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**DOMESTIC AND FAMILY VIOLENCE BASED ON THE  
NOVEL *PURPLE HIBISCUS* AND ON THE  
*MARIA DA PENHA VS. BRAZIL* CASE**

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**ABSTRACT:** This article is an application of the Law in Literature methodology, with bibliographic research. It develops the concept of education in Human Rights, based on the dignity of the human person, the right to non-discrimination, and the general principle of equality in law, all ideas acknowledged by the Brazilian Federal Constitution of 1988 and the current norms in the context of family and domestic violence in Brazil. It presents an interdisciplinary dialogue between the legal doctrine and the novel *Purple Hibiscus*, in attempt to map the main actions applied in Brazil by the Interamerican Human Rights System in the *Maria da Penha* case. Thus, it is possible to establish an exchange between human and fundamental rights, through inclusion policies, information sharing and empowerment, especially regarding women and children.

**KEYWORDS:** education in human rights; law in literature; domestic and family violence; human and fundamental rights

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## INTRODUCTORY NOTES

Education for citizenship has the purpose of helping citizens to be responsible, supportive and conscious of their rights and duties, as well as their role in civil society. This can be a relevant solution for the manifestations of violence, hatred, intolerance, and prejudice, as it should be able to develop senses of confidence, maturity and emancipation.

In fact, education in human rights, as an interdisciplinary effort, is able to foster the existence of individuals that are respectful toward differences, supportive of other people, and able to acknowledge them as equals, in relationships with empathy and, therefore, alterity.

Based on this idea, it is relevant to understand the denunciation voice of the main characters in the novel *Purple Hibiscus*, as an evident palette of feminine voices, who have been systematically silenced, either in Africa or in Brazil. The novel has an interesting plot that favors the deepening of this discussion, as well as the comparison to the Brazilian reality regarding the protection of women and girls, as a social value that is not restricted to the African continent.

Thus, by accomplishing an interdisciplinary research with a bibliographical investigation of exploratory nature, this paper focuses on analyzing the efficiency of fundamental and Human rights in a general way, and, more specifically, in the daily reality of those affected by domestic and family violence in Brazil. Thus, the purpose of this research is to identify intrinsic aspects to the phenomenon of family violence in Brazil, considering that it is so recurrent in the country. This aim is reached primarily based on the critical reading of the important African novel.

Hence, this paper analyzes the novel *Purple Hibiscus*, by Chimamanda Ngozi Adichie. To do so, a comparison is established between its plot and the Report by the Inter-American Commission on Human Rights for the lawsuit *Maria da Penha vs. Brazil*. Such report recommended, among other things, that the Brazilian State should take administrative and legal measures to hinder domestic and familiar violence in Brazil, by restructuring its legal system with this purpose.

Firstly, and on purpose, this article develops an overview on education and its transformative aspect, that is, education for fundamental rights and guarantees. In this matter, there is a possible and essential link to literature as a qualified instrument for that. Secondly, it goes onto a thorough analysis of the current statistics regarding family and domestic violence in the Brazilian context, especially regarding the main victims, that is, women and children.

When discussing this reality in Brazil, the analysis considers to what extent the novel *Purple Hibiscus* can be used as an instrument for denouncing domestic violence and abuse, as it touches matters such as fundamental and human rights within family and society. The plot highlights how violence is intertwined in the patriarchal, patrimonial, racist culture of the world, which is a model that subsists with particular strength in Brazil.

To finish, with aims at deepening the discussion, this paper analyzes the *Maria da Penha case* in Brazil, establishing a parallel between reality and fiction. This makes it possible to visualize how a discussion on literature can be useful for perpetuating respect, protection and the fostering of human and fundamental rights, even within the family context.

Thus, the intention is to deconstruct the current context and emulate certain solution plans that fit the Brazilian reality, which, similarly to the context introduced in the novel *Purple Hibiscus*, has the problematic, complex legacy of a former colony.

#### **HUMAN RIGHTS FROM THE PERSPECTIVE OF EDUCATION AND LITERATURE**

Education based on art consists of a process that, in its cognitive dimension, can start profound transformations in the human person, given its potential to substantially alter subjectivity and, to that extent, provide new possibilities and developments for the personality.

Its instrumental aspect is uncontested for people's emancipation<sup>3</sup>, especially regarding socially vulnerable groups due to insidious, broad, different forms of repression and discrimination. Strictly speaking, the appreciation of education, in a broader way, consists of an inexcusable task to be outlined as a solidarity project, by Society, the State and the Family towards all, without distinction, and, considering the constitutional paradigm erected in the country in 1988, it should be kept in mind its conformity with the objectives of the Federative Republic of Brazil.

As a cognitive process, it does not hurt to remember that education also implies a set of technical, material, spatial, emotional and temporal conditions that are directly related to the nature of the cognitive subject him /herself, his/her material and emotional conditions, which, therefore, must be considered under the singularity approach without neglecting a thoughtful analysis of the general context.

The singularity of the student, in short, cannot be translated into acts of repression or discrimination, directly or indirectly. Moreover, mention should be made of the transformative action of a context of freedom in the profile of the children / central characters of *Purple Hibiscus*, since the metaphor of blooming proposed in the narrative occurs when the appropriate means are offered and the people are trained to see behavioral alternatives.

In any case, it is unwise to neglect the investigation of the role played by law in relation to the Brazilian background characterized by crises, continuous violations and the weak realization of human and fundamental rights. It is precisely through some intrinsic historical frames and the demystification of the misunderstandings that the legal phenomenon itself enshrines, that Literature and more specifically this novel can contribute, especially to education in fundamental and Human Rights, as it develops a paradigm for the formation of critical sense in the

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<sup>3</sup> On the emancipation of students, see Paulo Freire (1987), in *Pedagogia do oprimido* (*Pedagogy of the Oppressed*).

individual in general, but specifically when it comes to the training of jurists / legal interpreters (Lima; Chaves, 2011).

Law and Literature are, therefore, indissociable aspects of culture, and, according to Ramiro (2012, p. 298), art, in its grandeur. What is more, literature is an important instrument to instruct and educate for law, and it should be seen as a powerful and affectious device for legal education.

The values society protects or denies are represented in fiction, in drama and in poetry. “Literature confirms and denies, proposes and denounces, supports and combats” (Souza, 2004, p. 138, translated). It can act as a mechanism for denouncement and contestation, which allows the human being to abandon indifference. And, through a literary work with the grandeur of *Purple hibiscus*, the objective is to find core elements to analyze the Brazilian more appropriately.

Thus, it should be highlighted that education, in a general way, produces the background for citizenship, which explains why it is so important to link education to approaches that emphasize fundamental and human rights. This brings up the possibility of emancipating students via knowledge complementarity, that is, the systems of thought all applied in their maximum depth (Mariotti, 2000).

Hence, due to the indispensability of art for a better understanding of complex issues, both the idealism of romantics and the approach of realism are examples of literature that can serve in the dissemination of human and fundamental rights. This is so whether when focusing on restriction or on denial of rights, misery, exploitation, marginalization and even physical or spiritual mutilation, with all the stages of human degradation (Souza, 2004).

Literature can be seen as an Archimedean point for the analysis of the current state of human rights in a globalized society. Thus, as an element for the valuation of conducts regarding the most vulnerable people.

Art, through its emancipatory aspect, can be used as a guiding instrument for the educational process, in order to contribute for the

awakening of the student's autonomy, especially, the student of law and the legal professional (Couto, 2018). Literature is indispensable because it confirms the human being in Humanity, also because it acts and, in fact, opens up spaces for fun (Souza, 2004, p. 134). Like cinema and theater, reading a novel, for example, arouses empathy (Morin, 2005), which needs to be nurtured in general.

Indeed, it is the interpretative exercise of the law that manifests the Law, because “the hermeneut is an individual, product of his / her time, tasked with standardizing what, until then, had only been a cogent text”. As the Law accompanies social evolution, “the law can have different scope at different times to conform to the current claims of the normative order” (Oliveira, 2016, p. 7, translated).

Therefore, literature can serve as a tool to popularize the knowledge of Law that works with the norm and deals with the ambiguity of language. In other words, despite not being art in itself, the process of building laws can be artistic (Araújo, 2017). In fact, “literature enriches, deepens and contextualizes words”, and “Law is only completed when the meaning of its text, printed by the legislator, is produced as a new form of expression by the interpreter”. Therefore, “Law is text and context, with no separation” (Streck, 2014, translated).

Literature deepens the values and decisions in the scope of the Law, as it allows better understanding about good and evil, just and unjust, crossing the boundaries of the fields of legal theory (Schwartz; Macedo, 2008).

It is important to recall that the “liberal-individualist-normativist” paradigm has been exhausted. Social complexity claims for new attitudes from legal workers (Streck, 2003, p. 259). In fact, when analyzing the literary representation of themes related to the Law, especially human rights, the methodological approach of *Law in Literature* can result in a deeper and more adequate understanding of the reality of the human being (Mittica, 2015), especially in relationships of private sphere, that is, as what can be inferred from reading Chimamanda's novel in the face of a more accurate observation of the current social situation in Brazil

**THE COMPLEXITY OF PRIVATE LIFE: AN ANALYSIS OF DOMESTIC VIOLENCE EXPRESSION IN THE NOVEL *PURPLE HIBISCUS***

Nigeria is the most populous country in the African continent and the seventh most populous country in the world. It was colonized by the United Kingdom and became independent only in 1960. Colonization, however, became deeply present amongst the population, so much that English is still one of the official languages nowadays, together with other languages such as Hausa, Yoruba and Igbo. Through colonization, many local customs immersed themselves in everyday life

Indeed, the history of the colonization process is similar to that of dressage, and it occurs through the subjection of the people, since their roots are radically affected and, thus, in the place occupied by identity patterns, submission and shame are implanted, generating deep damage to a people's self-esteem. In this sense, it is important to remember that the whitening ideology was and still is very present in the country. There, in an absolutely conventional way, occurred what Lélia Gonzales (1988) sees as the denial of racial identity and culture, in the name of the myth of white superiority.

After independence, the country plunged into civil war, alternating between military and civilian governments. Nigeria remained divided between Christians and Muslims. But, there was still (and there is) a minority of the population with traditional and local religious beliefs, such as the followers of the Igbo and the Yoruba religions.

The plot takes place in this context and is directly related to the racist and misogynistic practices that characterize, as a rule, the lives of the former colonies, particularly in the African and South American continents, which are also marked by a profound financial and, above all, educational gap between the different sections of the population.

Eugene, one of the central characters in the plot, owned a newspaper, named "*Standard*", and a drinks and food factory, leading a life above the local standards, that is, a kind of luxury life in relation to the Nigerian standards. It turns out that, despite the social level, Eugene's religious fanaticism caused deep trauma to his family, particularly

because, by disowning his father (Papa-Nnukwu), he created an irreparable split to his own identity.

Eugene, in fact, had been indelibly marked by colonization, generating in him a total identification with the colonizer / aggressor, in attempt to lighten the effects of the violence that had been perpetrated to him. He sought to ensure for himself and his family a safe social place / role in that society built with colonial standards. Insofar as he identified himself with the colonizer who, in short, is the personification of violence, he identified himself equally with the ability and task of inflicting the most perverse pains and torments on others.

Beatrice, Eugene's wife, is subservient, discreet, and dedicated to her husband, to her daughter, Kambili, and her son, Jaja. Eugene, in turn, played the role of the provider of the house, expressing himself by extreme rigidity. In this family frame, the minimum slip was severely punished with physical and / or psychological violence. The atmosphere in the family is one of suspense and awe, since everyone shares the fear and fascination for Eugene.

In the composition of the plot, Beatrice is a silent victim of domestic violence with such frequency that her children became accustomed and made it invisible, with silence and subservience becoming their own rite, that is, a kind of discourse between them.

On one occasion, which is convenient to point out, Beatrice felt bad because of a pregnancy and, after going against her husband's will, she was beaten until she lost the child. This fact generated a subtle change in the relationship between them and slowly became an element of transformation in the couple's dynamics.

In addition, it should be noted that Kambili and Jaja are two teenagers who have been quite repressed by their father, living under a regime of tension and fear, which forcibly weakened the relationships of trust between them. By the way, Kambili was shy, observant, and never smiled.

Strictly speaking, the private universe of that group was characterized by the impositions of Eugene, who, apparently, undertook a Herculean effort in segregating the family from everything that was real,



better saying, Nigerian, distancing what he understood as a source of addiction and contamination for them. The distancing and dissociation were usual in that scenario, as a split living.

It is worth recalling that the first reality check came with the stay at the home of Ifeoma, Eugene's sister. That house and that form of family organization, therefore, exuded possibilities that seemed totally different from what the young people were used to.

The visit became a turning point in their lives, especially in the girl's life. Because of her relationship with Ifeoma, Amaka, Obiora and Chima, and especially with Father Amadi, with whom she falls in love and who helped her to free herself from her fears, Kambili begins to question the ideas of sin and guilt. Mainly, she starts to understand the possibility of questioning, doubting and not sharing with her father's tastes and ideas, and the dream of becoming a free person starts to grow inside her.

It is interesting to emphasize that, at that moment, Jaja saw for the first time the purple hibiscus in the garden of Ifeoma, and they represented for him the emancipatory atmosphere that that typically university family had built. From then on, hibiscus began to symbolize freedom, generating in him the desire to take them with him to plant in his home, in a clear attempt to change the violent, cruel and threatening pattern that characterized it. The flower, then, becomes the symbol of the irremediable transformation that had broken out among them.

It was on that first visit that Kambili and Jaja got to know more closely their grandfather, who was extremely stigmatized by their father because of his attachment to pre-colonial customs, beliefs and traditions. With the proximity and empathic relationship, the taboos started to be destroyed by the youngsters. The revelation of the stigma became evident to them and, in this way, especially the girl started to question the pattern of rigidity with which she had been raised.

When they return home, Eugene punishes them with boiling water on their feet for not having told him that they were in the same house as their grandfather and, in that sense, betraying his trust. Thus, the breaking of dissociative patterns resulted, in that context, in breaking the idea of purity advocated until then.

Chimamanda Adichie (2011, p. 206) involves the reader through a dialogue that demonstrates the submission of the characters to the patriarch's tyranny and his religious fanaticism, revealing an atmosphere in which the metaphor of foot burns has a very special meaning, particularly, because in this way Eugene prevented them from standing up, remaining stuck to what he had established to be forbidden for them. But, in addition, when describing the scene, it highlights the act of pointing the blame at the victims themselves, in a ritual of transmutation of sin and its sinful conscience into pain and atonement.

In any case, it is worth noting that Kambili, in her ambiguous condition as a daughter, felt a mixture of admiration and fear for her father, feelings that were transmuted in a kind of disgust as she became aware of the wickedness that was intrinsic to his attitudes.

On the occasion that Kambili showed his brother a painting with the drawing of Papa-Nnukwu's face, it was evident that the evocation of the grandfather's image had not perished for both. However, when they got caught, Eugene not only tore the picture but beat Kambili in such a way that she had an internal hemorrhage.

The author establishes a narrative in which she points to the breaking of deep ties between family members, and, in this tone, implies the outcome in which the aggressor's despair in trying to restore the lost hegemony stands out. By tearing up the photo, the deep cut between the colonized and his roots, marked by pain, is revealed, generating acute effects.

However, the fact that Kambili was hospitalized was not enough to stop Eugene's violent momentum. While she was recovering (at Ifeoma's house), Beatrice was again beaten, losing another child. At that moment, the loss brings them closer and the pain makes them break the silence imposed by the violence that was no longer naturalized for the woman and her children.

Since then, disgusted and guilty for failing to protect his mother and sister, Jaja starts to defy his father. At the height of the narrative, Eugene is found dead from poisoning. Beatrice, then confesses to her children that she had been poisoning her husband's tea, with the help of Sisi, a housekeeper. To protect his mother, Jaja takes responsibility for the

crime, but is released 3 years later, for being included in the list of political prisoners, with the change of regime.

In short, the novel makes it clear that violence is an abyssal form of discrimination because it breaks with the rule of justice, which is based on equal status between men and women, and perpetuates a system of dominance/subordination (Unzueya, 2008). Violence, in any of its dimensions, aims at the annihilation of the other, its subjection to a pattern that diminishes them, oppresses them and makes them smaller, that is, it demeans their condition as a human being and affects their dignity.

What happens in that dramatic scenario is no different from what still happens with many women, young people and children who are abused by the men of their families, that is, removed from their decision-making possibilities, paralyzed in a cruel context without autonomy over their own bodies or about their own choices (Haraway, 2004). A cruel reality that is particularized in Brazil and affects the whole society due to its profound, silent and pervasive effects.

The novel is a feminist writing that, in fact, denounces the dark side of family relations, in which numerous violations of human and fundamental rights are, as a rule, perpetrated. Through critical reading, it becomes clear the mythical construction that the home is always a safe place and that the domestic environment must be immune to the application of norms that consecrate human and fundamental rights, especially in the context of former colonies, since their historical legacy is usually marked by intolerance to diversity, freedom, especially religious, and the ideology of cultural whitening.

*Purple hibiscus* strongly demonstrates how domestic and family violence is harmful and horrible, and that, in addition, it generates, in addition to physical damages, dense psychological disturbances. It consists, in effect, in a sum of sequels that end up forging in the attacked a symbiotic relationship with the aggressor, in such a way, that they are no longer dissociated and the victim cannot imagine him/herself without the aggressor.

The introjection of the aggressor's behavioral pattern by the victim, the trivialization of violence, the omission of the State, the complicity of institutions and the multiple dependence on unhealthy relationships can be pointed out as some of the several reasons that, in an omissive society,

support and feed domestic violence. Brazilian society is framed in this framework.

**THE CASE *MARIA DA PENHA V. BRAZIL* AND THE COMBAT AND CONFRONTATION AGAINST DOMESTIC VIOLENCE IN THE CURRENT BRAZILIAN CONTEXT**

Looking at the Brazilian context, it is urgent to remember that on May 29, 1983, Maria da Penha Maia Fernandes was the victim of an attempted murder by her husband Marco Antônio Heredia Viveiros. Like Beatrice, that is, as a result of this aggression, Maria da Penha suffered several injuries and had to undergo numerous surgical operations, resulting in irreversible paraplegia and other physical and psychological damages.

Considering this and due to the lack of specific legislation and adequate jurisdictional provision in Brazil, the Center for Justice and International Law (CEJIL) and the Latin America and Caribbean Committee for the Defense of Women's Rights (CLADEM), representing Maria da Penha, appealed to the Inter-American Commission on Human Rights (IACHR) in 2001 (Schneider; Bedin, 2012).

In fact, more than 15 years had passed without a final sentence and Viveiros remained at liberty, expressing the negligence with which the case was handled. In short, it was an example of the recurrent refusal to recognize women as subjects of law, as is also evident in the reading of the novel, since Beatrice was denied even of the condition of assuming and being responsible for the act that resulted in the murder of Eugene. At this point, the two women can be connected, that is, Maria da Penha and Beatrice merge in the image of the violated, vulnerable woman, and exposed to state negligence.

It is also worth noting that the Brazilian State did not respond to the IACHR neither on admissibility nor on the merits of the petition, despite requests made on October 19, 1998, August 4, 1999, and August 7, 2000. Before the lack of response, on August 2, 1999, the petitioners requested the application of article 42 of the Commission's Rules of Procedure, regarding the lack of response.

For the Commission, the Brazilian judicial authorities were ineffective, negligent and omitted, since the unjustified delay in the trial of

an accused put at risk the possibility of punishing and indemnifying the victim, for the possibility of a prescriptive lapse, a fact that was about to occur (Schneider; Bedin, 2012).

After those attempts, remained the understanding that, due to negligence, that is, as the State was unable to organize its structure to guarantee these rights, it violated the judicial guarantees provided for in art. 8 and neglected with regard to the judicial protection provided for in art. 25, both of the American Convention on Human Rights, combined with the obligation to respect and guarantee rights provided for in Article 1(1) of the same document. Also, there was the violation of the right to justice, provided for in art. XVIII of the American Declaration of the Rights and Duties of Man, due to unjustified delay and due to the negligent handling of this case of domestic violence in Brazil (OAS, 2001).

In addition, the Commission received information about the sharp number of domestic attacks against women in Brazil. For a more adequate contextualization, it should be emphasized that in the state of Ceará alone (where the facts occurred) there were, for example, in 1993, 1,183 death threats registered in the Police Stations, out of a total of 4,755 complaints. Thus, there was and is a form of naturalization of this type of occurrence, which is not restricted to that region of the country.

Thus, according to the Commission, in the face of the Maria da Penha case, the State violated the rights and the fulfillment of its duties under Article 7 of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, known as the Convention of Belém do Pará<sup>4</sup>, in connection with articles 1(1), 8 and 25 of the American Convention, for their omissive and tolerant acts of the violation inflicted. And it concluded that this violation followed a discriminatory pattern with respect to the tolerance of domestic violence against women in Brazil, due to the ineffectiveness of the lawsuit (OAS, 2001).

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<sup>4</sup> The Belém do Pará Convention was enacted on June 9, 1994 and came into force on March 5, 1995. In Brazil, it was enacted through Decree 1,973 of August 1, 1996 (Brasil, 1996).

In this way, the IACHR reiterated to the Brazilian State some recommendations<sup>5</sup> for confronting and combating violence in the domestic and family contexts. It is important to clarify that this type of extremely violent social pattern is commonly more focused on girls and women, especially black and poor women, which represents a subtle and perverse line of discriminatory nature that, for some, is invisible and insurmountable. The significant discrepancy in representation in the labor market, in the income perceived by men and women and, among these, the distinction between white and black, as one of the pillars of this situation. In short, it consists of a structural problem that expresses a patriarchal, misogynistic, patrimonial, intolerant and excluding culture.

It should not be forgotten, in real terms, that in Brazil, as in most African countries, such as Nigeria, where the *Purple Hibiscus* narrative takes place, violence against women is endemic and democratic, affecting all women without distinction of region and social class. As a result, regarding the outcomes of the *Maria da Penha vs. Brazil* case, external pressure was the only way out to the typical subsidiarity of international protection systems.

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<sup>5</sup> 1. Completing the criminal prosecution of the responsible for the assault and attempted murder of Maria da Penha quickly and effectively; 2. Carrying out a serious, impartial and exhaustive investigation to determine responsibility for irregularities and unjustified delays that prevented the responsible and rapid sentencing the responsible, as well as taking the corresponding administrative, legislative and judicial measures; 3. Adopting the necessary measures so that the State assures the victim of adequate symbolic and material reparation for the violations established hereby, particularly for its failure to offer a quick and effective remedy; for keeping the case in impunity for more than fifteen years; and for preventing with this delay the opportune possibility of civil reparation and indemnity action; 4. Continuing and intensifying the reform process that avoids state tolerance and discriminatory treatment with respect to domestic violence against women in Brazil (OAS, 2001). It also recommended: a) Training and awareness-raising measures for specialized judicial and police officers so that they understand the importance of not tolerating domestic violence; b) Simplifying criminal judicial procedures so that procedural time can be reduced, without affecting the rights and guarantees of due process; c) The establishment of alternative, quick and effective ways of resolving intra-family conflicts, as well as raising awareness regarding their seriousness and the criminal consequences it generates; d) Multiplying the number of special police stations for the defense of women's rights and providing them with the necessary resources for the effective processing and investigation of all complaints of domestic violence, as well as providing support to the Public Ministry in the preparation of its judicial opinions; e) Including in their pedagogical curricular plans units aimed at understanding the importance of respect for women and their rights recognized in the Convention of Belém do Pará, as well as in the management of intra-family conflicts (OEA, 2001).

It is appropriate to underline that the jurisprudence in the Maria da Penha Case gained international repercussion, as it was the first decision of the Commission based on the Convention of Belém do Pará, consisting of an emblematic precedent in terms of domestic violence. In response, the Brazilian State sanctioned Law 11.340 / 2006, named as Maria da Penha Law.

It should also be said, using the words of Monteiro (2014, p. 98, translated), that the purpose of the law is undoubtedly to promote State interference in the private relations of women (domestic and family), in the sense of protecting their fundamental and human rights, since “the environment of private life is recognized as having male hegemony, with power relations that are historically determined, and violence, requiring the intervention of an even more powerful force”.

At this point, especially in view of the analyzed novel, it must be stated that domestic and family violence is a complex problem that destroys lives and destabilizes society, as family relationships are permanently strained, causing intergenerational damage, affecting different spectra of humanity in different countries.

It also implies the accountability of aggressors, which, in Brazil, is provided for in the Maria da Penha Law (Law 11.340 / 2006) and in the Penal Execution Law (Law 7.210 / 1984) from which it is extracted that the work with male aggressors is an important part of actions to combat violence against women, but which still has few services in the country. At this point, it is urgent to remember that Brazil is one of the most violent places in the world (Mapa da violência, 2015).

#### **THE CASE *MARIA DA PENHA VS. BRAZIL* AND ITS MAIN EFFECTS**

It must, in fact, be reaffirmed that the patriarchal order remains very present in the Brazilian culture and is reinforced in the devaluation of all the characteristics linked to the feminine characteristics, manifesting itself in the poor representation in the institutional environment, and, above all, in the violence against women and girls (IPEA, 2014). This fact visibly portrays the approach to the literary work, since the violence ends up perpetuating itself in a context of repression, lack of freedom,

concealment of memory, stigma, omission of the State and the imposition of one culture on the other, which, as a rule, mirrors, sharpens and reinforces perverse relationships.

Just like the characters in *Purple Hibiscus*, especially Beatrice and her daughter, Maria da Penha suffered multiple expressions of vulnerability inside and outside the house and endured the years of violence silently. In his case, violence was only broken when it reached its peak, that is, the attempt of femicide. In Chimamanda's work, the chain was broken with the murder of the husband, since in the narrative a judicial separation relegated the woman to material and social abandonment.

As in fiction, in Brazil the woman victim of violence was and, to a certain extent, still remains invisible, because trivialization was the predominant perspective until the entry into force of the legal diploma in the Brazilian legal system (Campos, 2017). The Law, by the way, establishes the fundamental duty of the public power with regard to the implementation of policies that guarantee the human rights of women in the scope of domestic and family relations, in order to protect them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression (art. 3, § 1).

Most importantly, the task of including in the school curricula themes related to the Convention of Belém do Pará, as well as the management of intra-family conflicts, consisting of a way of unveiling and clarifying unhealthy family relationships, stands out. The Maria da Penha Law provided, notably in the terms of article 35, for centers and services to be created by federative entities to carry out activities aimed at the aggressors. The expected results should be the accountability of men due to the violence perpetrated, in parallel with the resignification of social roles in the family, the deconstruction of gender stereotypes, and the awareness that violence against women, in addition to being a crime, is an epidemic violation of human and fundamental rights.

The Brazilian omission should not be ignored in view of the commitments assumed with the ratification of the Convention of Belém do Pará and the Convention on the Elimination of All Forms of



Discrimination against Women (CEDAW)<sup>6</sup>. However, on the other hand, the Maria da Penha Law constitutes a “paradigmatic break” both in relation to its formulation and to the legal changes introduced by it (Campos, 2017).

It even incorporated several provisions of the Convention of Belém do Pará in its text, and created “an autonomous legal statute, with a legal basis in human rights, with specific and appropriate mechanisms of protection and assistance, and with a special jurisdiction for the treatment of those crimes” (Campos, 2011, p. 177, translated), and ended up becoming a commitment by the State and not just by the government (IPEA, 2016).

Among its effects, it can be mentioned that there was a kind of weakening of the idea of patrimonialism in relation to the female body. Before the law came into effect, for example, there was not even a survey of national victimization specific to domestic and family violence against women. The Map of Violence (*Mapa da Violência*), for example, did research only on young people.

In 2010, to illustrate, a survey was conducted on violence (in general) in Brazil and it was identified that, for every woman victim of homicide, in 2007, over 12 men died. However, the research did not even mention whether that this violence was due to gender or if it occurred outside or inside the domestic or family environment (*Mapa da violência*, 2010).

The Brazilian Public Security Forum (*Fórum Brasileiro de Segurança Pública*, FBSP) and the Notifiable Criminal Information System (*Sistema de Informação de Agravos de Notificação*, SINAN)<sup>7</sup> only started to release specific data on violence against women in 2009. The source of analysis of homicides, in all Maps of Violence until 2012, was the Mortality Information System (*Sistema de Informações de Mortalidade*,

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<sup>6</sup> The CEDAW Convention was signed on 12/18/1979 and entered into force on 9/3/1981. It was internalized through Decree No. 89,460, of March 20, 1984, revoked by Decree No. 4,377, of September 13, 2002 (Brasil, 2002).

<sup>7</sup> The notification of Domestic, Sexual and / or other Violence was implemented through SINAN, and should be carried out in a universal, continuous and compulsory manner in situations of violence involving children, adolescents, women and the elderly, in compliance with the Child and Adolescent Statute and the Elderly Statute (FBSP, 2019, p. 12).

SIM) of the Health Surveillance Secretariat of the Ministry of Health (*Secretaria de Vigilância em Saúde do Ministério da Saúde*) (Mapa da violência, 2012), however, even homicide against women due to gender was not typified in the Penal Code.

The first Map that specifically dealt with violence against women in Brazil was published in 2012 and the second and last in 2015. The crime of femicide was characterized as a qualifier for intentional homicide with the creation of Law 13,104, of March 9, 2015 (Femicide Law) and it was from then on that the State began to recognize “domestic violence and discrimination against women as central and preventable elements of the mortality of thousands of Brazilian women every year” (FBSP, 2019, p. 110, translated).

It cannot be masked that the violent deaths of women, for gender reasons, have as a background “the feeling of possession, control over the body and autonomy of women, the limitation of professional, economic, social and intellectual emancipation of women, their treatment as a sexual object and the expression of contempt and hatred for women” (FBSP, 2019, p. 113, translated).

Criminal amendments are, in fact, extremely important for tackling violence against women and, in this way, the legal recognition of gender-based violence came from the Maria da Penha Law. However, the legislation still needs to be better aligned with public policies. By the way, the National Policy implemented since the “National Pact to Confront Violence against Women” (*Pacto Nacional de Enfrentamento à Violência contra as Mulheres*) exists since 2003<sup>8</sup> and still lacks substantial efforts for its real implementation.

The Confronting Network was structured through institutions and services articulated with each other, but lacked mechanisms to ensure its implementation (IPEA, 2016; FBSP/Datafolha, 2019). It was, therefore, from the Maria da Penha Law that domestic and family violence came to be recognized as a problem of public order in Brazil, although its implementation is still quite incipient and precarious (Cisne, 2015).

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<sup>8</sup> The Pact is a federative agreement that provides for the elaboration of state and municipal plans to confront violence for the prevention, repression, assistance and promotion of rights (CLADEM, 2016).

Unfortunately, despite the relevance of the Maria da Penha Law and other criminal amendments, violence against women in Brazil has not ceased, nor has there been a considerable reduction. The laws, by themselves, are not capable of generating a culture of peace and non-violence, and it is necessary to raise society's awareness (FBSP/Datafolha, 2019), above all, through programs that value the figure of women in society and including policies aimed at the aggressor which, as mentioned before, act by stimulating education, otherness, and empathy.

However, the Network for confronting violence “still” does not work well enough and basically articulates around public security, social assistance, health and the justice system (creating Women's Police Stations, Defenders, Prosecutors and the Specialized Courts in Domestic and Family Violence), but it needs to be expanded in an inclusion action to bring specialized assistance to all municipalities. Another irrefutable point, also extracted from the analysis of Chimamanda's work, touches on the complexity of the phenomenon of violence that is by no means restricted to the area of justice and health systems.

In spite of this, it is urgent to warn that the continuity of the National Policy has been suffering a dismantling since the government of President Temer, and worsening in the current government. Evidently, “focusing on a strong bureaucratic structure, historically patriarchal, associated with the scarce resources destined to policies to combat violence against women, is not a favorable context” (Cisne, 2015, p. 150).

In December 2018, to illustrate, the National Plan for Public Security and Social Defense (valid for 10 years) was created, instituted by Decree 9 630/2018, which establishes that the Ministry of Justice and Public Security must have financial resources, in addition to the budget of the National Secretariat for Policies for Women, responsible for the implementation and execution of policies for women, in order to implement policies and strategies to reduce violence against women (FBSP/Datafolha, 2019) .

It is worth mentioning that, contrary to the expectations arising from the Maria da Penha case, the policies that have emerged from the Executive Branch are strictly permeated by sexist, misogynist and

fundamentalist biases<sup>9</sup>. The National Secretariat of Policies for Women, in turn, in line with the standards established by the current federal government, lost a significant part of the budget (BRASIL, 2019), which was not even enough before that decision<sup>10</sup>.

Considering the current political scenario, the Judiciary is responsible for aligning itself with an effective policy to confront violence that effectively accommodates its demands, giving voice to a series of demands, especially from women and girls who are silenced to the extent of omission. of the Brazilian State.

It should also be warned that there are few specialized courts in the country, compared to the total number of other state courts in the country, which totaled 10,035 in 2018, although the National Council of Justice (CNJ, 2018a) considers that the courts have already reached 97% of the target established for the total number of courts specialized in domestic and family violence.

It is undisputed that domestic violence, including how it is represented in the work of Chimamanda, needs confrontation, combat and, to that extent, a broad social movement for the creation and implementation of public policies to overcome it, especially from the launching of new guidelines that value women and girls in all their singularities, recognizing them as subjects from an early age. And, thus, act helping them to insert themselves in everyday life beyond the border of objectification.

It becomes noticeable in *Purple Hibiscus* as it was for Maria da Penha herself a movement to redesign a place in the world, that is, a movement to oppose continuous violence and guarantee a new form of inscription in the sphere of citizenship. It is present equally in the life of Beatrice and her children, especially after the murder of Eugene.

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<sup>9</sup> The current President is never tired of giving misogynistic, homophobic and racist statements (Constantino et al., 2019). And as if that were not enough, he allied with fundamentalist religious sectors (Portinari, 2018). The elected Congress is considered the most conservative of the last 40 years (Queiroz, 2018).

<sup>10</sup> According to Ribeiro and Sabino (2019), the budget for the program to promote autonomy and confront violence against women is the smallest of the historical series started in 2012.

Obviously, it is a social matter that, in Brazil, due to its scope, lacks simplified answers, since, according to the National Council of Justice (CNJ, 2018b), in 2016, it processed more than one million cases related to domestic violence in all country. It means, in real terms, one case for every 100 women, approximately.

However, it is imperative to denounce that, for a long time, women, children and some ethnic groups remained excluded from political processes, obscured and made invisible by thick cloaks of prejudice and intolerance. In a recent survey, the FBSP/Datafolha (2019) found that 27.4% of the 1,092 women interviewed suffered some type of violence in Brazil in 2018, of which 24.7% are white, 28.4% black and 27.5% brown, and in 76.4% of cases, the aggressors are known, 39% of whom are partners or former partners, and 14.6% are relatives.

The FBSP (2019) data for the year 2018, obtained through police records, point to 263,067 women with intentional bodily injury as a result of domestic violence, which is equivalent to one record every 2 minutes. In the same period, 66,041 rapes were recorded (50.9% black women and 48.5% white women), which represents an increase of 4.1% compared to 2017, with 81.8% being female, and 53.8% up to 13 years old, that is, 4 girls up to 13 years old are raped per hour, in Brazil.

Regarding the homicides of women, the data show that in 2017 about 13 murders were registered per day, meaning that 4,556 women were killed (the highest number registered since 2007). In the year 2018, 4,107 cases were registered, therefore, there was a small drop in the statistics. In compensation, crimes of femicide registered an increase of 11.3%, from 1,075 to 1,206 cases, and in 88.8% the criminal was the partner or former partner (FBSP, 2019).

Considering all forms of violence against women, it is estimated that approximately 16 million women aged 16 and over suffered some type of violence in the year 2018 in Brazil. Violence, in other words, is part of the daily lives of women in Brazil. In any case, the legislative foundations arising from the Maria da Penha Law, relying directly on the palette of

constitutionally established rights and guarantees, assumed a relevant position in the Brazilian normative system.

This evidence, therefore, unavoidably points to the fact that it is necessary to welcome the victim, guarantee access to justice and a reasonable duration of the process, but also to develop plural and democratic prevention strategies. Also, it is urgent to identify the origins of violence and, necessarily, deconstruct the values that contribute to gender inequality (FBSP/Datafolha, 2019), shaping, through public policies, an atmosphere of protagonism for women, inside and outside the domestic environment. An atmosphere in which the hibiscus is not a dream or a seed, but palpable reality.

That said, it is essential to deal with the processing of PEC 75/2019, which, recently approved in the Federal Senate and sent for consideration and voting in the Congress, has the purpose of making the crimes of femicide and rape unbailable and imprescriptible, being subject to imprisonment (Câmara dos deputados, 2019).

Obviously, it cannot be discredited that there are a series of measures with the possibility of inhibiting behaviors of this nature, but there are still several open questions that need to be addressed. There is undoubtedly a normative framing, but there is much to be done. There is a long way to be evidenced and clarified in relation to what is experienced by women who, like Maria da Penha and Beatrice and many others, need to know more about their condition as subjects of law and, in this sense, they need to feel and experience an atmosphere of attention, protection and care, particularly with regard to human and fundamental rights.

### **FINAL THOUGHTS**

In view of the characteristics of today's society, it becomes increasingly imperative to educate citizens to be aware of their own and the others' rights and duties in a fabric woven by care and alterity, in opposition to a culture of hatred, omission and indifference. In this sense, it is essential to reaffirm the role of an education focused on human and fundamental rights, that is, that reinforces values such as equality,

emancipation and non-discrimination. For this purpose, literature can be an important instrument both to awaken otherness, and to promote rights and guarantees and, thus, help to create a culture of peace, responsibility, and solidarity.

The work *Purple Hibiscus* sheds some light on that, as it expresses a strong criticism of the violence perpetrated, especially against children and women. It is extracted from the reading that there is a violent flow that sometimes ends up reaching everyone in such a way that the oppressor and the oppressed are totally involved, inseparable, in an evil mosaic of pain, subduing, and intolerance.

Based on this novel, it is possible to analyze the similarities of the Nigerian scenario with the Brazilian social standard, which has been clearly the target of several changes, including the promulgation of the 1988 Constitution, the entry into force of the Maria da Penha Law, reaching the current state of processing of PEC 75/2019. In spite of these changes, there is still a deep problem covered by silence, by the omission of the State and by the lack of visibility of unhealthy processes in the private environment, particularly in more subtle ways of expressing violence.

There is an urgent need to rebuild new social ties based on recognition, respect, equality, freedom and justice, especially through joint efforts by public authorities and the whole of civil society. Therefore, discrimination, directly or indirectly manifested, intolerance, prejudice, and violence need to be demystified, elucidated, confronted and combated with the purpose of being effectively overcome (Rossato, 2006).

It should be regarded, especially in times like these, that literature has increasingly served as an instrument for transforming everyday life by establishing an interrogative/maieutic paradigm as a major concept and, thus, creates bridges for the alteration of normalizing patterns of submission, subduing and objectification of human beings in their domestic environment.

Literature, as the planting of hibiscus, makes it possible to plant dreams, new life purposes and, in general, helps to harvest a reality that is

consistent with the constitutionally assured ideas of solidarity/responsibility. Therefore, it can be used as an Archimedean point in the reconstruction of the most appropriate webs of meaning and existence for women and girls in Brazilian society, as it exposes stagnation and is opposed to leniency of the current context.

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