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THE EXPERIENCE OF THE PREVENTIVE DETENTION DUE TO CONJUGAL VIOLENCE: MEN'S SPEECH

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ABSTRACT

Objective: to know the male experience regarding the preventive detention due to conjugal violence.

Method: it is a qualitative, exploratory-descriptive study, with 23 men sued for marital violence at the 1st Domestic and Family Violence Court against Women, in the city of Salvador, Bahia, Brazil. The collection was carried out through semi-structured interviews and a focus group between May and December 2015. The data were organized from the Discourse of the Collective Subject and NVIVO® 11 software.

Results: the men experienced preventive detention ranging from 15 to 90 days. The central ideas emerged were: Feeling wronged and revolted due to being in prison; Recognizing their violent behavior; Aspiring for relations free of violence.

Conclusion: the findings indicate that it is common in marital relationships the naturalization of violence, and indicate the importance of social support in the process of reflection on this relationship. The need of articulation between the several sectors involved in the criminal prosecution of men by conjugal violence is added, in order to re-educate and re-socialize the author of the aggression.

DESCRIPTOR: Violence against women. Intimate partner violence. Masculinity. Men's health. Public policy.

A EXPERIÊNCIA DE PRISÃO PREVENTIVA POR VIOLÊNCIA CONJUGAL: O DISCURSO DE HOMENS

RESUMO

Objetivo: conhecer a experiência masculina acerca da prisão preventiva por violência conjugal.

Método: trata-se de um estudo qualitativo, exploratório-descritivo, com 23 homens em processo por violência conjugal junto à 1ª Vara de Violência Doméstica e Familiar contra a Mulher, na cidade de Salvador, Bahia, Brasil. A coleta se deu por meio de entrevistas semiestruturadas e grupo focal, entre maio e dezembro de 2015. Os dados foram organizados a partir do Discurso do Sujeito Coletivo e *software* NVIVO® 11.

Resultados: os homens experienciaram a prisão preventiva por um tempo que variou entre 15 e 90 dias. As ideias centrais emergidas foram: Sentindo-se injustiçado e revoltado pela prisão; Reconhecendo sua conduta violenta; Aspirando por relações livres de violência.

Conclusão: os achados apontam que é comum nos relacionamentos conjugais a naturalização da violência e sinalizam a importância do apoio social no processo de reflexão desse relacionamento. Soma-se a necessidade de articulação entre diversos setores envolvidos no processo criminal de homens por violência conjugal a fim de reeducar e ressocializar o autor da agressão.

DESCRIPTORES: Violência contra a mulher. Violência por parceiro íntimo. Masculinidade. Saúde do homem. Políticas públicas.

LA EXPERIENCIA DE PRISIÓN PREVENTIVA POR VIOLENCIA CONYUGAL: EL DISCURSO DE LOS HOMBRES

RESUMEN

Objetivo: conocer la experiencia masculina acerca de la prisión preventiva por violencia conyugal.

Método: se trata de un estudio cualitativo y exploratorio-descriptivo con 23 hombres en procesos por violencia conyugal junto a la 1ª Jurisdicción de Violencia Doméstica y Familiar contra la Mujer, en la ciudad de Salvador - Bahia, Brasil. La obtención de datos se dio por medio de entrevistas semiestructuradas y un grupo de enfoque entre Mayo y Diciembre del 2015. Los datos fueron organizados a partir del Discurso del Sujeto Colectivo y el *software* NVIVO® 11.

Resultados: los hombres cumplieron con la prisión preventiva por un tiempo que varió de 15 a 90 días. Las ideas centrales emergidas fueron: se sintieron agraviados y con rabia por la prisión; reconocieron su conducta violenta; aspiran tener relaciones libres de violencia.

Conclusión: los resultados encontrados señalan que es común en los relacionamientos conyugales la naturalización de la violencia y señalan la importancia del apoyo social en el proceso de reflexión de ese relacionamiento. Se suma la necesidad de articulación entre los diversos sectores participantes en el proceso criminal de hombres por violencia conyugal a fin de reeducar y resocializar al autor de la agresión.

DESCRIPTORES: Violencia contra la mujer. Violencia de pareja. Masculinidad. Salud del hombre. Políticas públicas.

INTRODUCTION

Marital violence is a complex phenomenon, considered by researchers as the most frequent form of interpersonal violence around the world.¹⁻² Although there is a reality regarding the female victimization, researchers say that conjugal violence is characterized by the reciprocity, because men and women harm each other. However, violence against women is the most perceived,³ because the asymmetry of the physical strength is one of the reasons for the greater visibility of male violence. This is because the physical aggression of the man against the woman can cause serious injuries and even death. According to the violence map, in 2013, 4,762 women in Brazil were killed in these circumstances, which represents an average of 13 daily homicides.⁴

Given this scenario, a public policy was promulgated in the form of Law N° 11.340/2006, which deals with ways to curb domestic and family violence, by protecting women in situations of violence and punishing the aggressors. The Maria da Penha Law, in Article 20 th, discusses the application of the author's preventive detention, with the purpose of protecting the woman against the recurrence of the case.⁵ This recommendation has caused men, perpetrators of violence, to experience the imprisonment. In this space, they experience multiple precarious situations that interfere with their physical and mental health.⁶

Studies show that the experience of prison for marital violence triggers mental and physical illness, which is a result of the somatization of what has been experienced. Stress, depression and severe mental disorders have been found in men who have experienced deprivation of liberty as a result of marital violence.⁷⁻⁹

Understanding that, regardless of the conjecture that permeates the prison system, the prison experience has an impact on the life of the individual, and the question is: what is the male experience regarding the preventive detention due to marital violence? Thus, this study aims to know the male experience regarding the preventive detention due to conjugal violence.

METHOD

Qualitative, exploratory-descriptive study, coming from a doctoral dissertation linked to the anchor project 'Re-education of men and women involved in criminal prosecution: coping with domestic violence', funded by the Foundation for Research Support of the State of Bahia (FAPESB - Fundação de Amparo à Pesquisa do Estado da Bahia).

The study population was intentional, with men who were at some point arrested for marital violence included, regardless of recurrence, and that during the study period, were free to respond to their criminal prosecution in a Domestic Violence and Family Violence Court against Women in the city of Salvador, Bahia, Brazil. Men who had lawsuits, whose cause was based on other types of violence against the woman, rather than the conjugal one, were excluded.

The initial contact with the possible participants was made through the meetings of the Reflective Group (RG), promoted by the anchor project and developed during nine meetings, lasting seven months, and with a total workload of approximately 50 hours. At the first meeting, besides informing its operation and schedule, the objectives of the research were presented, clarifying the potential risks, study benefits, preservation of recorded images

and the confidentiality of the generated data, and other ethical precepts proposed by the Resolution N° 466/2012. After the explanation, the men would chose to participate only in the RG or to integrate the research as well. By accepting to participate in any of the options, they signed the Free and Informed Consent Term. The study was approved by the Research Ethics Committee of the Federal University of Bahia, under the opinion of number: 877.905 and CAAE 31286414.2.0000.5531.

The data collection was carried out through multimethods. As data collection techniques, the individual interview was used, through a semi-structured script, and the focus group. The combination of more than one collection method has been called methodological triangulation and consists of a research strategy to increase the knowledge about the object, allowing the comparison, the articulation and the complementarity of the data collected and, thus, ensuring the deepening of the understanding of the phenomena studied.¹⁰

The research occurred between May and December 2015. Twenty-three men participated in the first phase, the average duration of the interviews were half an hour. As a data collection instrument, a semi-structured script was used, containing the following initial guiding question: "tell me about how you felt after being arrested". After completing all the interviews, as a way to deepen the findings, a focus group was conducted with the participants of the last meeting of the RG (nine men). It should be emphasized that the focus group is a methodology that basically uses the interaction among its members, so that, from this collective exchange, a broad problem becomes a more specific theme.¹¹ All the activities were carried out in a private room of a municipal public school.

The interviews and the focus group were recorded and their content transcribed in full. The data collected were categorized through the NVIVO® 11 software, and then organized into central ideas and discourses syntheses through the method of the Discourse of the Collective Subject (DCS). In this method, the collective thinking is not linked to the sum of individual thoughts (numerical representation percentage), but to the collective discourse, social imagery, social representations, and preexisting thinking. The DCS proposal aims, first of all, at making the appropriate correlations that the collective brings in its discourse and that carry intrinsic values, proper of the culture, that are present in the everyday of the social subjects.¹²

In order to be reliable to the method, some required steps were adopted, as follows: transcription of all speeches resulting from interview and FG; analysis of the collected verbal material, extracting from each of the oral testimonies the following methodological figures: Central Ideas - CI and their respective Key Expressions - KE; from the CI and KE, the various discourses-synthesis are denominated Discourse of the collective subject.¹² The results were based on the violence theme.

RESULT

The participants in the study were 23 men, aged from 25 to 62 years old, who responded to a criminal prosecution for marital violence. They were mostly black men, with little education and income from one to two minimum wages. The marital relationships lasted from four to 40 years, with most of them in a stable union. All of them were arrested preventively due to the act committed; and the time of seclusion ranged from 15 to 90 days, 17 of them reported using alcohol sporadically, and one claimed to be an alcoholic. Two participants stated that they would maintain the marital relationship with the companion responsible for the process.

From the collective discourse, it was possible to know the male experience of preventive detention after marital violence, being these organized into three central ideas below.

Central idea A: feeling wronged and revolted by the arrestment

The collective discourse reveals that some men feel wronged when experiencing the preventive detention, revealing hatred and desire to take revenge on the woman, blaming her for the experience in the prison. This finding, in addition to pointing to the female risk of retaliation by men, alerts us to the non-understanding that their conduct was violent and therefore criminal.

I would stop to reflect about what I was living and I felt much hatred towards her for putting me into this situation without need. This kind of thing is normal in every relationship; I did not understand it as an aggression. They put me in a cell with people who have committed all kinds of crime. I would cry, I felt anger and a desire to make something stupid again. I wanted to take revenge on her [wife], who put me in that hell and made me experience bad things inside that place I wanted to have a gun and go killing. I wanted to kill her and whoever was in front of me. Inside that place is a terror and I don't

want to come back! (Speech of Collective Subject 01)

Central idea B: recognizing their violent behavior

The study shows that in some situations, the experience of the preventive detention led to the reflection on their attitudes in the marital relationship, although, at first, the feeling of anger could have also erupted. The social support is added by the religion, family, friends and Alcoholics Anonymous, which favored the understanding that they had made a mistake and, consequently, the desire to change.

In the prison I thought a lot and I know I made a mistake with her, I know it was my fault. If I could go back in time, I would not have fought, I would not have reacted and been aggressive to her, nor would have done what I did in front of my grandchildren. We have to think about our attitudes, since we are mirrors for our children, because they repeat what we do. I admit my mistake and I regret it. The word of God also helped me to understand that I made a mistake, especially when I was talking to my brothers and friends. In Alcoholics Anonymous, I also found help to overcome the situation. At first I did not want to go, I went because the judge determined it, but it was good because in the group I can speak what I am feeling, and understand that I was violent and that I need to change! (Speech of Collective Subject 02)

Central idea C: aspiring for relations free of violence

The collective discourse reveals that men look forward for future relationships, anchored in respect. It is possible to perceive the masculine intention of acting differently, suggesting that the prison experience symbolizes the desire to build respectful conjugal relations in the future coexistence, or in the attempt of reconciliation with the companion. In search of marital relations free of violence, the collective subject points to strategies for the peaceful resolution of conflicts, such as dialogue and the temporary withdrawal of the spouse in times of tension.

When I got out of prison, I thought: beating does not solve it! Things are not solved with aggression, but with talk, and there has to be politeness for it. I feel empowered not to make the same mistakes and think about a better future, with no more problems with my family. I would like to live with her again to do it differently: to show that I am someone else and to treat her better. I will do differently when I get involved with someone. After everything that I have experienced in prison, I have

learned that in the moment of conflict, the ideal is that there should be a distance until things calm down [...]; if both are angry, the fight will be inevitable, and in a matter of seconds you can make something stupid. Today I can control myself. If I see her out of her mind, I'll try to relax: be quiet, try to go out for some fresh air, go to the beach, play the guitar, take a shower [...]. Then, more calmly, we will talk. I realized how important the dialogue between both of us is (Collective Subject Speech 04).

DISCUSSION

The study revealed that the preventive detention experienced by men who had been arrested for having committed violence against their partner causes the feeling of injustice and revolt to surface, even with revenge against the woman, who was the responsible for this experience.

This masculine connotation stems from the non-recognition of their violent behavior. This, socially constructed and learned in the domestic environment, is naturalized, so that becoming aware that the act is a crime is a difficult process.¹³⁻¹⁴ Studies in different parts of the world have shown that men, as well as women, understand the violent act as normal within the affective relationship, even relating it to a form of care and love.¹⁵⁻¹⁷

In this context, there is a masculine difficulty in recognizing oneself as the author of the violent action, and accepting the reasons that led to their detention, which can generate feelings of injustice, nonconformity and tendency to blame the woman.¹⁵

In addition to the naturalization, the female blaming is also based on the male belief that the conjugal relationship, even if it is permeated by violence, is private and only interested to the couple, and therefore, it is not public nor interested to the legal-police sector.¹⁸⁻¹⁹ All this context of naturalization and non-understanding generates hatred, desire for revenge, retaliation and even murders of women, when they make the criminal complaint, making public a problem that in the male perspective is particular.²⁰

Because it is a social construct, different spaces are needed to deconstruct the conjugal violence, which also permeates the process of reflection on their attitudes. In this study, the preventive detention is seen as a moment of self-reflection for some participants. Although some studies attest that the detention negatively transforms those who experience it,²¹⁻²³ researchers believe that this is a time for offenders to think about what happened and regret about their acts.²⁴

The regret, revealed in the discourses, is related not only to the perception of their conduct as violent but also to the fact that children were present. This reality refers to transgenerational violence, which consists in the repetition of violent actions experienced in childhood when in adult life.¹⁸ Authors from different parts of the world corroborate that boys and girls who witness marital violence tend to reproduce these actions in their future marital relations.^{17,25-27} Given this context, from the reflection still in jail, men realize that they are “mirrors” for their children.

In addition, for another group, the process of reflection occurred from the social support received from the religion, the AA and from family and friends. Research with women who have experienced marital violence corroborates the need for social support for all those involved in the phenomenon of violence. In this research, the religious support was mentioned as the main support institution, followed by family, friends and NGOs. Such supports have contributed to women’s protection, access to information, and empowerment.²⁸

A social support network for men is also essential, according to a study that defends the importance of family ties for the empowerment of men with experience of reclusion in prisons.^{14,29} Even because support ends up producing benefits for both supporters and those who receive support.³⁰ Corroborating this, a study shows that the support of multiple instances is the only way out to the change, which can lead the man in deprivation of freedom to reflection, to awareness and, above all, to the process of resocialization.²⁴

The social reintegration is also an objective of the AA, which, in partnership with the Domestic Violence and Family Violence Court of the city of Fortaleza, Ceará, Brazil, develop the Therapeutic Justice Program. This program, in addition to developing actions aimed at stopping the abusive use of alcohol and other drugs, promotes dialogic spaces within the prison system. Such spaces transcend the understanding that men are simply there to be punished, which has provided greater support for when they are at liberty, including minimizing the recurrence of crimes.³¹ This reality is also found in Porto Alegre, Rio Grande do Sul, Brazil, where the Domestic Violence Court links men in criminal prosecution with the AA. However, researchers have been criticizing this behavior when done randomly, suggesting that alcoholism has been implicated as a precipitating factor of violence, often by focusing on discussions of gender relations that permeate

marital relationships, which are essential for the re-education process.³²

It should be highlighted that the Maria da Penha Law N° 11.340/2006 - already advocates the presence of men in situations of conjugal violence to recovery and re-education programs, with the aim of facilitating the interruption of the cycle of violence and, thus, avoiding new cases.¹ In this context, the work of the groups of reflection and reeducation of gender with transgressive men is inserted. Estimates show that the recurrence of aggressions against women reaches 75% for men who did not participate in environments of reflection. When these spaces are available, there is a great change in the scenario, since the recurrences reach 4%.³³

However, even though we are making progress in recognizing the importance of reflection and re-education, this law does not require the creation of such groups, nor does it describe how they should be constituted, in addition to the fact that the defendants are not obliged to participate, which makes it difficult for socio-educational measures to be adopted for this public.³⁴ In an attempt to meet this need, the judges of the violence courts where this work happened, refer men who use alcohol, at any frequency and quantity, to attend AA meetings, even though they are not alcoholics. It should be highlighted that all these places described are, above all, environments where men can speak, which is punctuated in the collective discourse as necessary for them to express their understandings and feelings. These moments are also important to stimulate the reflection of other participants of the group, since it is from their own experiences that new perspectives arise mainly in what concerns the intention of change in the conjugal relation.³⁵

In the study in question, men also aspire to a better marital relationship in the future, recognizing that violence is not a decisive method to solve marital conflicts. In another study in Santa Maria, Rio Grande do Sul, Brazil, former inmates expressed a great desire to change their lives and to behave differently.²⁹

In order to achieve this, the collective discourse points to the need to seek peaceful strategies for resolving marital conflicts, revealing self-control, dialogue and education. A survey carried out with men and women in four cities in Santa Catarina, Brazil, focused on marital relationships and conflict resolution tactics between couples, identified that negotiation is the primary way to resolve conflicts. In order to do so, there must be control to explain the reasons for disagreements, show respect for the

spouse's feelings and opinions, and engage in the solution of the problem.³⁶ In this process, the importance of the dialogue regarding the differences of the couple is highlighted, which requires family education.³⁷

In addition to family education, it is understood that the legal institutions involved in the criminal process, as well as the education and health sectors, must articulate in order to provide reflective moments for men and women. These spaces should stimulate respectful behaviors, based on dialogue, also inserting children to grow with a new look at this phenomenon.³⁸

The application of this study is limited to societies with the same stereotype of gender and marital relationships, as well as the criminalization of the offense. Because it is a social phenomenon, the marital violence can present different perceptions in realities that have divergent customs from this study.

CONCLUSION

The experience of the preventive detention made men realize, at first, the sense of injustice, given the naturalization of violence in marital relations. After recognizing their violent behavior, the desire for free relations and violence emanated, which was clear in the speeches.

The social support of different instances has proved to be indispensable for self-responsibility, since this is the first step towards the re-signification of the conjugal relationship and the construction of harmonic relationships. This finding is relevant because, as soon as this support is offered, preferably even when in jail, the most effective may be the process of reflection and perhaps the pre-existing social deconstruction. Therefore, feelings of hatred and desire for revenge will not be stimulated, which may prevent relapses, as well as early elucidations about strategies for peaceful resolution of marital conflicts, and longing for more respectful relationships.

This study deals specifically with the imprisonment due to violence in the marital relationship, which has not been explored in research on the prison process; and because it is a violence perpetrated within the family, it can generate greater reflection and repentance of those who perpetrated it. In this sense, future studies that deepen this theme will be of great value to fill the existing gaps in national and international scientific production.

Such findings contribute to the engagement of different instances involved in the criminal

prosecution of men for marital violence, such as the Women's Police Stations, Violence Courts and prisons, in the sense of creating actions that allow the process of reeducation and resocialization of these individuals so that they no longer recur in crime. These reeducation actions can still occur in different spaces, such as schools, neighborhood associations, Basic Health Units, churches, companies, media, among others. It is important to observe that this is a work that must be done with the whole family, since the naturalization of domestic violence encompasses all the members.

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