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## Book Review

### Soraia da Rosa Mendes (2020) *Processo Penal Feminista (Feminist Criminal Law Procedures)*, Sao Paulo, Atlas.

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Criminology and gender studies are emerging fields in Brazil that barely existed 15 years ago. Since the 2014 release of her book *Criminologia feminista: novos paradigmas (Feminist Criminology: New Paradigms)*, Brazilian feminist and criminologist Soraia Mendes has become a leading voice in the criminal sciences in Brazil and now expands her thoughts to the space of criminal law procedures with *Feminist Criminal Law Procedures (Processo Penal Feminista)*.

The book is highly recommended for people interested in new legal and academic developments in Brazil, as well as those dealing with the criminal system not solely in Brazil (the book is published in Portuguese), be they professionals, survivors or supporters/advocates aiming for law that can truly accommodate for women, feminism and diverse dimensions of knowledge.

The book is divided into four chapters and final considerations. The main thesis focuses on Luigi Ferrajoli's legal safeguards epistemology in the criminal system, and argues that despite its importance, it should be also in dialogue with feminist perspectives to attend to women in the legal system. Further, the book demonstrates how Ferrajoli's and Luis Alberto Warat's epistemology of meaning require a gender perspective. This work presents not only the conflict feminist epistemology (particularly standpoint and intersectional feminism) has with criminal law safeguards, but also its dialogue with the epistemology of meaning and the possibilities of cohesion between all these perspectives.

The author engages with legal scholars and numerous female artists, to give life to her narrative. Two of these artists are Virginia Woolf and Clarice Lispector, who guide the narrative of women's place in the legal space, at the beginning of the book. Mendes draws on Woolf's image of a room for women in *A Room of One's Own* (1985), as a metaphor for women in the criminal process. Lispector is remembered as a former law student turned prominent Brazilian writer, who once revealed how a professor compared her

interest in criminal law to an interest in literature and not *real* law (that would be civil law), reinforcing the idea that no space exists for women in law.

Mendes engages in epistemological debates throughout the book with academics in the Portuguese language, including Marilena Chaui, Boaventura de Sousa Santos and Maria Paula Meneses, alongside Pierre Bourdieu, Judith Butler, Zerilli, Harding and Spivak, questioning what counts as knowledge and the colonial concept of ‘neutrality’. The text shines in its engagement with the work of Lelia Gonzalez, a Brazilian legal scholar and black female activist in the mid-twentieth century, whose work has been brought to light in the last few years.

As many feminists of her time, Gonzalez engaged with psychoanalytic categories to understand the infantilisation of women in law, particularly the Lacanian category of the ‘subject supposed to know’, in which women are talked *about* more than talked to or consulted. This process would reinforce a gender and ethnic hierarchy in the legal institutions. Here, practices that may be seen as democratic, such as criminal law safeguards, are revealed as Eurocentric and neo-colonialist. Mendes embraces these same psychoanalytic categories in her work, to demonstrate how schools of thought are created and maintained through intimidation, silencing and repetition of ideas.

Chapter 1 discusses women’s exclusion from law as the result of women’s historical exclusion from education. Mendes considers that ‘women’s space in law is not a room but a desk in the men’s room’. Entering the discourse debate, she also engages with the feminist work of Nancy Fraser, Donna Haraway, bell hooks and Patricia Hill Collins to understand the institutionalisation of sexist (and racist) discourses and the feminist approaches to challenge and dismantle such discourses.

In Chapter 2, Mendes introduces Ferrajoli and his model of legal science (she calls it the ‘legal-positivist’ model), a conception of law as the truth between the legal interpretation and the legislative intention of law; she also engages with Warat’s epistemology of meaning, where the plurality of interpretations and speech is acknowledged as part of law. Mendes then proposes a dialogue with a feminist epistemology—intersectional and standpoint feminism more specifically. Here, assumptions of neutrality and ‘truth’ are challenged as cultural determinants that should give space to emotion, subjectivity and even intuitive dimensions of knowledge.

Mendes acknowledges how identifying law as an instrument of male supremacy was already part of the feminist movement two centuries ago, and further challenges Ferrajoli’s idea of a legal science that distances itself from the object of its analysis. She reads this legal stand as limiting many legal scholars in their comprehension of modern laws for the protection of women in Brazil, *Lei Maria da Penha*. Laws like this would resist the legal practice of dismissing or minimising the importance of categories, such as gender and race.

This way, legal guarantees in criminal law would be subjected to the analysis of the people/women subjected to law but not heard in its formulation. Mendes admits this is a point of contention between Ferrajoli and feminist epistemologies.

In Chapter 4, she uses examples of women’s treatment in criminal law to envision how feminist epistemologies could contribute to the situation, acknowledging that no model would present all the solutions. However, solutions would involve women’s words and stories more fully in the evidence-gathering and sentencing stages, being female victims or accused of perpetrating crimes. Centring the process on women’s experiences could be deeply transformative in the lives of these women, even under current legal premises, an argument posed by feminist theory when engaging with numerous institutions. Mendes highlights how this feminist idea does not fundamentally contradict the existing legal system in place. Focusing on women’s stories could allow access to evidence instead of creating hurdles for evidence gathering, and lead to collecting good quality information instead of subjecting women to repeated questioning, risking revictimisation.

The book describes a 656% growth of women in prison in Brazil since 2000, most being black mothers living in poverty. They are usually accessories to drug trafficking with no history of violence. More worrying, 45% are women awaiting a hearing in preventative incarceration with no final sentencing (according to many legal scholars this is in direct contradiction to the Brazilian Constitution)<sup>1</sup>. Mendes refers to this context to remind us of the urgency to rethink procedures in criminal law, considering the ones most affected by them.

In her final deliberations, Mendes acknowledges intersectionality as the most important analytical tool in recent decades. She advances explaining that in a decolonial Brazilian context this tool has to be considered alongside the concept of *dororidade*. This legitimately Brazilian concept is referenced throughout the book as a highly relevant epistemological consideration. Developed by black academic Vilma Piedade, *dororidade* (loosely translated to 'painhood' or 'connection through shared pain') would define the shared pain of black women subjected to a system that condemns them to silence in the face of racism, uprooted by the history of slavery and subjected to continuous absence of resources.

The book introduces a conversation that is urgent about understanding criminal law under feminist epistemologies. It is not shy to point out disagreements with current legal epistemologies, while presenting a compelling argument for the possibility of establishing a dialogue between perspectives, bringing much needed hope to a contentious space.

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<sup>1</sup> See, Marcao R (2012) *Prisões cautelares, liberdade provisória e medidas cautelares restritivas*. São Paulo: Saraiva.