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CRISTINA'S STRUGGLE: THE CHALLENGE OF BEING A

WOMAN IN ARGENTINA

An analysis of domestic violence under dictatorship and democracy

By

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INTRODUCTION

'All work with subordinated people confronts, at least to some extent, the challenge of analysing structures of oppression while including an account of the resistance, struggles, and achievements of the oppressed' (Mahoney, 1994: 59). This being the case to use Galeano's ideas *to analyse the situation of subordinated people leads to see the causes to prevent them from being what they can be* (Galeano, 1988).

The situation of battered women¹ in Argentina, which will soon be made clear, best substantiates this assumption. Argentina is well known around the world because of military terror and the *Mothers*² of those who disappeared as a result of the political regime. However, in spite of the country's return to democracy, the international media, amongst others observers; did not continue to pay the same attention to the country. I will use this opportunity to point out a part of the current Argentinean reality, which as suggested, is strongly influenced by the Argentinean past.

Formal democracy introduced in Argentina in 1984 was not a warrant against the violation of human rights, or generalised police brutality in our society, as is evident, though not well published in United States and Europe, through the numbers of teenagers killed every year by the police³; financial and political corruption; the existence of impunity laws to protect the military personnel responsible for genocide; police and military repression of unemployed people's demonstrations⁴, and other normally unacceptable activities. From those social groups, which are enduring the current situation, I have chosen that of battered women. As far as women's rights are human's rights⁵, the

¹ A battered woman is the woman who endured physical, psychological, sexual and or economical violence by her male current or past intimate partner. The violence inflicted by her partner aimed to prevent the woman from doing what she wished to do or was forced into doing other activities she did not want, within a society which stand surety for it.'

² With this expression I refer to *Madres de Plaza de Mayo* the group of mothers of those who disappeared and challenged the military government asking for their relatives whereabouts.

³ This phenomenon called *gatillo facil* (easy shot). According to several newspapers, Clarín and Pagina12 (7th March 1995), the number is around 250 minors of 18 years old who are 'shot' by the police without any explanation.

⁴ SERPAJ bulletin July 1997, Pagina12 Newspaper May 10 to May 22, 1997.

⁵ *'Women's rights are Human's rights'* was formally declared in 1993 by the United Nations who also called *all the States to protect women from male violence in the public as well as the private realm* (Lycklama a Nijeholt et al 1996).

prevalence of violence against women in our society is part of the failure of the state to protect them from ill -treatment. From an analysis of gender relations and abuse within the family it is possible to discern the root cause and the vulnerability of democracy as well as the prevalence of state repression. Women are suffering different kinds of gender violence⁶; for example, increase in poverty, rising unemployment, sexual harassment at work, and violence at home. A damaging role in the reduction of women's rights and status is played by the implementation of the *structural adjustment policies* (SAPs).⁷ It must be kept in mind that in Argentina there are no subsidies available for women, and specifically there is a lack of housing policy for battered women as well as shelters. Therefore, the neo-Liberalism policies of cutting off public services and in particular social services, previously offered by the state, have a negative impact on women's lives. Argentina used to be a country with a great percentage of middle-class amongst its population. Yet, since the '70s, economic policies were impacting specially on the living standards of middle class population. Since the '90s, the structural adjustment policies (SAPs⁸) are responsible for increase levels of unemployment amongst that social class. Additionally to this fact, and particularly in the case of battered women, the statistics show that 60% of the women who used the family violence telephone line seeking protection from their partners' violence, belong to the middle class⁹. Despite this figure, it is

⁶ The term *gender violence* is used to signal the violence exercised by men against women based on gender and to keep women in a subordinated role. This kind of violence could be inflicted by men, by the family, the community and the State (Schuler 1992). Examples of gender violence inflicted directly by states, are sexual torture to female political oppositors or civilians, as well as mass rapes during war.

⁷ According to an Argentinean NGOs report (Serpaj, 1995), during the period of implementation of SAPs female poverty increased as well as female unemployment. According to the same report, because the adjustment of public services in areas like Public Health and public services, women, children and the elderly, were the most affected because of their vulnerability. (See Cornia 1994, quoted by Pearson 1997: 672). Lourdes Benería also explored the links between SAPs and women, and found a connection with family violence against women (Benería 1994).

⁸ According to INDEC 1996, in 1972 there were 2% of poor people in Argentina while in 1995, this rate rose to 25%. Besides, amongst the homeless of Buenos Aires city, it was found that out of 100%, 6% of them are University professionals, 14% had graduated from High school, 10% had started but not finished High School and 43% of the total had graduated from primary school. Through research, it was found that unemployment was the first step to becoming homeless after being unable to face the conjugal problems due to lack of economic support to the family. <<http://www.pagina12.com/1998/98-04/98-04-05/Pag10.htm>>:Title: 'Homeless of Middle Class' [accessed on 5 April 1998].

⁹ Source: La Nación newspaper, 29/12/96.

necessary to point out that violence against women also takes place within poor households, but it seems possible suggest that abused women of the lower classes might have less access to information on how and where to report the abuse and get assistance.

It might be that these indicators show only a part of the reality of family violence in Argentina. The phenomenon of family violence amongst the middle and upper class households cannot be attributed solely to the economic factor. The social construction of gender¹⁰, the authoritarian culture and ideology¹¹ at the family and political level have to be deconstructed and challenged in order to try to encourage democracy in all the private as well as public realms.

Gender relations in Argentinean have fluctuated through the years. However, an authoritarian ideology is still to be observed. This authoritarianism, inherited from Hispanic and Italian traditions; (see Dussel, 1974 quoted by Torres, 1992:119; Stepan, 1991) prevalent in the stereotypical family is reflected, in the kind of political culture of Argentina as well. Family violence and political violence had been a *continuum* in Argentinean history and culture. In this sense, Hollander (1996) has contributed to this idea referring to research carried out by Argentinean professionals during the last Dictatorship, on the impact of state terrorism within the family. The author reports that the conclusions are that 'the family violence had increased during that period' (Hollander, 1997:80). Furthermore, Herman (1992) suggests that organised social violence is present in the public realm in the form of combat, while it is rape, in the private one. She also affirms that these forms of violence might be seen as complementary social rites of initiation into the coercive violence of society (Herman, 1992).

Once again I want to suggest that it is not possible to analyse a case of family violence without analysing at the same time the type of culture and state that shapes

¹⁰ The social construction of gender states that gender and sexuality are socially constructed therefore those meanings and subsequent roles will vary among different cultures. Since these meanings are constructed we can deconstruct them in order to discover how these ideas work and why (Fergusson, 1989:53/54).

¹¹ 'Ideology is a notion that is used to defend reason, to criticise all those ideas which are not progressive, which do not help control nature to the benefit of human beings. According to Habermas 'what is called rationalisation at the individual level is called ideology at the level of collective action. In both cases the manifest content of statements is falsified by consciousness' unreflected tie to interests, despite its illusion of autonomy.' And the main feature of the ideological phenomenon is the fact that its operation cannot be easily recognised by the participants, just as the neurotic patient cannot easily discover the real problem behind his/her disturbance' (Larrain, 1994).

gender relations and has the power to punish behaviours. Criminal Justice refers to the victim and the criminal. Domestic violence is a form of criminality in Argentina legal system. As Mahoney suggested, 'agency and victimisation are understood in relation to each other: agency is exercised by a self-determining individual, one who is not victimised by others' (Mahoney, 1994:60), while victimisation expresses the violence from one side to another that does not react. Following this author, in this essay I will attempt to explore the issue of family violence in Argentina, taking a life story. By this method I will show 'through the woman's perceptions and explain the context of her life and defending the reality of this woman's experience, in a way that locates her experience within patterns of systemic power and oppression' (Mahoney, 1994:59). However, it is relevant to mention that Cristina's life story is one example from among many other cases of Argentinean women who have survived ill treatment in the home.

The life history method results worthy to analyse the phenomenon of wife battering in Argentina, as far that domestic violence is very often a hidden phenomenon. Therefore to study this issue requires a research method which might enable us to discover those hidden facts and elements of the family interaction and violence. In addition, 'on telling their stories women reproduce their own images of themselves and their relation with others. This is a type of data often ignored in conventional histories as too individual, too specific and atypical. But it is this very specificity and concreteness which gives it strength as a challenge to long standing generalisations the possibility to examine the interactions of class and gender in specific historical situation' (see Ngaiza and Koda, 1991, quoted by Mbilinyi, 1992:66). Moreover, the life history of Cristina shows the incredible strength of a woman, who resisted her husband's abuse through her narrative story: writing her feelings in a diary, first, and then, when the socio-political context changed, asking for external help and advice and making claim to her rights.

In this paper, I will focus on gender violence, more specifically, male violence against women within an intimate relationship¹² and the state's responsibility¹³ in this issue. I organise the present essay as follows:

¹² In this paper I use *family violence*, *domestic violence*, *male violence against women within an intimate relationship* or *battered woman* in identical form. In this regard, I refer to *battered woman* as the woman who has received physical, sexual or psychological abuse from her male partner, within an intimate relationship, in a cyclic way for more than three times (Walker, 1979).

- 1) The socio-political, legal and gender relations in Argentinean context
- 2) A resume of Cristina's life while deconstructing the social construction of gender
- 3) Individual resistance. Moving towards the state. Confronting the state and the sexism of the law
- 4) Argentinean reality on family violence. State responsibility and commitment to the international conventions
- 5) Conclusion

1. Political, Legal and Gender Framework

1.1. Argentinean historical political context

Between 1930 to 1983 Argentinean Constitutional regime was interrupted by 7 military coups. The last two took place between 1966-1973 and, between 1976 and 1983.

In the last Dictatorship the military kidnapped, tortured and abducted (*desaparecieron*) around 30.000 citizens. In carrying out this genocide they did not spare the family.

To understand the present case state violence and domestic violence has to be seen as being influenced by each other and linked to each other, to understand the present case. The psychological effects of violence on its victims, without distinction whether it is family psychological torture or political psychological torture (Vila, 1996), is similar. In this sense, the commonalties between the psychological effects and abuse of power in cases of hostages and battered women are well-documented (Graham et al, 1989; Herman, 1992; Copelon, 1997), as well as the general impunity enjoyed by torturers and abusive husbands.

At the socio-political level it is observed that battered women seek protection against their husband's abuses at the police station of their neighbourhoods¹⁴. During the

¹³ *State responsibility* defines the limit of a government's accountability under international law for human rights abuses. States are held accountable for what they do directly -carrying it out or tolerating it- or through an agent. To hold a state accountable for the actions of state actors has to be shown that: '1) the state explicitly authorised the act (that is, a senior official committed or authorised it, such in the case of political repression), or 2) the state systematically fails to prosecute abuses committed by its agents, whether or not these acts were ordered by senior officials. The expansion of state responsibility to include accountability for some acts of private individuals are described here was one of the factors necessary to permit analysis of domestic violence as a human rights violation' (Beasely et al 1994:327).

¹⁴ According to an Argentinean study (Grossman et al, 1989) 58% of the battered women sought protection at the police station as first step in Argentina.

last dictatorship, for instance, the same police stations were functioning as clandestine camps of torture and murder¹⁵. Through the kinds of torture practised, *machismo* was present according to survivals (Partnoy, 1988) and repressors¹⁶. Commitment to human progress and poverty alleviation, or political activism were considered communist' activities. All kinds of solidarity¹⁷ behaviour were understood as 'subversion' and subsequently, a reason to be abducted and to be disappeared. The gathering of more than two people was forbidden¹⁸ as well as political parties or trade union activities. As the attorney Julio Strassera has pointed out in his accusation against the military in 1985: '...To teach to read, to teach Catholicism, ask for a school bus ticket or work in a poor medical centre could be dangerous activities. Every act of solidarity was suspected of being subversive...' ¹⁹

More specifically, the terrorist state strengthened male-dominant institutions, and intensified misogynist ideology, in such a way that the entire society is permeated by antagonist attitudes and behaviour toward women (Hollander, 1996). The wide spread practices of abduction, torture and rape of women by state agents was one of the forms which spread the legitimisation of violence over women in Argentinean society. According to a University of Buenos Aires feminist of the Psychology Department, 'during the military dictatorship, violence in daily life was so ubiquitous that the increasing incidences of wife battering, rape and child abuse, did not attract the attention of progressive and feminist forces until the democracy return' (Hollander, 1996:64).

¹⁵ Informe Mittelbach (1987).

¹⁶ Interview with Alfredo Astiz in Magazine *Tres Puntos*, December 1997; *The Guardian* 28/1/98. Former Lieutenant Alfredo Astiz told journalist Gabriela Cerruti that "a military kills due honour, machismo and love to the fatherland".

¹⁷ A survival wrote: '*I remembered my generation with sadness... that generation who had lived an ideal's superlative, with a dreadful impatience, but were mainly brought out by for their solidarity's ways, and I knew that I could never consider them dead...I taught my daughters that solidarity is stronger than the selfish, the hope is greater than the suffering...*' (Castaño Blanco, 1988: 73).

¹⁸ The famous walking around the Pyramid of Mayo, by the *Madres of Plaza de Mayo* in Buenos Aires, was also the consequence of the prohibition of being joined in groups (Author's interview with Nora Cortiñas, Madre de Plaza de Mayo Línea Fundadora, January 1997).

¹⁹La Acusación Fiscal, Julio Strassera [on line]. Available at <URL.<http://www.nuncamas.org/document/acusa>.

Htm> [accessed 10 January 1999].

Within this context, solidarity with women and children who were abused at home was an unthinkable; and dangerous practice. Many survivors (Partnoy, 1988; Castaño Blanco, 1988; see Daleo quoted in Diana 1996) have revealed that the prevalent criteria of the military classify the disappeared. Those disappeared, who shown attitudes of solidarity were classified without possible of recovering. The military rejected solidarity. Two important points needed to be kept in mind in order to understand the political context surrounding the present case. Supporting battered women or other human rights demands implies working in solidarity with and breaking down isolation, through groups gatherings of battered women. Therefore in Argentina it was impossible, before 1984, to set up a domestic violence movement, as was the case in Western countries, or like in Mexico. When democracy returned to Argentina in 1984, the human rights movement was strengthened through all those years, and the *domestic violence movement* could emerge as well.

The work carried out by the *Mothers* during all these 21 years of struggle²⁰ in the public arena challenged the traditional patterns of the family, as well as the legitimacy of the patriarchal and male institutions' such as clergy, military, trade unions, politicians, and judges. As Franco said: '... in this process of leaving the subordinate and quiet place of mothers in 'family' the militaries helped a lot, by attacking the family...they contributed to the subversion of these formerly 'sacred' categories...' (Franco, 1988:513).

1.2. The Legal frame

In terms of legislation, Argentinean women had to wait for 10 years before Democracy was restored to get the first national *Protection Against Family Violence Act*. Act 24.417 is the result of the activity of Argentinean women' movement and international conventions related to this issue. In this sense, Argentina signed and ratified the American Convention on Human Rights, the International *Convention on the Elimination of All Forms of Discrimination Against Women*, adopted by UN General Assembly in December 1979 (MFAN, 1993), the *Convention Against Torture and other Cruel, Inhuman or Degrading*

²⁰ The *Madres de Plaza de Mayo* started their public and collective claims in April 1977. During the first democratic government following the dictatorship, the movement split into two parts. One of them is the *Asociación de Madres de Plaza de Mayo*, leaded by its president Mrs. Hebe de Bonafini, while the other one, is *Madres de Plaza de Mayo Línea Fundadora*' leaded by Mrs. Nora de Cortiñas. Author' interview with Nora de Cortiñas, Buenos Aires, enero de 1997.

Treatment or Punishment, adopted in December 1984 (MFAN, 1993), the *Inter American Convention of Belem do Pará* adopted in 9 June 1994 (MFAN,1993; Finkelstein, 1996), and the *Beijing Declaration*, adopted by the United Nations's Fourth World Conference on Women on 15 September 1995 (U.N.,1996). These conventions attempt to regulate discrimination against women. In particular, the Inter American Convention of Belem do Pará and Beijing established that the violence against women constitutes a crime and impel the nations to legislate protective laws for women and to eliminate male violence against women in the private as well as the public domain. As a consequence, the government passed Act 24.417 in December 1994. The law regulates only against physical and psychological violence. Therefore, sexual and economic violence against women within the marriage was not included. In this regard, each judge evaluates, according to 'his/her' own understanding of the common criminal law, whether rape within marriage is a crime or is not. Despite the pedagogic merits of this law, the lack of concrete terms to regulate and control the judicial decision, as well as the absence of punishment for those who do not respect the sentence, transform this instrument into a weak tool of protection rights (Finkelstein, 1996). The absence of specific terms which obliges the judge to act within a certain time, gives enough room to display ideology and discretionality, and subsequently the *sexism of the law*, which will be discussed next; might emerge.

1.3. The Argentinean frame of Gender Relations

In Argentina the social construction of gender promotes the subordination of women to men and rigid gender stereotypes. Our Argentinean culture is deeply influenced by Jewish-Christianity²¹. The prototypes of women of this Religion were the Virgin Mary and the prostitute Mary Magdalene. The Virgin is the mother, a sexual being, centre of the family and far away from money sources, while the prostitute is an individual who is, mainly sexual, with activity in the public sphere and dealing with money. (Coria, 1992:32; Latin American and Caribbean Collective, 1980; see Larguía, 1992 quoted by Zabaleta, 1993:31). To be mother and wife, loved by a man, are the main important features for a traditional middle class female identity. In Linda Gordon's words, 'the belief that

²¹ These traits of gender relations which I mention as present in Argentinean culture is also present in many other societies across the world. Despite of this fact, in the case of this essay these traits are roots in the Jewish-Christianity transmitted to our country by the Hispanic colonisation first, and then it was enforced by the Italian immigration in the late 1880s until 1930.

motherhood was a woman's fulfilment had a material basis: parenthood was often the only creative and challenging activity in a woman's life, a key part of her self-esteem... and the family gave the woman ... a sense of dignity and security, especially in her function as mother' (see Gordon in Cliff, 1984:202). Besides, to be a mother in Argentinean society denotes some holy meaning, which was clearly exposed by the *Madres de Plaza de Mayo*.

Therefore, a woman who wishes to develop her gender identity will seek to become a *wife*. According to Coria (1992) in Argentinean culture, there exists identification between 'motherhood and womanhood'. As far as a woman behaves as a mother, with all the attributes of a good mother, she will be seen as a true woman. In general, the features attributed to *femininity* in Latin American culture are: *charm, beauty, tolerance, sweetness, understanding, submissiveness, passivity, emotionalism, a caring nature, dependency, altruism, tolerance and unconditional love, housekeeping attention*. (Coria, 1992; Cliff, 1984; Zabaleta, 1993). In Argentinean cultural understanding of gender relations, a wife should be loyal, mother, honest, from a good family, which includes non divorced parents-, to have had a good education preferably in a private Religious college and as stated before, not to be active in sexual intercourse and; not to look for it. In other words, to be like the Virgin Mary, an asexual mother.

On the other hand, the ideal man corresponds to *machismo* or the *macho* stereotype. This stereotype rules for male individuals: *non expression of feelings, restriction of effectiveness, audacious, rational, individualist, brave, dominant, independent, successful in business, and successful on seducing women, breadwinners*. (Corsi et al, 1995, Coria, 1992).

For both female and male gender identities, compulsory heterosexuality is a strict rule; as well as the holy woman who does not desires money, and any deviation from this is punished (in agreement Zabaleta 1993 :33)²². Homosexuals and prostitutes have been persecuted and still are, in some parts of the country, by the policemen in office through the different governments. Within this frame of gender relations men have a position of power over women, and they are legitimised by this ideology, to discipline women and use the violence against them in order to maintain their superior status. The relations between

²² However, this repression did not finish with the democratic government. An example of this is that in 1992 an Argentinean gay was granted the 'political refugee status' by the Canadian government due to the persecution on the basis of his sexual orientation, and the Police's arrest warrant for him (SERPAJ, 1995:56). Recently, during March 1998 in Buenos Aires City, these police powers were withdrawn. A transvestite who was interviewed about the abolition of the decrees said: '*democracy has started for us now*' (Newspaper Clarin, 15/3/98, pages 50-51)

husband and wife are power relations with a structure of misbalance of power against women, or 'power over' (Williams et al, 1994), and constitutes '*...one of the crucial social mechanisms by which women are forced into a subordinate position compared with men*' (UN, Beijing Conference on Women, 1996:74).

2. Cristina's life

Cristina consulted a lawyer in 1995 about legal rights in marriage. For her lawyer she wrote her life story of about 80 pages. According to Cristina's own words, this life story was an abstract of her intimate diary where she had expressed her feelings after being raped or beaten by her husband during nineteen years of marriage.

Her diary was her resistance. As Galeano said: 'the creation is the ancestral human's answer before the suffering and the certainty of the death' (Galeano 1988: 135) Cristina is one of many other 'battered women' who survived many years of psychological, physical, sexual and economic abuse. Cristina and 'M' her husband, were born in the suburbs of Buenos Aires. Both are middle class. Cristina's family has German and Catholic origins, while 'M' has Italian descendant and did not practice any religion. Cristina was 13 years-old and 'M' was 19 years old when they started dating in 1967. Although both families disapproved they married in 1973. Cristina's father, disliked seeing Cristina married to "M" because the habitual phenomenon of domestic violence in 'M' home, while the other family, because they were richer than Cristina's family. She finished her high school at a religious Institute guided by German nuns. 'M' completed two, University professions. They have dreamt of having a 'normal' family: Cristina says:

'when we were fiancées we dreamt of a beautiful family, with five children. When he came to have dinner with my family "M" always asked me, not to allow him to abuse me in the future as his father used to do with his mother'.

However, as soon as they married, he started expressing sexual desires she did not agree to: *"It was enough he had been at the sport centre for telling me during the sexual relations all stories about the sizes of the men he saw in the dressing room... I felt a deep aversion, and I wondered what those men would think about my husband's behaviour".* Furthermore, he tried to get sex from Cristina in a 'non' orthodox way, particularly in a *machista* society such as the Argentinean one it is. Cristina explained: *"It is terrible to speak out, it is difficult for me. ...His pleasure was to have anal sex, but for*

him... Many times I was forced to do it". This sexual preferences of Cristina' husband was also followed by related stories of adultery with women during Cristina's pregnancies. But Cristina was also abused during her pregnancies in other forms, according to her: "He did not respect me on my 'bad moments', my anguishes due to the death of my relatives, my 'pre birth' of Santiago (3 hours before coming into the delivery rooms), or my post birth of Facundo (22 days after it). He did not understand that I did not have any sexual desire with a tummy of 9 months pregnancy and a baby ... and I was not in adequate physical condition".

As Cristina refused to comply with his sexual fantasies, he used different strategies that point out to the sexual meaning of money in Argentinean society (Coria, 1992)²³. Cristina's wrote: "*M' intended to blackmail me during sexual intercourse. He offered me money if I consent to his sexual requirements, and without accepting the money he put it on the night table. I felt an aversion and I threw it away on the bed. At that moment I felt aversive of myself.*" This sexual violence within the context of behaviours she did not wish comprised an attack on Cristina's gender identity as a woman brought up in Argentina, within Catholic rules and philosophy. In Argentinean culture, according to Coria (1992) *money (+ woman)* is always linked to prostitution since the beginning of History, and it keeps a sinful halo. Besides, shame and guilt, concerning women have been mainly associated with sexual transgressions. To break the domain assigned to a woman is an occasion for guilt. However, if we add to this situation to develop an activity in exchange for money, there are present the basic elements of the phantom of the prostitution' (Coria, 1992:41) And with this phantom, the female identity of a good woman (*good wife, a sexual mother = female*) is at risk. Cristina identified herself with the good woman of the gender stereotypes, previously described in this essay.

After three years of marriage they had their the first son in 1976, the second one in 1978 and the last one in 1980. After the last birth, 'M' started to beat Cristina, and the permanent affair 'M' was having with another woman was undressed. Cristina referred to her pregnancies in this way: *'I felt plenty like a woman with the births of my three children, I delivered them with real pleasure, and I never suffered. I enjoyed those moments.'* And *"M' and his family told me that I was not a real woman because I did not suffer as the other women did".*

²³ Clara Coria (1992) carried out research through reflection groups of men and women from middle class Argentinean society.

Cristina's female identity is finally reaffirmed through her mothering. She said that she never had a sexual orgasm during intercourse, but only when she was giving birth to her children. Cristina's sexual identity was damaged due to the psychological and sexual abuse of her husband, that the only creative part that define herself as a woman was mothering. As a housewife, as well as sexual partner Cristina was constantly devaluated. Her husband did not allow her to do the shopping, to make the beds, or to decorate the house. He always argued she was stupid, she did not know how to do it, that he did it better than her, and of course, he did not give money to her, except for the daily needs. In practice, Cristina was an Argentinean housewife who could not exert her gender role. In her marriage and family, Cristina did not have scope for developing neither her sexual identity as a female, nor her housewife role. Within so narrow room for meeting her gender identity it seems clear that motherhood gave her the only confirmation of her identity as a woman.

Nonetheless, it seems that Cristina's husband was trying to force her to adopt the identity of *legal prostitution*²⁴ This identity is present in those marriages where women do not have any access to economic resources and financial independence and therefore, they find themselves forced to accept whatever behaviour their husbands show towards them, even to be treated as sexual objects in exchange for maintenance. These husbands legally support their wives due to their marriage link' which provides them sexual and housework services, as well as reproductive ones such as the birth like to deliver their sons. I suggest that this ideology of the legal prostitution underlies the judicial interpretations in the cases of rape within the marriage. Even though the situation of legal prostitution is a consequence of the social oppression of women in society and their economic dependence. The current participation of women in the labour market, however, has not brought about changes are sufficiently visible yet.

Cristina also finds it confusing that her motherhood is linked to her sexuality with her husband. She said: *"May be it is that I can not link the sex with my husband with the fact of the conception of my babies. All together it does not fit."* According to Vila (1996:54) 'The sexual estrangement occurs in most of these cases because the kind of erotic link established by women does not disconnect the affective part, thus she cannot disconnect the violence. In a relationship where the woman is suffering violence she loses her sexual desire...'

Despite this element, the psychological abuse had already started since the first months of their marriage, when 'M' told Cristina' sexual stories where he might be a main character, engaging in bisexual relations as well. Cristina's sexual preference was marked by gender stereotypes of what is normal and non-normal, and her sexual desires were at great distance from her husband's sexual wishes. The control of the money and the daily activities of Cristina existed in this family since the first years as well. In addition to this, 'M' used for many for family support in exchange Cristina's concession to his sexual wishes.

In 1986 'M' let Cristina discover documents where he wrote the details of his sexual adventures with prostitute women as well as men, engaging in all kinds of sexual activities. At that point she demanded an explanation and decided to stop having sex with him. He blamed her for his own sexual activities on the grounds that she refused to allow him on his sexual fantasies. However, he started to rape her at night. Cristina explained it in the following way:

"I discovered ... a note written by my husband with all the details of telephone numbers, place's addresses, apartments, ... Blond, 2 girls, a black one, 2 girls and a boy ... complete service, with prices and under the note, the date when he had the service, how much he paid and the name of the woman or the man. This was for spring of 1986. This episode made me feel as if the earth opened up under my feet. To realise that he was looking also for men, ... it was too much. I asked him, coldly. And he replied to me that it was my fault because I did not accepted his sexual propositions'.

After this episode, Cristina did not allow him to have sex with her again. In spite of this, Cristina's husband told her *'...Instead of having sex with you I would rather fuck a man'...* in this way he was degrading me, humiliating me. In this form I slept at his side, ... As soon as it reached three or four at dawn he held me with violence from my hairs and forced me to have oral sex with him, or even sex. Many times he succeeded... Many years later I discovered that that was 'rape'."

All these years she did not share her humiliation and ordeal with anybody. The only way of speaking out her suffering was through writing.

²⁴ My thanks to Dr. Marilyn Thomson for suggesting to analyse the concept of 'legal prostitution' of some married women.

In writing her 'life story' Cristina asked to herself: *'Why did I tolerate so much?'* And she answered:

"It seems absurd that I did not separate from my husband with the first hit after Santiago was born, but I realise it was not easy. All the family ignored everything, but, despite that, did not resign to break down the family. I strongly believed that our marriage, would work out, I did not want my children to grow up without a father. And first of all, before 1988 nobody talked about (family) violence. Besides, one does not want to see, and I believed all the things my husband told me."

As I have previously quoted, Hollander (1996) has documented interviews with a feminist psychologist in Buenos Aires in 1990, who also confirmed Cristina's opinion regarding the absence of debate and policies on domestic violence for a long time.

In 1988 the Boxing World Champion, Carlos Monzón killed his concubine and this event was widely publicised. As a result, the few services of assistance to battered women in Buenos Aires were full booked. Many battered women could see that the risk of being killed was not only a threat. Cristina was one of them, and she started to seek help from those services.

Since 1989 Cristina has maintained telephone conversations through the family violence telephone line as she calls it. However, she went on hiding the situation of abuse from her family. Following the advice of the family violence telephone help-line, Cristina reported her husband to the Court, after he attempted to choke her. This episode took place in 1991, and she refers to it in this way:

"I ignored the reason, but on 7/2/91 ... the most serious episode of violence took place...He jumped on me and he only said he would kill me, he ran from one side to the other out of himself, dragging me along everywhere, from my scalp. I was a prisoner in a corner and he tried to choke me while he was beating me everywhere on the body, and insulting me...I was not able to speak, it was as if I would be paralysed, I did not even try to defend myself. ... I was all marked, painful, my scalp was aching, my body, but most of all my soul, my love, my innocence, my illusions, my dreams, my beliefs, ...my dream to have a family, the fact I am realising that love destroyed me. I am looking up my faults. To be nice, to be loyal and honest, to belong to a good college, and better family it was not useful, it was not worthy. My

husband did not appreciate it at all. He only appreciates whores, he is always comparing me with them."

As witnessed in the previous part of this paper, Cristina had fulfilled the stereotyped features of the *good woman* and a good wife so as to deserve a happy marriage without violence. Cristina had fulfilled all these features and before the debacle of her marriage, she felt confused. As she said before, *"she did not want to see"*. To realise what was taking place in her life would have implied she had to move out. She had to resign. It is very difficult for a traditional woman, who was taught that the success or failure of a marriage is in her hands, to have to face 'her' responsibility for all the unhappiness she is experiencing, and the frustration of all her 'pink dreams'. However, M's attempt at homicide forced her, to seek help and confront reality.

3. An individual 's Resistance. Moving towards the State. Confronting the Sexism of the Law.

At the time Cristina approached the police, her resistance became as a life project. In words of Mies (1978) 'it is the moment of the break down of the woman's life when she started to realised her oppressive situation'. (Mies, 1978:16) When she started attending self-help group meetings where women reflected on feminine dreams, beliefs, and ideas of being a woman in Argentinean society, Cristina could begin a process of realising her own value, and the recovery of her self-esteem. Cristina wrote: *"I was foolish, because 'he' wanted me to be foolish, ... I was not enough woman for him, because he does not want a woman..."*

In 1992 her husband left the home to start living together with one of the prostitutes he used to frequent.

She wrote her confusion: *"Currently, he is living together with one of those prostitutes he used to visit. He is giving her all the material benefits and pleasures that he refused to give to the children and me for so many years. Now this woman might be having sex with him, you cannot imagine which way. ... The point is that for 'M' money is sex'."*

'M' and Cristina, in different moments started different legal complaints. 'M' for a visits regime to see his children, Cristina for the financial support for the children. According to Coria, in our society the power of money is considered as belonging to men,

while the so-called 'power of the children is attributed to the mother (Coria, 1992). Following Cristina's narrative, *"M' told my lawyer, 'money power, children power'. If I can see my children she will have the money of the alimony"*.

When Cristina sought help from the 'family violence telephone line' she started experiencing two important things. The first one was the solidarity of the self-help groups of battered women and the second one, was the sexism of the law. As a result of the reflection of every battered woman case at the groups meetings, they were reflecting their own situation of abuse as well about the gender assumptions in our society and the sexist structures. Particularly since Cristina made public her husband's abuses of her through the accusation, she started confronting the *sexism of the law*. We understood as sexism of the law 'the patriarchal vision as a source of interpretation of the Law, which turns up all the sexist ideology. [This ideology appears] in the implementation of the laws as well as on the parties of the legal case and professional lawyers who have to do it, without distinction of sex. The sexism might also appear as identification with the abuser, because the abuser's discourse fits into their patriarchal gender ideology. Thus, a woman who tries to divorce a 'good father and husband' might appear as a transgressor woman to the legal officer'. (Finkelstein, 1996:57) This patriarchal ideology present in the 'sexism of the law' has its roots in our legislation from the last century. "The 'monopolisation of the woman as an object position in the old Civil Code, even though that norm is abolished now, it is maintained nowadays, like unconscious assumptions" (Grossman et al 1989:118). In other words, as 'ideological' assumptions, in Habermas's terms (quoted in Larrain, 1994).

The sexism of the law is expressed in different forms and instances. One example of sexual discrimination against women in the legal instance is that in Cristina's case, although it was legal evidence that her husband attempted to choke her, he was released. He only received an admonition. The punishment should have to been imprisonment and 'M' was only warned.

But male and female lawyers also share the sexist legal ideology. Cristina's commented about her two previous professionals she consulted for advice.

1st. Lawyer (male): *"... he told me that I was better than bread, that he was sure I would arrange with my husband, that he could not miss such a good woman. He suggested me to do the same as many other women do due to certain attitudes of their husbands (extra marital relations) and pretend I do not see anything, so that I would enjoy a comfortable life"*.

This lawyer did not pay attention to the legally important parts of Cristina's story, and he did not give her the 'legal' advice that she asked for when she hired him. After she felt she could not find the advice that she needed with this lawyer, she changed to a woman, who also read the life story. Cristina wrote concerning the female lawyer:

2nd Lawyer (female): “ *She only told me that I was an innocent, a naive, and too much good, and that it was absurd to feel afraid of my husband*”.

This lawyer sponsored her on her alimony case, but, as the professional 'did not listen to Cristina and she did not read the life story from a professional point of view, she 'forgot' to describe in the complaint that Cristina's husband was a shareholder in two important firms.

To try to understand the lack of adequate legal support Cristina has received previously suggests that it is necessary to look at the situation of those lawyers who take this kind of cases seriously. In many of those cases, intimidation carried out by the abusive husbands against the lawyers takes place, and unfortunately the Court does not protect those lawyers from that kind of violence. The impunity, due to the lack of Justice and punishment, and *fear*, due to the *easy shot* and last state terrorism (1976-1983), are common experiences and feelings in the Argentinean culture of the last two decades. The culture of fear suggests it is better not take personal risks, although it implies that inadequate advice is given.

This kind of inappropriate professional advice and service that Cristina received is known as *second victimisation* (Vila, 1996) and imports a lack of adequate professional performance as well as sexist ideology.

The adequate or, on the contrary the ideological application of the Law (*sexism of the law*) will define the legal empowerment or des-empowering experiences. The psychological effects of a correct application of the law have been analysed by many authors such as Corsi (1995) and Vila (1996). Vila states that 'the proportional sanction to the crime operates like a social cure and allows a better control of the impulses towards the aggressor. Besides Justice has a normative function, regulating the social relations and interchanges, and because of protection... if Justice fails in its mission, the 'anomie' emerges, because a condition where everything can happen, where everything is the same as losing elemental guides' (Vila 1996:47/48).

4. The Argentinean reality of family violence. State Responsibility and Commitment to the International Conventions.

In legal terms, concerning the State, the constant failure of the State in protecting women's rights from their partners defines the limits of a governments accountability under international law for human rights abuses, and is called in human rights theories: *state responsibility* (Beasley and Thomas 1994).

A battered-woman that has passed from the survival stage to the resistance one will be able to overcome this second victimisation with the assistance of other women and professionals. The self-help group meetings were the first models of assistance to battered-women on being proposed. Through those meetings, women started experiencing empowerment and they feel fortified.

The first multidisciplinary group of assistance to battered women appeared in Argentina in 1985, and was set up at the School of Public Health, Faculty of Medicine, University of Buenos Aires. The project was supported by the World Organisation of Health. The model of assistance and, theory of wife battering used at that centre was drawn from the feminist psychological and sociological approached developed in previous years in United States, and United Kingdom. After this beginning, two hundred other similar non-governmental organisations were set up in Buenos Aires, supported by the volunteer work of various professionals (lawyers, psychologists and social workers). Their lack of financial support has its roots in one part, from the absence of political will by the state to support this kind of activities, as well as the local firms in with similar virus. On the other hand, the international financial co-operation does not seem to be keen to support those kinds of initiatives especially in some European countries, on grounds their economic indicators show Argentina as a country with positive economic growth. The national government set up at least three interdisciplinary teams, which specialised in the issue, since 1992. In addition to this, the state opened a shelter for the battered women and their children in the capital city in 1995.

The contribution of the Argentinean government in providing assistance and shelter, as well as the legal treatment to the phenomenon of wife battering seems to be insufficient before the reality of the issue in the country. As had been seen the sexism of the law is part of the state responsibility for their failure to protect women from male violence. On the other hand, and although there are no abundant statistics on this regard,

some figures kept by the governmental and non governmental organisations taken from their records of assistance to women, indicate the seriousness of the violation of the women's rights within the family.

In 1993, the newspaper Clarín carried out a survey amongst primary and high school students of public institutions in Buenos Aires. The results of that research say that *52% of the households* had some kind of family violence²⁵. In December 1996 the newspaper La Nación published some statistics provided by different organisations that draw attention to the fact that *one out four women were beaten* in Argentina and, within this percentage, 65% of the reports correspond to *women of middle or upper class*. This information is supported by the magazine Luna' research, which published a dossier on wife battering in May 1997. According to the information quoted in this last source *1 out of 4 cases of manslaughter of women took place within the marriage* (Luna, 1997: 62, 63). Despite this information and the assistance promoted locally and internationally, the situation for battered women to be the continuation of the degradation. An article published by Página 12, in August 1997 pointed out that the '*number of cases of battered women was increasing*' at that time. They mentioned the fact made the obudsman of Buenos Aires, Mr. Jorge Maiorano, recommended various activities, including publicity and enforcement of the current Protection Against Family Violence Act. Nonetheless, Mr. Maiorano reported that the telephonic service of *Consejo del Menor y la Familia* (a governmental organisation) received 3,263 calls and requests for assistance in only one year. The obusman also regrets the absence of co ordination amongst the governmental organisations, which would allow a more realistic idea of the dimensions of the family violence in Buenos Aires (Página12, August 1997:19).

However, to measure the real size of family violence in Argentina seems to be a difficult task. One of the obstacles is the scarce publicity of information to facilitate access to the services for battered women. Another cause is the fact that these kinds of services are basically concentrated in Buenos Aires, and therefore the population of the rest of the 26 provinces of the country is not included. In addition to this, most of those women who seek assistance when they were abused did it at the *police station*. In a study carried out by Grossman et al 1989, 57% of all the cases researched had sought help at this institution.

²⁵ Clarín, 29/5/1993, page 16. *La violencia familiar vive en los barrios porteños*, by Adriana Lestido.

Due to the authoritarian and patriarchal ideology existing at this institutional level²⁶, many of the policemen used to try to *advise the woman against to reporting the abuse, if the woman insists on doing the report, they used to intake a civil expression that does not have any legal value. Another form they apply is not transfer the report directly to the Court*, which is their legal obligation. I also consider the behaviour of the policemen influenced by the discriminatory ideology. In addition, the police and armed forces structures are stamped with authoritarianism, as was demonstrated by their participation in the political repression two decades ago. However, the police failure and inefficiency in protecting battered women is part of the same violence women have to endure in society, for which the state is responsible. The state is responsible for providing adequate services to the community and to guarantee the protection of women's rights. Taking into account the statistics as well as the trend of economic growth mentioned, the existence of *only ONE shelter for battered women in the whole country*²⁷ is a relevant sign. It is the sign of the lack of political commitment to the protection of women's rights while pretending to fulfil the nation's international compromises.

The insufficient commitment of the Argentinean state on protecting women from any kind of discrimination, including male violence in the family, was reported by the United Nation's organism which is in charge of evaluating the status of women across the world, CEDAW (*Committee of Evaluation of Discrimination against Women*). For their evaluation CEDAW took into consideration the official report of Argentina, jointly with the report submitted by ESIP (*Equipo de Seguimiento de Políticas Públicas*)²⁸, a non-

²⁶ At this point I want to clarify the fact that during 1992-1994 there were so called *women police stations*. The project at Buenos Aires Province level was aimed to give specialised assistance to battered and sexually abused women by policewomen solely. However, such experience was a failure and promptly the project was cancelled. Some women who sought help at those police stations did not get any answer, or they were just sent to the 'common' police station. I suggest that one of the reasons for the failure is the authoritarian ideology and training received by the female personnel of the police, too. Besides, there is evidence that several policewomen intervened as repressors and or torturers of 'disappeared' people' during the last dictatorship (Paoletti, 1987). Therefore, the fact of having a 'female sex' did not change the ideology, training and even practical background of many of the policewomen in charge of providing assistance to the abused women.

²⁷ The situation of lack of state provisions for shelters contrasts with fact that the Argentinean state is supporting the free cosmetic surgery for citizens, amongst those 90% of the patient are women, through their public hospitals services (at least until 1997) (Hasanbegovic, 1999).

²⁸ '*Team of follow up of public policies*', which represents 17 non governmental organisations of Argentina.

governmental organism. The indicators in both documents were contradictory, and the UN organisation requested a supplement of the records submitted by the Argentinean government, with more realistic figures.

The patriarchal ideology shown by state institutions, the evidence reported by the ESIP to CEDAW as well as the lack of shelter and findings to support the work of non-governmental organisations assisting battered women in Argentina, confirm a reality in violation of the Beijing's Convention (UN 1996). In particular, articles 117 and 124, that rule the state obligations to eliminate violence against women are not respected. Argentina has still much progress to make in the area protection of women's human rights at home.

5. Conclusion

I argue, that the common experience of extreme violence of the last military dictatorship 22 years ago, made some groups in the Argentinean society challenge, in the public sphere, the ideological basis of our authoritarian culture. This challenge allowed for the movement against domestic violence and a stream of reflection and analysis of the gender stereotypes of Argentinean families, in a country where, still now, feminists are considered as 'witches' (Larguia, 1992 quoted by Zabaleta, 1993: 33). Furthermore, in Argentina the women movement is labelled as subversive by the Argentinean Air Force (Página 12, 23/11/1998).

As I stated in the introduction of this essay, to work with battered-women, as well as to advocate for other kinds of human rights cases, requires working in solidarity, and to confront the oppressive ideologies and structures in the public, as well as in the private sphere. Cristina's experiences of her husband's abuse, the trap of her social construction of gender, the sexism of the law, the second victimisation from professionals, but she also started her way of empowerment and reconstruction of her own life.

She defines her current situation, at 1996, as it follows:

" Y repeated a thousand times that the self-help group, the professionals, ... delivered me 'me parieron' at my age of 42 years. ... I know that I made a great effort for myself, but these girls did not know to what extent they had helped me. I learnt to love myself, to respect myself, to see myself from a different viewpoint, to see myself reflected in a mirror, to be a human being, ... to allow myself to be a

woman, because I had also lost my femininity. I was an object, something that did not have any value."

Despite these facts, the life history of Cristina is the expression of many other battered women's lives in Argentina. The accounts of Cristina illuminate the sexist structures and authoritarianism at state and society level, in Argentina. The state responsibility in wife battering is also a hidden issue, and it must be addressed to improve women's lives and gain effective democracy. The reasons why states do not protect their female citizens from male violence, is topic of another research that probably will give some light to questions of patriarchal ideology and imbalance of political power amongst men and women in society.

Cristina, as well as the Argentinean civil society, are survivors of a history of brutal terror and violence. Struggling against those structures and institutions that legitimised violence against other human beings, this woman and many other Argentineans are becoming subjects of their rights.

Claudia Hasanbegovic

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