

WOMEN'S

GENDER, VIOLENCE, AND JUSTICE

POLICE

IN SÃO PAULO, BRAZIL

STATIONS



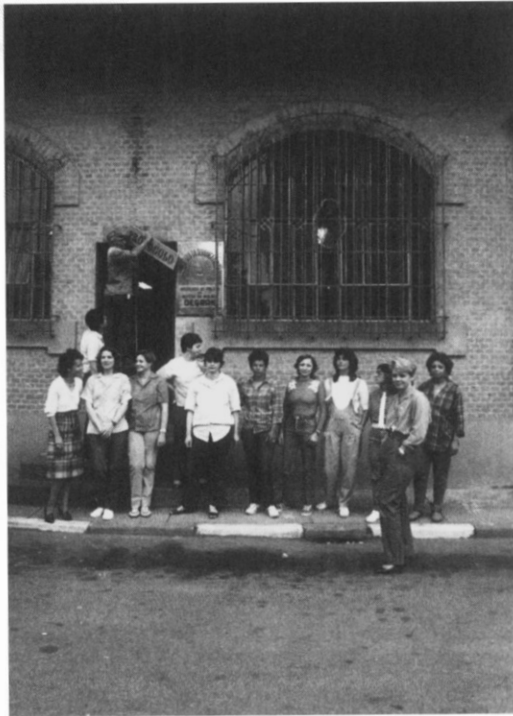
CECÍLIA MACDOWELL SANTOS

Women's Police Stations

Cover photo by Avani Stein, published in the newspaper *Folha de S. Paulo* (August 6, 1985, front page) with the following text: “Diante da Delegacia de Defesa da Mulher, que o governador Montoro inaugura hoje, no Centro de São Paulo, a delegada Rosemary Correia (à frente) apresenta as funcionárias—Pág. 20” (In front of the Police Station in Defense of Women, which governor Montoro inaugurates today in downtown São Paulo, police delegate Rosemary Correia (in front) introduces the other policewomen.) (Reproduction authorized by *Folha Imagem*.)

Women's Police Stations Gender, Violence, and Justice in São Paulo, Brazil

Cecília MacDowell Santos



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*In honor of my maternal grandmother,
Maria Anita Amazonas MacDowell (1908–)*

*In memory of my paternal grandmother,
Helena Fonseca dos Santos (1896–1996)*

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Introduction

Last year in São Paulo, there were 5,470 sexual crimes, and during the first three months of this year, there were 1,400. Only 10 percent of women victims sought police assistance. That is why a women's police station was created. It is the first of its kind in the country. Everything in this police station is different. The environment is calm, and even the staff—from police clerks to the police delegate—are women.

—Police delegate Rosmary Corrêa (quoted on
TV Manchete, August 6, 1985)¹

Over the past ten years, the number of complaints of violence against women has increased dramatically. According to police, this is due to the expansion of women's police stations, which encourage victims to report. But policewomen say that the situation will only get better when there is no need for women's police stations. They say that by then discrimination against women will be over and women will be perfectly integrated into society, fully enjoying all their rights.

—TV Cultura (August 4, 1995)

In the late 1970s and mid-1980s, pressure from social movement actors, such as women's and feminist groups, forced the military regime, established by the 1964 military coup, to initiate a process of redemocratization in Brazil. At the time, diverse social movements mobilized to end the regime and to expand the rights of oppressed groups, including workers, women, blacks, Indians, homosexuals, and transvestites. This political and social climate allowed for the creation of the world's first women's police station in 1985.

The governors of several states where the opposition party Movimento Democrático Brasileiro (Brazilian Democratic Movement or MDB) had been victorious in the 1982 elections responded to the mass women's mobilizations and demands for the recognition of women's rights by creating all-female institutions, such as state councils on women's rights. In the state of São Paulo, in addition to the 1983 establishment of Conselho Estadual da Condição Feminina (State Council on the Feminine Condition

or CECF) to design gender-based public policies, the then-governor, Franco Montoro (MDB), created the world's first all-female police station in 1985, named Delegacia de Polícia de Defesa da Mulher (Police Station in Defense of Women). Whereas feminists were appointed to run the CECF, female police officers were appointed to the new all-female police station, commonly known as *delegacia da mulher* (women's police station).

The creation of this unprecedented police station was a direct response to the feminist critique that policemen in regular police stations were sexist and did not take women's complaints of violence against them seriously. The new all-women's police station was inaugurated on August 6, 1985 in downtown São Paulo for the specific purpose of dealing with crimes against women, such as assault, battery, and rape.

The historical significance of this new women's police station in Brazilian culture and society should not be understated. Until very recently, Brazilian society condoned violence against women. In the realm of popular culture, for example, it is worth citing the popularity of the song, "Dá Nela" ("let her have it" or "beat her up") in the early 1930s. Composed by Ary Barroso at the end of 1929, "Dá Nela" brought fortune and fame to Barroso, who at the time was 26 years old and, although a promising composer for musical theater and radio in Rio de Janeiro, had just a handful of successful songs and no money. "Dá Nela" not only won first prize in the competition for the upcoming carnival, awarding Barroso a fortune of 5 million réis (the Brazilian currency at the time), but it also became a huge hit in the 1930 carnival. Barroso's song was inspired by an incident he had witnessed at Praça XV, a famous square in Rio during that time, where he saw a large crowd almost lynching a woman who had provoked and insulted other women who were waiting for the tram. Barroso used the words of a young man in the crowd, who shouted "dá nela," to write the refrain and the lyrics of his carnival hit as follows:²

<i>Esta mulher</i>	This woman
<i>Há muito tempo me provoca</i>	Has been provoking me for a long time
<i>Dá nela! Dá nela!</i>	Let her have it! Let her have it!
<i>É perigosa</i>	She's dangerous
<i>Fala mais que pata choca</i>	She speaks more than a cackling chicken
<i>Dá nela! Dá nela!</i>	Let her have it! Let her have it!
<i>Fala, língua de trapo</i>	Speak, sewer mouth
<i>Pois da tua boca</i>	'Cause from your mouth
<i>Eu não escapo</i>	I don't escape
<i>Agora deu para falar abertamente</i>	Now she's taken to speaking openly
<i>Dá nela! Dá nela!</i>	Let her have it! Let her have it!
<i>É intrigante</i>	She's an intriguer
<i>Tem veneno e mata a gente</i>	She has poison and kills people
<i>Dá nela! Dá nela!</i>	Let her have it! Let her have it!

Until recently, it was not uncommon to hear Brazilian proverbs legitimizing and normalizing violence against women, such as *mulher gosta de apanhar* (women like to be beaten up), *tapa de amor não dói* (a love tap doesn't hurt), and *em briga de marido e mulher ninguém mete a colher* (fights between husband and wife are nobody's business). These proverbs can even be heard from some of the policewomen working for women's police stations. As a female police clerk expressed in an interview, "Many women are beaten up because they ask for it. I think she should take responsibility and defend herself. She was strong enough to speak up when she was provoking it. So she should fight back."³ Actually, since colonial times, Brazilian law and justice system have legitimized, and even praised, violence against women as "normal" and deserved by the female victims who "provoke it." A case in point is the legal treatment of adulterous women and the courts' legitimization of wife-murder cases, so-called crimes of passion (see Corrêa 1981; Americas Watch Committee 1991a).

Prior to gaining independence in 1822, Brazil was under the rule of Portuguese colonial law, which allowed a man to kill his adulterous wife and her lover but did not allow the wife to kill her adulterous husband (Corrêa 1981). The first post-independence Brazilian Penal Code, enacted in 1830, revoked this rule; however, the belief that a man could legitimately kill his adulterous wife remained accepted by the dominant culture. The Republican Penal Code of 1890 introduced an exemption from criminal responsibility for those who committed a crime "under a state of total perturbation of the senses and intelligence" (quoted in Americas Watch Committee 1991a, 20). This exemption became the seed for defense attorneys' construction of the "legitimate honor defense" argument in wife-murder cases. Defense attorneys have argued that their clients lost their "sanity momentarily" due to a "strong emotion" caused by the behavior of their adulterous wives. Until very recently, juries accepted this argument to justify the acquittal of wife-murderers (Corrêa 1981; Americas Watch Committee 1991a).

During the *Estado Novo*, declared by President Getúlio Vargas in 1937, a new Brazilian Penal Code was enacted in 1940. Still in effect today, this code kept "strong emotion" as an attenuation clause to justify the reduction of prison sentences in cases of homicide (see Article 121, Paragraph 1 of the 1940 Brazilian Penal Code). Drawing on this clause, defense attorneys have continued to use the "legitimate defense of honor" argument. Thanks to numerous protests and campaigns organized by Brazilian feminist activists, in 1991 the Brazilian Superior Tribunal of Justice (STJ) decided that the "legitimate defense of honor" argument could no longer be argued. Nevertheless, prison sentences for wife-murderers have hardly been enforced and feminists still must mobilize over wife-murder cases

(Americas Watch Committee 1991a; União de Mulheres de São Paulo 1995; Centro pela Justiça e o Direito Internacional [CEJIL] et al. 2003). The STJ has also contradicted its own decision to disallow the “legitimate defense of honor” argument (Macaulay 2002). In addition, to date, adultery is still a crime (see Article 240 of the Brazilian Penal Code).⁴

For all of these reasons, it is unquestionable that the birth of the world's first women's police station represents an unprecedented recognition by the Brazilian state that violence against women is a crime, a significant advance in the field of women's rights. It created a space where violence against women would be registered, thus encouraging victims of violence to report, as the media's coverage of both the inauguration and the ten-year anniversary of the first women's police station attests. Moreover, the establishment of this women's police station represents a substantive victory for the women's and feminist movements in bringing a gender-based agenda into the state and the police force, and, more specifically, in successfully pressing the state to criminalize an issue hitherto considered “private” and even “normal” (Alvarez 1990). The new women's police station has also contributed to the advancement of a “gendered citizenship,” a form of citizenship that values social differences among women and men, granting both of them equality before the law and full access to political, economic, social, and civil citizenship rights (see Walby 1994).

Although feminists did not have the initial idea of creating a women's police station and did not assume that policewomen would automatically treat women clients better than policemen, they supported Montoro's initiative. Acclaimed by feminists of the São Paulo State Council on the Feminine Condition (CECF), most feminist non-governmental organizations (hereafter NGOs), and the female population in general, the first women's police station became a model for the founding of similar stations in São Paulo and throughout Brazil. Today there are 125 women's police stations in the state of São Paulo alone and, as of June 2003, 339 women's police stations exist throughout Brazil (AGENDE and CLADEM 2003). Inspired by this Brazilian phenomenon, eight countries in Latin America have created women's police stations (Corral 1993; Feijóo and Nari 1994; Chinchilla 1994; Nelson 1996; Jubb and Izumino 2002; Santos 1999a).⁵ European countries, such as Spain and Portugal, have also established women's desks within regular police stations or some version of women's police stations (Station 1989). In South Asia, hundreds of women's police stations have been created in the main metropolises of India and Pakistan (*San Francisco Chronicle* 1993; War against Rape 2003; Oherald.com 2003).

Nevertheless, research has shown that, as is common in other police stations, very few cases registered in the women's police stations actually

go to court (Jubb and Izumino 2002). The infrastructure and quality of services in the women's police stations are also inadequate (Conselho Nacional dos Direitos da Mulher 2001; Massuno 2002; Amaral et al. 2001). Like other police stations, the women's police stations, though part of the state executive power, are a judiciary police auxiliary to the Brazilian criminal justice system. Police officers working in these stations do not patrol and do not wear uniforms. They only have the authority to register criminal complaints and conduct a police investigation (*inquérito policial*), a preliminary administrative proceeding that is sent to the district attorney, who ultimately decides whether or not to file criminal charges (*denúncia*).

According to the legislation on the first women's police station, all police officers working in this kind of police station, as well as the victims, should be women (Decree No. 23,769, August 6, 1985). While the legislation did not explicitly refer to the expression "violence against women," the creation of the first women's police station was aimed at criminalizing and preventing the escalation of violence against women in Brazilian society. In June of 2004, almost twenty years later, the Brazilian National Congress approved a new legislation explicitly criminalizing "domestic violence" and establishing a penalty of detention of six months to one year for this type of crime (Law No. 10,886, June 17, 2004). However, complainants who seek the assistance of police officers in regular as well as women's police stations are not necessarily interested in the criminalization of offenses. Complainants are often poor or come from working-class backgrounds and possess real fears of the police. Despite these fears, complainants utilize the police to resolve civil and criminal grievances, also in part due to the fact that they lack access to the justice system.⁶ Complainants use police stations as an arena of alternative dispute resolution, invoking the authority of police officers to mediate their grievances (see Oliveira 1984; Kant de Lima 1994; Muniz 1994). Police end up acting as if they were judges, and they arbitrate arbitrary "sentences." Even during the military regime, lower segments of the population would seek police stations to solve their civil and criminal grievances (see, for example, Oliveira 1984).

In addition to being used like other police stations and sharing similar problems faced by regular police stations, research shows that the women's police stations are also confronted with gender-specific tasks and dilemmas. For example, policewomen and women's police stations continue to be discriminated against by the São Paulo Police Department as well as other police departments throughout Brazil (Conselho Nacional dos Direitos da Mulher 2001; Silva n.d.; Silva 1992; Machado n.d.; Jubb and Izumino 2002; Massuno 2002; Santos 1999a; Hautzinger 1997). The

number of women's police stations in the north and northeast regions is insufficient, forcing victims to travel long distances to get to the stations (Amaral et al. 2001). When they do arrive, complainants, especially those reporting cases of conjugal violence, do not necessarily seek the criminalization of their abusers and often request the withdrawal of their complaints in the course of the investigation (Muniz 1994; Brandão 1998; Santos 1999a). Police academies have not included gender-specific training for police officers in general and policewomen in particular into their curriculum (Conselho Nacional dos Direitos da Mulher 2001; Silva n.d.; Silva 1992; Machado n.d.; Jubb and Izumino 2002; Massuno 2002; Santos 1999a). As a result of lack of gender-based training, not all policewomen perceive violence against women as a serious and "real" crime; instead, they tend to emphasize family reconciliation in cases of domestic violence rather than the protection of the victims and the search for justice. Many policewomen also do not necessarily ally themselves with feminist organizations, whose activities and values originally inspired the creation of the women's police stations (Nelson 1996; Santos 1999a, 1999b, 2004; Conselho Nacional dos Direitos da Mulher 2001; Jubb and Izumino 2002).⁷

Existing research tends, however, to focus on micro-level analyses of the women's police stations, neglecting to examine how macro-political processes shape the social interactions between feminists, policewomen, and complainants. In addition, most researchers homogenize the interests and identities of each of these actors, therefore failing to theorize the complex and often contradictory relationship between and among these different groups of women. Finally, existing research has not further examined women's rights from a multicultural perspective on gendered citizenship and justice, and has overlooked the interconnections of race, class, gender, and/or sexual orientation as the basis for granting women the right to live without violence and to claim the enforcement of this right through the state (for exceptions, see Nelson 1996; Santos 1999a, 1999b, 2000).

Feminist theorizing of women's movements, gender, and the state in Latin America has addressed the question of the relationship between women and the state in illuminating ways. Since Sonia Alvarez's (1990) groundbreaking book on feminist politics in the transition to democracy in Brazil, a new and expanding literature on the state and gender in Latin America has emerged. Building on Alvarez's historical and politically contingent (not essentialist) approach to the state, there is a consensus in the literature that the state is not a monolith and does not have predetermined, essential intentions regarding women or gender issues. Moving away from essentialism and structuralism, feminist scholars now conceptualize the

state in Latin America as a “differentiated set of institutions” and a “site of struggle” both representing and reconstructing gender relations (Alexander 1991; Waylen 1996; Rai 1996; Schild 1998; Alvarez 1999–2000; Santos 1999a; Molyneux 2000).

Feminist scholars explain the relationship between the state and women as “evolving and dialectic,” contingent upon the historical and political conjuncture (Alvarez 1990; Waylen 1996; Rai 1996; Lieslesley 1996; Metoyer 2000; Molyneux 2000). The “women’s policy machineries” created within the context of redemocratization in Latin America since the 1980s are good examples of how the state can foster both social control and social change in women’s lives, depending on the political conjuncture. Scholars have shown, however, that these feminist institutions are fraught with contradictions. In addition to their limited power to influence other sectors of the state, they may disarticulate the women’s movement by depending entirely on key women organizers who become constrained by their positions within the state (Alvarez 1997; Schumacher and Vargas 1993; Friedman 1998; Schild 1998).⁸ That is why Alvarez (1990; 1997) aptly recommends that feminists develop multiple strategies to work both inside and outside of the state. Molyneux (2000, 67) also points out that the success of feminists in government depends on “strong linkages with those outside.” In addition, “The degree of commitment to democracy more generally, the sympathy governments express toward women’s issues, and the general direction of policy depend crucially on the party in power” (Molyneux 2000, 66).

Although showing that the state is not a monolith and does not have pre-established, essential intentions regarding women, this new literature has not completely moved away from a macro-level analysis.⁹ It is certainly true that the contradictory relations between feminists, policewomen, and their clients in São Paulo are situated within the context of changing state–society relations during the political transition to democracy in Brazil. However, even under governments controlled by the same party, policewomen have held conflicting interests and divergent positions with regard to feminism. As Nelson (1996) asserts, these contradictory relations are the result of the women’s police stations being located within the coercive and masculinist arm of the state. Feminists have also diverged among themselves on the meaning of violence against women. And battered women have interacted with the women’s police stations in contradictory ways, according to their specific needs and interests, which are shaped by gender, race, and social class.

Therefore, by positing the relationship between the state and women as a function of the political regime or the party in power, feminist state theorists overlook the particular culture of the specific institutions with

which women interact. They also ignore the micro-level changes in civil society and the day-to-day interactions between state actors and their clients. Finally, like students of the women's police stations, feminist state theorists have not paid sufficient attention to the interconnections of gender, race, class, and sexual orientation and how they influence the practices and discourses of both state and civil society actors regarding the construction of gendered citizenship and justice (for exceptions, see Alexander 1991; Santos 1999a, 2000).

This book seeks to fill in these gaps in feminist state theory and studies of women's police stations in Latin America by examining the political and social processes shaping the dynamics of the complex and often contradictory relationship between women and the state from both a macro and micro perspective, using the fascinating and unique case study of women's police stations in São Paulo. This study also serves to shed light on the contributions and contradictions of institutionalizing a gender-based agenda through the creation of an all-female space within the repressive arm of the state.

Throughout this book, I explore the construction of gendered citizenship and the processes of *engendering* justice as a result of the discourses and interactions between specific social actors, such as feminists, police-women, and complainants. By looking at the interests and identities of these actors and how they relate to each other from both a macro and micro, as well as political and historical perspective, I contend that we can better uncover the interacting forces and processes shaping the contradictions and the changing dynamics of state–society relations, therefore gaining a better understanding of the possibilities and barriers for the full exercising of citizenship rights in Latin America today.

Further, I argue that the state is neither simply a faceless “complex apparatus” nor a “network of contested power relations,” but rather an actor in its own right (though multifaceted and contradictory), actively participating in the construction and contestation of hegemonic ideologies in society. Although the state tends to legitimize the ideology of dominant groups in society, different sectors within the state can reinforce diverse hegemonic and counter-hegemonic ideologies, precisely because agents of the state have multiple and contradictory interests as both state actors and social actors embedded in a particular political, economic, and cultural formation.

Figure i.1 represents the relationships that form the core of this book. By “civil society” I mean a sphere of social relations between the economy and the state, composed of voluntary associations, social movements, and NGOs.¹⁰ Figure i.1 also shows that women's movements, as well as feminist and women's NGOs, are part of civil society, whereas the women's

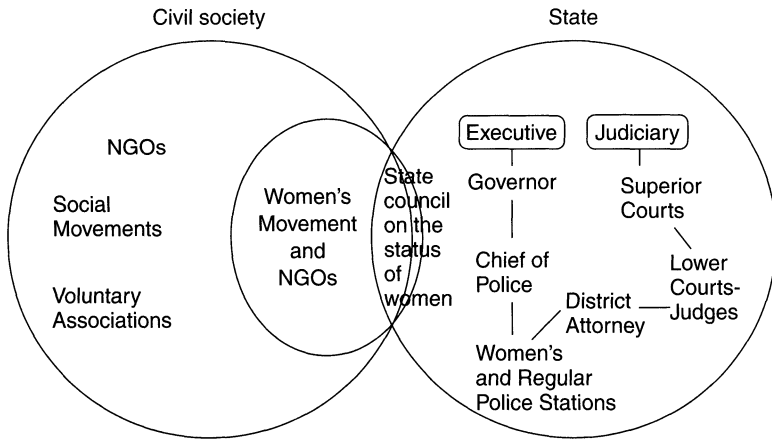


Figure i.1 Civil society and state

police stations are part of the state. By “women’s movements” and “women’s NGOs” I mean a range of women’s activities organizations, grassroots and non-governmental, that are run by women to improve women’s living conditions. Although participants in these various women’s movements and NGOs may also participate in traditional political groups, such as political parties, the movements and NGOs themselves operate outside of formal politics. In addition, participants in women’s movements and women’s NGOs do not necessarily identify themselves as “feminist” and may come from various class, racial, and sexual orientation backgrounds. They must have a focus on gender-specific issues, at times intersecting with class, race, and/or sexual orientation-specific issues. Gender-specific issues are those defined in terms of rights of women as women. Such identity may be claimed in conjunction with other forms of consciousness and social categories. For instance, some women’s organizations may mobilize around the protection of women (in general) against violence, or the protection of wives, prostitutes, working-class and poor women, black women, lesbians, and so on.

It is important to note that the separation between civil society and the state is not clearly demarcated. Depending on changing political, economic and cultural contexts, this separation is more or less blurred. Political institutions such as state councils, created during the democratization process in the mid-1980s, clearly illustrate that sectors of the state can be embedded in civil society. Figure i.1 shows that the São Paulo State Council on the Feminine Condition (CECF)—staffed by members of women’s NGOs, women activists, and government officials—is part of the state while being also embedded in civil society.

Throughout this book, I use the case study of the women's police stations to examine the following questions:

- (1) Regarding the dynamics of the relationship between the state and organized, collective actors of civil society, how have policewomen related to feminists, and vice-versa, since the creation of the first women's police station in 1985? What are the social and political forces shaping the relationship between these two groups of women?
- (2) How do the discourses and practices of feminist activists, police-women, and their clients contribute to the construction of gendered citizenship? How does the discourse on gendered citizenship rights (in particular, the right of access to justice) relate to other discourses on citizenship rights based not only on gender, but also on race, class, and sexual orientation? What do policewomen and feminists consider as a legitimate complaint of violence against women? What is the meaning of "violence against women" for feminists, policewomen, and complainants? Does the feminist conception of violence against women take into account not only gender, but also race, class, and sexual orientation as a legitimate basis for women to complain about violence against women? Does the discourse on gendered citizenship incorporate differences not only between men and women but also among women?
- (3) Regarding the relationship between the state and civil society actors using the services provided by the state, how do police-women and female complainants relate to each other in the women's police stations? What are the factors shaping the discursive practices of policewomen with respect to women's complaints? What do policewomen learn from complainants? How do complainants use of the women's police stations? What are their interests and needs? What do they learn from their interactions with the women's police stations?

In sum, how have actors in civil society *engendered* the state and the justice system? Has the state *engendered* civil society? If so, has the reciprocal *engendering* of state and society led to the formation of a discourse on citizenship rights that benefits *all* women, regardless of their diverse social, racial, economic, cultural, and sexual positions?

Drawing on extensive interviews as well as participant observation and archival research, I argue that through the creation of women's police stations the Brazilian state and society have *engendered* each other in complex and contradictory ways.¹¹ Feminists, policewomen, and women

clients are heterogeneous groups, having multiple and often conflicting interests. The relationships between these groups of women continue to evolve not only because of the political conjuncture or the political party in power. They also have evolved due to interactions between the political conjuncture, the hegemonic masculinist police culture, developments in the feminist discourse on violence against women, and the impact of the contact policewomen sustain with women clients, all resulting in the construction of a contradictory gendered citizenship.

The hegemonic feminist discourse on violence is contradictory because it defines “gender violence” (for example, conjugal violence and sexual harassment) as the privileged forms of violence against women, therefore silencing other forms of violence against women that are defined not only on the basis of gender, but also social class, race, and sexual orientation. Within such an exclusive and narrow framework of violence against women, multiple forms of violence against prostitutes, black women, and lesbians, for example, are less likely to gain legitimacy in the state or to be taken seriously by legal professionals and police officers in the justice system. Had the woman who inspired Barroso’s song “Dá Nela” been lynched, the hegemonic feminist discourse on violence would not consider her case a legitimate complaint to be registered and investigated by the women’s police stations.

Policewomen’s discourses and practices regarding violence against women are also contradictory. They legitimize the hegemonic feminist discourse on gender violence by considering conjugal violence the paradigmatic case of violence against women. At the same time, they also undermine this discourse through the belief among many policewomen that conjugal violence is not a “real” crime.

Complainants’ approaches to the women’s police stations are also contradictory. Most complainants are battered women from working-class backgrounds, and many are also poor migrant women from the Northeast. They do not necessarily seek the criminalization of their (male) abusers and use the women’s police stations according to their gender and class-based interests and needs. They rely on the force of the police to gain some power in the domestic sphere and in their communities. But police violence, not law enforcement, is what they expect policewomen to exercise in order to help them “fix up” their conjugal relationship. While they develop a gender identity and a sense of women’s rights when they go to the women’s police stations, they also undermine the authority of the police due to reasons related to gender, class, and culture. The continued and intimate relationship with their partners, the emphasis on the family and community, not on the individual, as the primary subjects of rights, lack of knowledge about the law and legal procedures in police stations, and the