.

In his book-length report denouncing what he calls "medical corporativism", Vicente Vilardaga (2016) mentions lunches offered to politicians and businessmen at Abdelmassih's clinic, besides the friendship between the doctor and Ruy Mesquita Filho (member of the family that owns the O Estado de São Paulo news company), which has assured him protection and prestige. Furthermore, some of the victims' reports – in press and in the case files – reveal that when they told what happened to them to other doctors, many of them were not surprised and knew the fame of the andrologist as a harasser. Finally, in the field of assisted reproduction, there were some suspects concerning the success rates of the clinic, which pointed to the use of technologies that were not sufficiently tested, or even considered unethical.

The charges

The headline "Doctor is investigated for alleged sexual crimes" brings a photo of Abdelmassih's clinic on the top of the page (c5) of the January 9th 2009 Daily section of *Folha de São Paulo*. The doctor is referred as "*in vitro* fertilization pioneer". The news reveal the ongoing investigation by the 1st Women Defense

¹¹ The *Istoé* report (Jan 21 2009) informs, "At the Board [CREMESP] until 2007, there was 14 inquiries against the doctor for sexual abuse and genetic manipulation, most of them closed by lack of evidence".

Station (DDM) and the Public Prosecutors of sexual offences, with the testimony of a former employee and eight former patients of the clinic. Except for the former employee, which had started the complaint movement, the story did not reveal the names or faces of the patients. They had accused the doctor, according to the newspaper, of "trying to *molest* them". The term "molest" was recurrent only in the beginning of this exposition.

The story indicates that there was no material proof of the investigated crime, named as "sexual assault (a libidinous act different of rape)". It also informs that there are six depositions of victims who did not want to press charges, and the difficulty to build a case with more charges was troubling the prosecutors. In the same page, Abdelmassih defended himself alleging that it was a "vicious campaign" promoted by his competitors, claiming his innocence and that he could bring a "truck full of witness" to testimony in his favor. His luxurious clinic in Brasil Avenue is presented as "responsible for a third of test-tube babies" of the country.

The charges pressed by the Public Prosecutors Office of São Paulo following this investigation assembled harassment cases of 39 women that were formerly patients of Abdelmassih, and most of then just sought the police after the story published by *Folha*. On the next day, January 10th, the Daily section brought further news: the Regional Medical Board would open an inquiry on Abdelmassih conduct; 4 other victims had sought the 1st DDM to testify; an answering letter from the doctor claiming his innocence; and quotes from former patients defending the doctor.

On January 17, the same newspaper publishes a picture and the report of another victim, claiming that there were already 35 victims who had testified to the Public Prosecutors, but none of them, except the former employee, would publicly reveal her

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¹² There are other legal processes concerning the clinic.

name. The doctor and his lawyer highlighted the clinic numbers in defense: 20 years and more than 20 thousand couples cared for.

Those stories informs the reader that the investigation had started months before, in April 2008, at the Public Prosecutors Office, in face of the complaint of the former employee of the clinic, who had being forced to kiss the doctor. The Public Prosecutors Office pressed charges in the same year, in September. The judge rejects the case, determining that the investigation would be continued by the police; the case files disappears for months at the Barra Funda Court House, until it is found in a toilet and resumed by the 1st Women Defense Station.

From January 2009 until the end of 2016, the doctor will be the focus of 165 articles, mostly at the newspaper *Folha de São Paulo*, but also in TV shows and bulletins (particularly Jornal da Band, Fantástico and Domingo Espetacular), news magazines (*Veja*, *Época* and *Istoé*), and online newsmedia of G1, IG, UOL, among others. New complaints have generated a growing movement of stories on the case, and many stories and articles in different newspapers, magazines, websites and TV shows are quite similar. Some data and narrative forms are repetitive, and after the arrest of the doctor, the spectacle journalism is more prominent (Bergamo, 2006). ¹³

While the victims come forward to testify to the press (initially in anonymity), Abdelmassih and his attorneys claim that

(2007:125), which points out that "the notion of spectacle is loaded with a denounce tone". The author considers that the term applies to media phenomenon that resonates in public sphere, such as the case of Abdelmassih.

¹³ The use of the term "spectacle journalism" to characterize TV shows is due to the subdivision of journalism, a legitimacy field of television, in national and international journalism, the "high journalism", and the spectacle journalism, the "low journalism", focusing "(...) the crime as a main theme" (Bergamo, 2006: 323). The concept of spectacle in Bergamo's definition refers to Hamburger (2007:125), which points out that "the notion of spectacle is loaded with a

those stories are "make believe". ¹⁴ To *O Estado de São Paulo*, the doctor affirms that the anesthetic medicine (propofol) used in the moment of embryo implantation can cause sexual hallucinations, and once again, he mentions numbers in order to demonstrate his clinic productivity. ¹⁵ The doctor poses as someone protected by his social position – as someone above the law due to being well known and a pioneer – and speculates that his market competitors are responsible for the scandal.

The early stories say that there is an "accusation", but they are only "suspicions". After his preventive arrest, in August 17 of 2017, the doctor became to be labeled as "accused". Thus, the matter around the case reemerges, unfolding a new wave of news, with many recurrences, which build up an image of the doctor as a high class villain, a rapist that has abused of women who only wanted motherhood and family. Someone who earned a lot of money exploring couples and husbands humiliated by the abuse. This construction creates an opposition of the villain to the heteronormative desire of family.

The first stories already portray the victims positively, even when anonymously, as women seeking motherhood. The *Veja* magazine approaches the case in January 21, publishing an anonymous testimony and a picture of the victim facing back, besides a sculpture representing motherhood.

¹⁴ Half page story in the printed version of Daily section of Folha de São Paulo, with the title "Photographer is the first victim to present public charges against the doctor". Roger Abdelmassih's defense is the section beside the main story, "The other side: doctor's defense questions accusation made nine years latter". Jan 17 2009 [http://www1.folha.uol.com.br/fsp/cotidian/ff1701200911.htm – 20 de ago. 2016].

¹⁵ "Médico afirma que sedativo pode provocar "comportamento amoroso"", 01/25/2009, p.23 [http://vida-estilo.estadao.com.br/noticias/geral,medico-afirma-que-sedativo-pode-provocar-comportamento-amoroso,312577 – access in Sep 08 2016]



Source: *Veja*, 21 de janeiro de 2009, "Trinta e três denúncias" [http://origin.veja.abril.com.br/210109/p_074.shtml – access in Sep. 14 2016].

The longer report by one of the victims – the one who had sequels caused by a generalized infection resulting from an anal rape followed by a vaginal rape – draws attention. It was latter published as a book (Tognolli; Magalhães, 2015), and it tells that the victim went to the police station immediately after being assaulted at the clinic during the 1990s, but the commissary had questioned how she could accuse the "doctor of the stars" (Tognolli; Magalhães, 2015:60). A question asked even in face of the gravity of the case (among the more dramatic of those informed by the press). The police did not investigate this complaint at the time, neither the one presented to the Regional Medical Board in the same year, but

after 2009, its brutality enhanced this case. Other victims, after the prison and conviction of the doctor, also claimed that they were questioned by cops, relatives and lawyers, which made them insecure to press charges. In the station as well as in the CREMESP, they respond that those women did not have proof and it would be a word of a woman against a renowned doctor, discouraging any complaint or public exposition of the facts.

Preventive arrest and conviction

In August 17 of 2009, justice determinates the preventive arrest of Abdelmassih, under the claim that he continued to work and he could attack further patients. During this month the press broadcasted another series of articles on the case. A story of August 23 2009 in *Veja* magazine affirms that there were "65 complaints of rape", while the *Jornal Nacional* TV bulletin of August 25 informs that he was charged with the rape of 56 women (some of them more than once). Again, the superlative numbers connected to this doctor stand out, but not in a favorable light anymore.

It is worth mentioning here that during the month of August 2009 the legal definition of rape was going through a change. Before, in legal terms, rape referred only to "carnal conjunction", meaning, vaginal penetration. In the "crimes against costumes" section of Brazilian criminal code, the article 213 defined *rape* as a "crime against sexual liberty", as "to force a woman to carnal conjunction, by means of violence or serious threat", establishing a 3 to 8 years prison sentence. While *violent assault against modesty* (art. 214) was the act of "forcing someone, by means of violence or serious threat, to perform a libidinous act different of carnal conjunction", establishing a 2 to 7 years prison sentence. The Law n° 12.015, of August 07 2009, unites both criminal types under the category of rape, thus classified as a "crime against sexual dignity":

Art. 213 – To force someone, by means of violence or serious threat, to carnal conjunction or to perform or allow to be performed in oneself another libidinous act. (Sentence: 6 to 10 years prison).

This new definition no longer limits the criminal category of rape only to vaginal penetration ("carnal conjunction"), and bases its characterization as a criminal type in the notion of forcing. It is not easy to assess the idea that there was no consent in legal cases, which requires proof of felony, especially when the defendant would have taken advantage of the frailty or incapacity of reaction of a sedated victim.¹⁶

The final decision of the judge refers to the fact that the acts had occurred during the validity of the previous law, thus, it is this law that applies. However, particularly after the conviction, the press continues to inform that the doctor was convicted of rape. It has used other terms besides the legal "sexual crimes" and "violent assault against modesty". The words "harassment" and "sexual abuse" became recurrent. The most repeated terms in press are "sexual abuse" and "rape", being the latter the most applied to the newer definition of the criminal type. Clearly, the media are not constraint by legal terms (Landini, 2003; 2006), and it produces and circulates different ways of naming the violence.

This case becomes a juridical-police epopee in the pages of the press: in August 2009, there is the preventive arrest of the doctor, his transference to Tremembé prison facility, and the Regional Medical Board finally suspends (and after a few months, cancels) his medical license. Abdelmassih appealed four times until he has obtained a *habeas corpus* by decision of Supreme Court Minister Gilmar Mendes. He was convicted in 2010 to 278 prison years for two rapes and 52 violent assaults to modesty, but he

 $^{^{16}}$ In this sense, the new law seems closer to the idea of sexual rights. See Carrara (2015).

¹⁷ http://s.conjur.com.br/dl/sentenca-condenacao-medico-roger.pdf

could appeal in liberty. In January 2011, he tries to renovate his passport, which causes a new preventive arrest, and then he flees from the country. The irregularities in the clinic, such as the embryos exchange denounces, genetic manipulation, sex screening, and tax evasion, ads further elements to his arrest creating Abdelmassih's characterization as a criminal.

After the preventive arrest in 2009, the stories have a more alarming tone. The articles of this period aims to portray the victims' narratives, offering the personalization of their faces - for instance, in the *Istoé* article that reveals the name and the picture of a businesswoman, whose testimony is very similar to the other victims'. 18 Her description reveals the two approaching ways of the doctors that many stories describes: in a consulting room, when the patients were without their husbands and when many times the doctor had tried to or effectively forced his patients to kiss him, and another situation, during the sedation of patients to retrieve the eggs. The facts described in this second forced situation varies: lascivious kisses, breast, body and genitalia touching, "he was over me", doctor placing his penis on patient's hand or next to her face and, in some cases, anal and/or vaginal penetration. Many claimed that they felt pain – after the egg retrieval as well as in the embryo implantation – and did not know if there was a penetration while they were unconscious.

While he was comforting me, he [Abdelmassih] said: "You are a patient, you are in a delicate moment of life". He hugged me and, while I was crying, he tried to kiss me. Because I was wearing a red lipstick, I turned away my face and stained his coat. I left the room and went away alone. My husband was travelling then. I stopped at a gas station and went to the restroom. The smell of the doctor was all

 $^{18}\,52$ stories have victims' names and photos/faces, and 17 stories have anonymous testimonies.

over me, that smell of ether. As I had already paid for the fertility combo service. I had suffered a surgery to remove the Fallopian tubes, I chose to start the treatment. I came back to the clinic a couple of months later. There, I was sedated and my eggs were retrieved to be fertilized. I was sent to a recovery room, and I woke up with dr. Roger touching my breasts. I was sleepy so I thought: "I think I am dreaming, this isn't real, it is a mind trick". My husband was waiting for me in the clinic and we went away, cool. Nevertheless, I kept thinking of it, afraid to speak to anyone. I thought that I was traumatized because he had already tried to kiss me. I did not get pregnant in this first fertilization attempt. Since I had paid for two more [for the doctor used to sell a three attempts "combo"], I went back to the clinic 50 days later. And I was molested in the same way. I was waking up from the sedatives, still dizzy, and I was with his penis in my hand. He saw that I was awakened and I tried to stand up, I even have seated in the bed. Then, he lowered his coat, told me "easy, calm down" and left the room. I left afterwards and did not see him there in the clinic. I went crying to meet my husband, who was in the reception room. He asked me what had happened and I told him: "It hurts". (...). But I had to go back to the clinic to do the transfer (when the fertilized egg is implanted in the woman's womb), to get my child, of course. Well, I went back and made the transfer. I went back home and waited for ten days to see if it has worked. It didn't. So, I got ill. I was angry, fat because of so many hormones, with a high cholesterol level. Then, at home, I told my husband that I no longer wanted to be a mother, the experience I had with Dr. Roger was ruining my physical and emotional state. And I told him about the abuse. 19

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¹⁹ Istoé, 21 de janeiro de 2009 [http://istoe.com.br/5433_A+OUTRA+FACE+DO+MEDICO+DAS+ESTRELA S/ – access in Oct. 29 2016]. This report is chosen (the patients testimony that suffered vaginal and anal penetration is far more dramatic in terms of violence

It is always in the search for the child - the former patient tells that she had to go back to "get my baby" - and in an afflictive and doubt situation that the narratives reveal the most serious abuses during the sedation. There are still some stories with anonymous testimonies of the victims, but increases the number of stories where the victims reveals their face and name, as the one above mentioned. Here we can associate with the idea of "face" that Butler (2011) draws from Emmanuel Levinas, as an expression of a commandment that directs moral guidance. An example of this is the story published by *Época* magazine in 2009, "I am not a victim without a face"20, on the testimony of a former patient that comes forward and leads the representation of Abdelmassih victims. She took the lead especially after creating a Facebook group, as well as blogs, to protest against the habeas corpus granted by Minister Gilmar Mendes in December 23 2009. Vana Lopes will become a recurrent name and, besides appearing in several stories and convince more victims to show their faces, she will publish her book in 2015. She also tells Veja, after the doctor's arrest in Paraguay: "To show our faces gives strength and credibility to a complaint. When one hides, the offender gets stronger. We are victims and not pitiful things". 21 This story highlights the victims' role in the investigation that aimed to locate the whereabouts of the fugitive doctor, resulting in his arrest in the following month.

Despite his conviction in 2010, Abdelmassih held the habeas corpus and he have tried to renew his passport. This conveyed an

and pain description) because it seemed that it is a report very similar to the major of those who are present both in the press coverage and in the case files.

²⁰ Printed article [http://revistaepoca.globo.com/Revista/Epoca/0,EMI89283-15228,00-EU+NAO+SOU+UMA+VITIMA+SEM+ROSTO.html – access in Jan 20 2017]. Society section, 08/22/2009.

 $^{^{21}}$ Veja,~07/20/2014~ [http://veja.abril.com.br/brasil/associacao-de-vitimas-cacaroger-abdelmassih-pelo-mundo/ - access in Oct. 15 2016].

escape motivation to the Public Prosecutor Office, which obtained a new arrest warrant. The doctor was unable to renew his passport, but still fled the country in January 2011, generating a new wave of news about the case.

After the escape, the stories sustain a seek-for-justice tone, gradually becoming a police saga, peaking in the last wave of press coverage, with the arrest of the doctor in Paraguay in 2014. During the period of conviction and escape of the doctor, new crimes of the former doctor comes to light, as genetic manipulation, sex screening, ovary stimulation, egg selling, and the doctors' descendants publicly speaks of their father as an absent, strict and manipulative father.²² Those new elements reinforce the villain figure, peaking in the recapture phase. Thus, the escape and police hunting generate stories with a thriller atmosphere.

In the press stories after conviction, the victims' reports emphasize the wish for children and the fact that they had paid for a "three attempts combo" as the motor that pushed some of the patients to insist in the treatment. Even after a situation that they had defined as harassment: a forced mouth-to-mouth kiss, or any other approach considered by the patient as abusive. The position of family women who desire motherhood, according to normative gender standards, makes those women report more touching, producing sentimental effects in the stories. This emotional effect was stronger on the TV journalistic show scenes, where the production exposes the women with dramatic background music in scenes conveying their pain. They appear as "true victims" for they were abused in a context of a desire for motherhood and

²² Published in 08/18/2012. http://revistaepoca.globo.com/tempo/noticia/2012/08/soraya-e-vicente-abdelmassih-so-entendi-meu-pai-depois-de-ler-mentes-perigosas.html. – access in Nov 05 20161.

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²³ On sufficiently convincing victims to the police and justice system, see Lins (2014), and Vieira (2011); and the need of constructing victims for social and right claims, see Sarti (2011 and 2014), and Fassin and Rechtman (2009).

family creation, and thus they emerge in media imagery as victims marked by suffering, therefore legitimate. They are mostly white middle or upper class women, and many of them stressed the sacrifice the couple went through to pay for the expensive treatment. Vana Lopes' book, published afterwards (Tognolli *et al.*, 2015) details the sufferings – physical and psychic – and the trauma endured by one of the most active victims in the collective mobilization against the doctor, particularly after his escape.

What we can perceive here is the need to build convincing and fragile victims as a way to make the police and legal system sensible to the gravity of the facts. There is a vast Brazilian academic production on how police and the legal system usually tend to classify a complaint as rape only if there was physical violence marked in the body, and in juridical cases, it is a common defense argument the idea that "it was only sex". The pioneer work of Mariza Corrêa (1983), as well as the following researches of Ardaillon and Debert (1987), Pimentel, Schritzmeyer and Pandjarijan (1998), and Vieira (2011), demonstrate how a moral assessment of the previous lives of victim women are usually engaged to defend the offender in several cases of violence against women. It is worth noting that especially after the preventive arrest and, most definitely, after the conviction and escape, the stories highlight the suffering of those women. Even more, it is necessary to produce convincing and fragile victims in order to effectively be able to claim for rights (Sarti, 2011; 2014; Fassin; Rechtman, 2009) and here, in fact, to claim for a conviction. The context of women seeking motherhood – in fact, within gender norms – makes the victim construction easier, as well as the rising production of the doctor as a villain.

Domingo Espetacular²⁴ TV show of Rede Record, in August 24, 2014, broadcasted the story revealing the police operation in Paraguay. The 50 minutes length story represents the victory of the police saga, particularly the Special Operation against Organized Crime Group (GAECO) responsible for the search of the fugitive, but also the victims that had an active role in the investigation. The story narrates the whole route followed during Abdelmassih's hunting, from the suspicious that he would be in Lebanon to the discovery of his whereabouts and his arrest in Asunción, Paraguay, in which the Rede Record reporter emerges as a hero.

The story is a sophisticated example of spectacle journalism (Bergamo, 2006) and it is its exclusivity on the operation coverage that other television networks, such as *Fantástico* TV show, also present the case. This characterizes what Bourdieu (1997) defines as an "audience-index-mentality" as the journalism final judgement, when the struggle is for the clientele, thus, for the priority, for the newsbreak. This logic creates the homogenization of collective production in the news programs and papers, unfolding a repetitive circulation of the information.

As such, the capture of Abdelmassih appears in the media discourses as a "master play" and involves a whole investigation process, with collaboration between police, journalists and victims. It is the peak of the horror and the villain character: threatening, powerful, rich and deceptive. In this sense, we can compare the production of the doctor as a villain to Lowenkron description (2013; 2015) of the figure of the pedophile as a contemporary monster. It is so because a media spectacle produces the monster – in the case of pedophilia, by means of a political (CPI) and police event, and in the case of Abdelmassih, by means of a police investigation that turns into a spectacle, the journalism covered by

²⁴ Available at http://noticias.r7.com/domingo-espetacular/videos/operacao-secreta-descobre-ultimo-refugio-do-medico-roger-abdelmassih-17102015. — Access in Jan 18 2017.

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dramatic tones, especially in TV shows. It is possible to see a narrative that opposes the villain to the victims – women who appear in an innocent way, given the medical care context, the goal of motherhood and mainly because the doctor took advantage of them under the effect of anesthetics.

During the arrest, the printed, online but mainly the television coverage clearly demonstrate how the press builds the figure of the villain (almost as monstrous as the pedophile), in very much similar scenes. They create the personification of the victim and her nemesis. The stories highlight the luxurious condemnable lifestyle of Abdelmassih, especially while he was a fugitive, by describing his house in Asunción, the number of rooms and house staff, the bilingual school of his twin sons, and the family's car. The former doctor, an upper class man, is portrayed as an absent father, terrible husband and an unethical, cold and dangerous doctor.

In contrast, the victims featuring in media narrative are mostly upper middle class apparently well-succeeded white women, but fragile in face of the rape and the impossibility and desire of having children. They appear as they had made "everything for a baby" and were abused in a moment of frailty and even despair, followed by a subsequent impossibility to denounce (for fear of the husband reaction, or of accusing at a station the doctor of the stars). They are not only victims of sexual violence, but also victims of their own body, for they go to the doctor when they are unable to be "complete", as they seek to achieve the social position of mothers. A collection of stories makes therefore, in the public sphere, a moral drama²⁶.

 $^{\rm 25}\, \rm Efrem$ Filho (2016) analyzes the use of horror in images that aim to make violence visible and claim rights.

 $^{^{26}}$ I have studied the construction of a moral drama on TV drama (See Almeida, 2003; 2012; 2014a; 2014b; 2015). The point here is that the journalism also uses a melodrama matrix to narrate the case.

The victims' commotion is deeper in the images. Their gathering also happened in online channels: the UOL chatroom, before the complaints, and also blogs and Facebook groups, named "Roger Abdelmassih victims". Those channels are powered by the news of the former doctor's escape and the victims unite themselves in order to investigate his whereabouts. After they broke the silence with the complaints – and those who lend their faces to the press appear "screaming" in front of the doctor (when he was recaptured, at Congonhas airport) -, they aim to appear as active participants on the investigation that climax with his arrest in Paraguay.

In a certain way, pain and politics articulated here form a parallel with the case analyzed by Vianna and Farias (2011) about the mothers fighting for justice after losing their sons, killed by the military police of Rio de Janeiro, for the public share of the pain unite those victims. Moreover, after the doctor escape it is their pain that makes them unite and – after his arrest – also makes their portrayal as "heroines", active participants of the police and journalist investigation.

As the victims testify the sexual violence, they produce a "poisonous knowledge" (Das 1999; 2011), that is, the knowledge through suffering. However, here, unlike Veena Das example, it is publicized and therefore produce reaction on women who relate. That explains the avalanche of complaints that followed the initial exposition of some of them on media, when other women seem to live a moral recognition process as victims, as they acknowledge reports similar to the facts they had also lived. Such perception is noticeable after the first story published in national range by *Folha de São Paulo* on the suspicious of sexual crimes.

In the light of Veena Das (2011), we can consider the act of testifying sexual violence of the same rapist and in a vulnerable position makes those women subjects of an action. However, some of them aimed to, unlike Das work, provide visibility and expose furthermore the case. As so, the voices of those women

emerge in the "fight for justice" – like the cases mentioned by Farias and Vianna (2011), but in the other end of the social scale. They seek the punishment of the former doctor and, in many cases, the moral and financial compensation for the unsuccessful or unfinished treatment. And even to find their embryos who had stayed at the clinic, revealing the despair in searching their lost and, somehow, "stolen" genetic children (the embryos). Beyond a rapist, what had he done with the embryos and with eggs and semen used at the clinic? – This is the rising question and source of anguish and suffering which appears in the victims' reports after Abdelmassih was recaptured.

Just after his recapture, Rede Globo's *Fantástico*, and Record's *Domingo Espetacular*, in August 24, 2014, had broadcasted the records made by the police that allowed finding Abdelmassih. Several stories highlighted some of his quotes. Talking to his therapist by phone, Abdelmassih calls the women who pressed charges "crazy", "mentally ill" and "whores". After that, the media shows – first in those records – the offender explanation of the acts he committed as sex and not rape. This is the most common dispute in rape cases (Vieira, 2011; Pimentel *et al.*, 1998) – and even men already convicted for rape use to sustain this argument line (Zanotta, 1988).²⁷ The utterance broadcasted by the television retakes, as it is frequent in rape charges, the blurred frontier between sex and violence, suggesting that the patients were seducing him:

(...) I have to understand that God wanted to break the prepotent, etc. the great cocky, the womanizer, isn't it? Who

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²⁷ Lia Zanotta Machado (1998) explores how convicted sex offenders define the crime they had committed, classifying the same act as "sex" or rape. For them, what the victims had lived as a "sex violence" was only "sex". What Machado calls a "transformism" of the meanings of a category is a central point in this discussion, and in this case it only emerges after the doctor was recaptured.

deceives women constantly. The great womanizer who probably thought everything was available to him. The women threw the corn seeds and I went to eat, and them I was screwed. You know that women are really annoying bitches...²⁸

After his conviction, and particularly after he escapes, the media treats Abdelmassih as guilty of countless rapes. The doctor stressed that point in his interview to *Piauí* magazine, feeling wronged. The magazine cover shows a wolf with threatening teeth, drooling, wearing a shirt and tie, with the headline: "in jail with Abdelmassih":



²⁸ Records shown in Rede Record TV show, August, 24, 2014.

As countless press stories had published that the doctor was arrested due to a series of patient rapes, the doctor agrees to give an interview to defend himself of what he feels to be a huge wrongness. He claims to be innocent, convicted by a Public Prosecutors "exaggeration" in the charges, the "obsession" of the judge in arresting him and the media exploitation of the case.

"Flirting", "touching", "womanizer" are terms that allowed him to explain that his acts were not rapes. He claims that he was misunderstood, and he is in jail because "God wants to teach me a lesson, he wanted to break all that arrogance I had and that caused envy in my competitors" (Na cadeia..., 2015:19). In his account, what had happened was only a misunderstanding, or consensual acts:

To say 'honey', "my love', kissing, that was always my thing... This was my way (...). Sometimes, I thought that they actually wanted to feel the doctor tenderness". I ask him to explain. "To receive more attention, to notice that I value them... But then to say that a have attacked, forced. did something is absurd". His wife heard his report with an expression revealing that she knew this story by heart. "I had patients who were beautiful women, more receptive women". And what he meant with "more receptive"? "To be more open...", he said, without finishing the sentence. Open to what? To a flirt? "Yes, to flirting", he answered. (...) "I don't deny I had many affairs. Many, including with patients. But they were all consensual. All of them. (...) I was gallant, a womanizer, prepotent. I wish, if it was the case, to fool around. But I never have attacked any woman. (...) I didn't needed to, you understand? (Na cadeia..., 2015:22)

It was only a misunderstood flirt, in his version. When the reporter insists and questions him, saying that he was convicted for sexual offence, Abdelmassih gets nervous, low his head, and states: "I didn't do it! I am telling you. I didn't do it! I-did-not-do-it" (Na cadeia..., 2015:26).

Final considerations

The title of the book *Estupro: crime ou cortesia* [Rape: crime or courtesy?] (Pimentel et al, 1998), which analyzes 50 juridical cases and 100 court decisions all over the country between the years of 1985-94, questions the frontier between sex and violence in the scope of juridical cases. This work shows that the majority of the rape cases happens between people who knew each other, and there is not always a beating or physical brutality, being several times cases of psychological violence and other forms of forcing. One case stands out in this study: a judge that considers the act a "courtesy", a compliment to the women who had suffered violence, hence, the title of the work. That is, the judge treats the case as if it were "only sex" and not violence.

From the victims and the feminist movement point of view, they are rape cases the juridical system and the police do not acknowledge. The research carried out by Miriam Steffen Vieira (2011) instantiate the argument: even in a police station for women, they treat rape complaints between people who know each other without great physical violence marks as sexual relations, and not rape. The research reveals that the police officers and the judiciary system in general does not consider that fact, when lived by acquainted people, violent or even a crime – they assume it was only sex. The exceptions are the complaint involving victims whose frailty is acerbate, such as cases where the victim is a child (under 14 years old), and when there is more serious bodily injuries that reinforce the imaginary of brutality on sexual crime.

In all these works, it is interesting to notice that police officers and judiciary system professionals show horror to rape itself, to the crime. But they imagine as rape only that fact of an intense physical violence, with an honest woman being brutally coerced,

and minimize the most common complaints. Landini (2006) explores how the press during the 1990s promotes the construction of rape as a horror crime, but recurrently associating the term rape with brutal forms of physical violence. Usually, the term rape refers, in press and in common sense, to the figure of an offender (especially if he belongs to the upper class) who is somehow sick, insane, deviant.

Since the analysis by Ardaillon and Debert (1987, inspired by the work of Corrêa, 1983), it is noticeable that the police officers and the judiciary system professionals tend to judge the moral behavior of the victim in rape cases as well as in other acts of violence against women. Those analyses reveal the dilemmas of gender construction, the hegemonic patterns and the social conflicts concerning suitable behaviors for men and women, or to gender normativity (Butler, 2003; 2004).

The most recent case of a medical student from the Faculty of Medicine at the University of São Paulo charged of rape, who confesses at the university internal inquiry that he has doped his classmates (and sometimes photographed the unconscious colleague beside him), can demonstrate that the general pattern of justice has not changed. If the victims, instead of women desiring children, are colleagues that attend parties and drink alcohol, the process leads to the absolution of the accused, who was able to assure his graduation and medical license (in another state). Even if it were a case covered in the front page of O Estado de São Paulo²⁹ and that had a lot of media coverage during the prank investigation committee at São Paulo State Congress, and even if the victims were young middle upper class women, the complainers' position could not produce the same legitimacy as "true victims". As in the most common justice standard revealed by those researches, he claims that it was only sex, and not rape.

²⁹ Estudantes denunciam abusos na USP. *O Estado de São Paulo*, Nov. 12, 2014.

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Moreover, except during the hearing at the investigation committee, the general media has portrayed the victims anonymously.

Abdelmassih case could reinforce the literature argument, given that they built the conviction publicly through the innocence of the victims and their desire to create a family. It does not mean that the way the media covered the case was the only factor in the conviction of the doctor, there are several other factors within the case. Surely, the fact that a female judge, Dra. Kenarik Boujikian, a self-declared defender of human rights, took charge of the case, allowed it to be regarded in a different sight as those covered by the above literature. Nevertheless, the fact that there were so many victims that report very similar procedures of the doctor in his approaches and abuses, revealing a conduct pattern, was inarguably relevant, in the unfolding of the case as well as in the media coverage. The doctor was effectively treated as a suspect due to the growing number of women who had testified after the first public exhibition of the case in 2009.

It is worth underline how relevant was the media role: sometimes the same magazine that praised the great expert was the producer and promulgator of his latter image as a villain. It is evident that his escape from the country, when he already was deaccredited by the Medical Board, also reinforces his guilty.

Abdelmassih's pattern of action as described by the victims weights in the complaints and allowed the press to show him as a kind of "maniac". The recurrences and the number of the victims produced the evidences of the case. With his conviction, the media explicitly started to portray the former celebrity as a dangerous, cunning and incontrollable villain, while regarding the victims as women who sought something legitimate and "sacred": motherhood.

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