

Domestic violence: the discourse of women and men involved in criminal proceedings

Violência conjugal: discursos de mulheres e homens envolvidos em processo criminal

Violencia conyugal: Discursos de mujeres y hombres involucrados en proceso criminal

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ABSTRACT

This qualitative, descriptive research had the purpose of analyzing the discourse of women and men involved in criminal proceedings on their experience of conjugal violence. Interviews were conducted with men in criminal proceedings for marital violence and the respective testimonies of their companions, contained in case files, were analyzed. Data were organized using the NVIVO® 11 software and the Collective Subject Discourse method. The discourses indicate that the reciprocity of the experience of violence is not recognized by the couple. While the woman sometimes transfers the responsibility of the act to the ingestion of alcohol or to herself, the man minimizes the event and questions the legitimacy of the testimony given by his companion. This points to the importance of the creation of spaces for reeducation in the perspective of gender, which would allow the recognition of the grievance by the couple and favor more respectful and harmonious relationships within the family.

Keywords: Gender; Violence among intimate partners; Violence against women; Nursing.

RESUMO

Pesquisa qualitativa-descritiva, com objetivo de analisar o discurso de mulheres e homens em processo criminal sobre a vivência de violência conjugal. Foram realizadas entrevistas com homens em processo criminal por violência conjugal, e analisados os respectivos depoimentos de suas companheiras, contidos nos autos do processo. Os dados foram organizados por meio do software NVIVO® 11 e pelo método do Discurso do Sujeito Coletivo. Os discursos sinalizam que apesar da vivência recíproca de violência, esta não é reconhecida pelo casal. Enquanto a mulher, por vezes, transfere a responsabilidade do ato para a ingestão de álcool ou para elas mesmas, o homem minimiza o ocorrido, questionando ainda a legitimidade do depoimento dado pela companheira. Sinaliza-se para a importância da criação de espaços de reeducação na perspectiva de gênero, que possibilite o reconhecimento do agravo pelo casal e favoreça relações mais respeitadas e harmoniosas no âmbito familiar.

Palavras-chave: Gênero; Violência entre parceiros íntimos; Violência contra a mulher; Enfermagem.

RESUMEN

Objetivo: Analizar el discurso de mujeres y hombres en proceso criminal sobre la vivencia de violencia conyugal. **Método:** Investigación cualitativa-descriptiva. Se realizaron entrevistas con hombres en proceso criminal por violencia conyugal. Fueron analizados los testimonios de sus compañeras, contenidos en los autos del proceso. Los datos se organizaron a través del software NVIVO® 11 y el método del Discurso del Sujeto Colectivo. **Resultados:** A pesar de la vivencia recíproca de violencia, ésta no es reconocida por la pareja. Mientras la mujer a veces transfiere la responsabilidad del acto para la ingestión de alcohol o para ellas mismas, el hombre minimiza lo ocurrido, cuestionando aún la legitimidad del testimonio dado por la compañera. **Conclusión:** Se señala la importancia de la creación de espacios de reeducación en la perspectiva de género, que posibiliten el reconocimiento del agravo por la pareja y favorezca relaciones más respetuosas y armoniosas en el ámbito familiar.

Palabras clave: Género; Violencia entre personas íntimas; Violencia contra la mujer; Enfermería.

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Submitted on 04/20/2017.

Accepted on 10/04/2017.

DOI: 10.1590/2177-9465-EAN-2017-0108

INTRODUCTION

Considered a public health problem, conjugal violence has an inter-relational character with the challenge of modifying this reality permeating our understanding of the social construction of gender and its deconstruction.

With its roots in gender inequalities, violence within the marriage is anchored in the naturalization of male power over women. This socially shared inequality originates from the construction of cultural and social norms that accept the existence of patterns, values, roles and behaviors considered adequate and expected for men and for women. In this context of social reproduction, both are not necessarily recognized in an asymmetrical relationship permeated by violence.¹

It is common to find authors who defend a unilateral view: women as victims and men as aggressors. Other students of marital violence are awakening to the process of interaction and thus to the understanding that both partners may be co-authors.²

The repercussions on the physical and mental health of all who experience this illness are undeniable regardless of whom the perpetrators and victims are. It is estimated that treatments resulting from this violence cost the Brazilian National Healthcare System (SUS) more than five million reais (US\$1.6 million) per year in Brazil only for the women.³ However, this value does not represent the actual expenditure in the health sector, as this is only the costs of hospitalizations that occur when there are physical injuries that require hospital care. Added to this is the harm to children who also experience the violence of their parents, with negative effects on school performance and social coexistence, as well as the somatization of the experience, which demands different levels of care thereby incurring higher costs.⁴

As far as the men are concerned, no studies address the repercussions of the experience of conjugal violence on men's health. All over the world, this issue is not a specific priority for research given the high morbidity and mortality rates among the female population, which tend to overshadow the fact that men may also be ill, since they are inserted into the same marital relationship.

Research that qualitatively analyzed 54 Brazilian texts that dealt with "men" and "conjugal violence" points out that when these are included in studies, it is usually in the condition of aggressor. It also revealed that the costs, when discussed, are related to expenses with the judicial/penitentiary system and not with their health, whether related to their experience of conjugal violence or because of their experience of prison and/or the judicial process. Thus, we can say that the cost of violence in the country is underestimated and more commonly representing expenditures on women.⁵

Despite the female focus of the Maria da Penha Law, the most important Brazilian policy to address domestic violence, the importance of instigating research and extension activities that include men is clear. This law, although sanctioned with its main purpose being the protection of women, also provides

for the creation of education and rehabilitation centers for the perpetrators of violence.⁶ It is understood, therefore, that the inclusion of the man in this process is intrinsic for changes in the scenario that permeates conjugal violence.

Thus, studies that aim to investigate the perception of women and men about their experience of conjugal violence are essential to understand the problem, as well as strategies that contribute to re-education in respect to gender role and the construction of more respectful and healthy relationships within the family.

In this context, the current study adopted the research question: What is the discourse of women and men involved in criminal proceedings regarding their experience of conjugal violence? To answer this question, the following objective was adopted: to analyze the discourses of women and men in criminal proceedings on their experience of conjugal violence.

METHODS

This study used an exploratory, qualitative approach, which originates from an umbrella project entitled 'Re-education of men and women involved in criminal prosecutions: a strategy to cope with marital violence' funded by the Research Support Foundation of the State of Bahia (FAPESB). This project was approved by the Research Ethics Committee of the Federal University of Bahia (# 877.905) and it follows the norms established by the Consolidated Criteria for Reporting Qualitative Research (COREQ).

The setting of this research was a tribunal for Domestic and Family Violence against Women in the city of Salvador, Bahia. Twelve men, who were already participating in a reflective group linked to this umbrella project, took part in the study. The inclusion criteria were to have been arrested preventively for marital violence for a period ranging from 15 to 30 days and being at liberty awaiting criminal prosecution.

It is clear that this reflective group had emerged from the need to put Law no. 11.340/2006 into practice, in particular articles 35 and 36 that require the referral of offenders in the Domestic and Family Violence Tribunal to education and rehabilitation programs.

The contact with the men occurred through articulations with a professional social worker employed within the tribunal, who made contact by telephone with possible participants, informing them about the reflective group, where the activities would take place and the importance of their participation. The meetings were held in a state education center located close to the courthouse.

Nine meetings with an average duration of two hours each were held at two-week intervals between April and August of 2016. Collectively, reflective discussions were developed with the application of projective, playful, and dispersive activities in order to problematize issues such as family, marriage, masculine domination, ownership, virility, strength, violence, and health care from the analytical category of gender.

The research proposal, including its objectives, benefits and potential risks, was presented at the third meeting of the reflective group. The right to refuse to participate at any time was explained with the assurance that this decision would not imply the need to leave the group, as were other ethical precepts of research with human beings as recommended by resolution 466/12 of the Brazilian National Health Council. On accepting to collaborate with the study, the men signed an informed consent form and a more convenient time was scheduled for data collection.

An individual interview and documentary analysis were conducted as data collection techniques aiming at capturing the discourse of both men and women about their experience of conjugal violence. The interviews with the men lasted an average of one hour. Interviews were recorded and transcribed in full. The discourse of the women, on the other hand, was constructed from the testimonies given by the men's wives contained in the criminal proceedings.

The collected data were stored using Qualitative Solutions Research NVIVO® 11 software,⁷ where they could be organized and coded by thematic area. Then, from the central ideas, the key expressions were organized for the creation of discourse-syntheses, which representatively express the nuclei of meaning that emerged, following the assumption of the method of Discourse of the Collective Subject (DCS).⁸

It should be noted that the case files include descriptions of the woman's experience of violence with all the descriptions being written by a police clerk and that her statement is read by the victim at the end of the interview when it is necessary for her to sign attesting the truthfulness of the facts. Hence, although different data collection techniques were used, both allow discourses to be elaborated, even though the DCS method does not exclusively include verbal material.

The men are identified using codenames, specifically M1 to M12, and the women as W1 to W12. The findings are based on the analytical category of Gender.

RESULTS

The male participants were predominantly black, with ages ranging from 25 to 62 years. Most only had elementary school education, earned from 1-2 minimum wages, with unstable employment and diverse occupations such as security guard, waiter, driver, cashier, production assistant, general services assistant and self-employed. Regarding conjugal aspects, the relationships ranged from four to 40 years of living together with most having stable relationships with children. Sociodemographic data on the women were not found in the case records.

From the analysis of the interviews of the men, and from the reports of women described in the case files, it was possible to construct collective discourses about the experience of conjugal violence. These are grouped in two thematic categories, namely:

Central Idea Synthesis 1: The discourse of women on their experience of conjugal violence

The women's discourses, extracted from the case files, reveals the male understanding of the woman's obligation to perform domestic duties and that non-compliance, as well as the use of alcohol, predisposes to conjugal violence, expressed as psychological, moral, patrimonial, sexual and physical manifestations. It also translates the male domination, which is capable of invalidating the woman even when she decides to defend herself from the aggression. The context calls attention to the "call for help", which does not necessarily come from the awareness of the experience or from the need to break with the cycle of violence, but is often associated with clinical issues arising from physical aggression. The following collective discourse illustrates the clear perception of the experience of conjugal violence by women:

We lived together. Initially, he was not violent, but started to have uncontrolled behaviors, most frequently at the weekends when he drank more. Arriving late at home, he demanded that I get up to serve dinner and if I took time, he would punch the wall and shout. One day he drank too much, and when he got home, he put his hand on my legs and said he wanted to have sex. When I said I was not feeling well, he started verbally assaulting me, even saying I was having an affair with his nephew. He even broke the wardrobe, the computer and the door of the house, and my daughter had to intervene. Once I was caught by surprise with him holding me by the neck with a knife and stating that he would kill me. He threatened me and shouted at me, with curses and lies about me and my children, catching everyone's attention. He pushed me, bit me, and held me tightly by the arm. I was scratched all over my body. I was beaten with a stick, with the broom on my back, on my right thigh and he punched me in the face. As I struggled to defend myself, I fell. He held me tightly and I was dragged from the kitchen to one of the bedrooms. I managed to get free and went to the street with a cut on the head, asking for help. The neighbors came to my aid and called the SAMU who took me to an UPA*. He was booked in the act and taken away in a police car (DCS: W1, W2, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12). (* Emergency ambulance service; * Emergency medical clinic).*

Central idea Synthesis 2 - The discourse of men on their experience of conjugal violence

The study reveals a discourse of non-recognition, minimization and justification of disrespectful conduct. It also adds to the denial of violence, sometimes linked to the accusation of the woman lying about the fact and the intention of the woman to implicate the aggressor criminally.

It was just an argument, a small quarrel, just that: to let off steam! It is natural a man like me, active (sexually), almost two months without having a relation with the woman. I was hot headed because we argued. I cursed her, broke things in the house, and held her tightly by the arm, but I did not think it was aggression. She hit me first with the broom and then I took it to defend myself and hit lightly like this (gestured). I could have smashed her with the broom, but I only hit her on the legs, I'm not ashamed to say. I do not know how it happened, I just know I was washing the house at night, she passed, she slipped. I tried to catch her, and at the time, she let go and hit her head on the floor. It was not my fault! Only the people, at that time, understood it as if it were violence (denunciation and arrest). She went to hospital. The doctor asked what it was, and she in despair said it was me. Then she scratched herself all over, ran to the police station, made the statement, and said it was me. She even said I had a knife, but I had no knife. And she said I threatened her, and I never did. She can set a trap, call the police, just to hurt the man. The justice is thinking I hit her, but I did not. I would not kill a fly. I am against violence. I'm paying for something that didn't happen. (DCS: M1, M2, M3, M4, M5, M6, M7, M8, M9, M10, M11, M12).

DISCUSSION

Regarding the collective discourse of women, the experience of the phenomenon was evidenced in psychological, moral, patrimonial, sexual and physical forms. Violence was also revealed in the domestic sphere, especially that which occurs between spouses as a recurrent and progressive phenomenon, beginning with verbal assault and restricting the freedom of the companion, passing through patrimonial and sexual violence and culminating in physical aggression. These findings corroborate studies conducted in northeastern and southern Brazil that emerged from the chronic and cyclical nature of the offence,⁹ with subtle onset sometimes hidden as psychological violence and verbal assault,¹⁰ passing by patrimonial violence and reaching physical aggression.¹¹

It is worth noting that, although allowing the classification of the acts committed, the Maria da Penha Law does not specify the severity of the different types of violence.⁶ However, the discourse of women signals a search for help when physical aggression occurs, suggesting that this is the most serious expression of abuse for them. Misconceptions such as this can be evidenced in a study that, on analyzing the statements related to incidents reported in a women's police station between 2005 and 2009, most are of physical aggression.¹¹ This can be seen in a study carried out in Ethiopia in which, among the forms of expression, moral and patrimonial violence were not mentioned,¹² suggesting that the women did not understand about the severity of these types of violence or possibly their invisibility.

It was perceived, therefore, that there is no awareness of the woman (and also of the perpetrator) that some daily actions constitute violence, which prevents her from perceiving herself as an oppressed subject in an asymmetrical relationship. Some aspects that underlie this reality are due to the fact that women justify the behavior of men, transferring the responsibility of the act to the ingestion of alcohol or to themselves, since they feel guilty of the violence suffered, because they did not fulfill their 'responsibilities' within the marriage, such as serving dinner and having sex. These situations, corroborated in previous studies,¹³⁻¹⁵ indicate that even women share the idea of female subservience to their spouse.

Socially reproduced, the power of this ideology contributes to the naturalization of marital relationships permeated by violence, allowing us to understand why many women, for years, accept or at least do not question disrespectful behavior. Thus, they remain the object of the relationship, and not the subject of their lives.

The female discourse warns us that even when seeking to break with this pattern of non-confrontation toward conjugal violence, usually associated with attempts to defend herself against physical aggression, the woman continues to be annihilated, now defeated by the masculine physical strength. This asymmetry of physical strength ends up undermining the women's self-defense.¹⁶⁻¹⁸ The discourse also shows that when the woman perceives herself physically maltreated, she screams for help, suggesting that this situation is considered the limit. This context favors immediate arrest and depending on the degree of the injuries, requires referral to health services, conjunctures in which the occurrence of marital violence can be recorded. This supports a study on the imprisonment of men for violence by pointing out that, in the face of loss of physical integrity, women resort to hospitals to record the incident.¹⁹ Other studies, carried out in northeastern and southern Brazil maintain that the intense and intolerable physical aggression was the situation that gave rise to reporting incidents, including the fear that there would be evolution from physical aggression to death.¹⁵

It was noted that often women formalize the complaint in an attempt to stop physical aggression based on police reprisal.²⁰ Thus, it is important to emphasize that denunciations do not necessarily occur through the desire to end the relationship or as a response to the process of becoming aware of being in a conjugal relationship permeated by violence. This leads us to question about the invisibility of other expressions of violence to women. Similarly, the man does not understand the denunciation and/or arrest, even blaming the woman for the situation; he feels wronged, since until then they both believed that such acts were 'natural'. Research around the world shows the man's difficulty to accept prison for practicing violence against his partner, because that is how the couple had always lived and as both were socially constructed.^{21,22}

The invisibility of violence against women is rooted in the unequal construction of men and women, who since childhood

have grasped the roles and attributes considered inherent to each sex, the man being the dominator within the relationship, strong, rational and head of the family, while the woman, the dominated, fragile, emotional and domesticated.¹⁸⁻²¹ These asymmetrical relationships place the woman in a position of subservience to the man, so that she accepts the wishes and impositions of the spouse, invalidating herself as a subject to submit to the will of the other.^{17,18}

A documentary study that analyzed 902 incidents in a specialized police station in Rio Grande do Sul, Brazil revealed that patriarchal attitudes were constantly reintroducing control over women, and that male supremacy that generated suffering and submission was constantly naturalized by men.²³

On the international scene, studies in South Africa and the United States also point to the socially empowered men in normalizing, controlling, and disciplining their women,²¹⁻²⁴ having the right to regulate and dominate their bodies. It is important to emphasize that these roles are learned, internalized and reproduced by women and men as being the ideal stereotype for a conjugal relationship¹⁴ that favors the naturalization of violence and, therefore, makes it difficult to recognize oneself in this situation, either as a victim or as an aggressor.

This hegemonic ideology enables us to understand the male discourse, or non-recognition of some acts as violent as such, sometimes to minimize others. It is noteworthy that some masculine behaviors, although assumed as violence, implicitly transfer the guilt to the woman, for example conjugal rape justified by the lack of sexual intercourse, which is perceived as an obligation of the married woman and of physical violence, spontaneously explained as retaliation, as the man was beaten by his wife first. Studies carried out in southeastern and southern Brazil agree on the tendency of men holding women accountable for the aggressions directed at them, often because they acted differently than expected.¹³⁻¹⁵ These cases suggest man's difficulty in understanding gender violence.

We cannot fail to mention that men continuously feel threatened given the legal nature of the process, an event that may have contributed to the discourse of non-accountability of the criminal act. Scholars believe that minimizing and denying the acts practiced is a form of defense that men use to reduce possible punishments and because of fear of prosecution and arrest.^{13,25,26} Thus, in spite of the understanding of violent acts, men deny what happened for fear of legal-police punishment.

The question about the legitimacy of the woman's testimony emerged in the collective discourse of men. This situation must be carefully analyzed since, on the one hand, it may represent a strategy for not taking responsibility for the crime committed and, on the other, a crime of slanderous denunciation may incur, as provided for in article 339 of the Brazilian penal code (BRASIL, 2000). Both situations find resonance in the Brazilian literature. It is not uncommon for men accused of marital violence to defend themselves on the grounds that the allegations are unfounded by disqualifying their partner in an attempt to construct an image that their spouse is inconsequential and weak. It is also not uncommon for women to make untruthful denunciations, including having to

respond to legal proceedings and to indemnify the victim, their spouse.²⁷

Although a conjugal relationship permeated by conflicts and violence is clear in both collective discourses, there is often no real perception of the couple about this experience, given the naturalization of gender inequality. This needs to be deconstructed, especially for children to have a differentiated education and to build more symmetrical and healthy relationships as adults. In this context, researchers defend the importance of training professionals in family health teams to prevent marital violence in the community and school environments.²⁸

An international study on the effectiveness of interventions to reduce violence indicates the need to develop strategies based on working with men and women that are capable of changing social norms on gender relations, promoting the reduction of existing differences and asymmetries and the transformation of masculinities.²⁶

In addition to this work, a series of studies, which analyzed the case of five countries, South Africa, Brazil, Spain, India and Lebanon, draws attention to the diversity of contexts and paths for the development of an effective health system response to combat violence against women. These studies point to the need to build healthcare strategies for the creation of protocols, multisectoral articulations, creation of agencies, referral and protection networks and economic and social investments for resources, as a means of reducing gender inequality, to promote an effective healthcare response and to ensure the attainment of the millennium goals.²⁹

Initiatives to address the phenomenon of marital violence are fundamental to reduce the illnesses caused to women, men, their families and society, besides eliminating the noncompliance of judicial orders and the repeated calls to the police by the same victim, as evidenced in a national study that analyzed 902 records of incidents in Rio Grande do Sul, Brazil.²³

In this study, the importance of including strategies to reduce, eliminate and respond to violence against women in the post-2015 agenda is emphasized, consistent with the commitments of each country in order to guarantee human rights and improve public health.

CONCLUSION

The discourses of both women and men highlighted a reciprocal experience of conjugal violence that, although manifested in the most varied forms, is often not recognized by the couple. While the woman sometimes transfers the responsibility of the act to the ingestion of alcohol or to herself, the man minimizes the occurrence and questions the legitimacy of the testimony given by his companion.

Considering that marital violence is based on the social construction that dictates different roles for men and women, these findings show the importance of creating spaces for the re-education of women and men from a gender perspective. The empowerment of women should be sought within these spaces

so that they recognize that they are in a situation of violence before the aggression causes more serious repercussions, including risk to their lives. Furthermore, the awareness and accountability of men is important, especially in respect to self-reflection, transformation and deconstruction of the current model of masculinity.

Health and education settings are essential to promote such actions, mainly from articulation with the legal system. In this context, it is necessary to better prepare professionals working in these areas to understand the complexity and magnitude of the phenomenon. Public management should prioritize spaces for gender re-education in line with the guidelines of national policies on women's and men's health.

In respect to preventive measures, on remembering that marital violence occurs at home, it is still necessary to identify children and adolescents exposed to this situation, and it is essential to articulate within the school. Educators should be aware of the seriousness of the phenomenon and should be prepared to identify and refer children, including in partnership with child protection services. Due to the transgenerational character of domestic violence, schools are privileged settings to break this cycle, and should encourage actions that promote symmetrical interactions between girls and boys, based on mutual respect, that allow to deconstruct the existing model.

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