

## **Representations of body and violence: the invention of "domestic violence" in East Timor**

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### **ABSTRACT**

East Timor is now faced to a strong social and political change, which implies, on gender issues, the building of a new morality about domestic physical aggression. Based on the local translation of gender equality principles ? seen as universal values ? a set of actions against domestic violence is questioning local practices and attitudes regarding representations of body, gender and sexuality, such as polygamy, the obligations to childbirth and the responsibilities on contraception. Based on one year fieldwork in the country, this paper discusses the way the knowledge of experts on the field of gender and development reflects upon political projects which contribute to the shaping of a specific way of experiencing the body, inscribing physical punishment into a new universe of meanings, many of them considerably different from those in force at the countryside. Conflicts and syntheses emerged from this process show the importance of being aware of the relationship of the building of local identities faced to broader political and symbolic disputes as well as the limits of the binding of local practices and values thought as universal ones.

**Keywords:** Human rights; Gender; Violence; Anthropology; Asia.

In May 2002, after four centuries of Portuguese colonization, 24 years of Indonesian military occupation and near three years of administration by the United Nations, East Timor emerged as an autonomous country within the global scenario. The most recent portion of this story begins in September 1999, when a United Nations mission-supervised popular referendum revealed that almost 80% of the Timorese population was against the proposition of making of the territory an autonomous province of the Indonesian Republic. The referendum, which was a result from years of political negotiation and armed resistance, made the Indonesian presence in the territory unsustainable. Its withdrawal, however, did not occur without great conflicts. Militia groups that favored the integration of East Timor to Indonesia deflagrated a terror campaign that resulted, within a period of less than two weeks, in the destruction of 70% of the territory's physical infrastructure and the death of about one third of the native population.

The 1999 disaster was followed by two big United Nations missions for the reconstruction of the country – the peacekeeping mission (Interfet) and the

transitory administration (Untaet). This latter one was internationally recognized as a milestone in the UN missions – it was the first time that the United Nations undertook the responsibility of organizing the Executive, Legislative and Judiciary powers of a country in formation. It was also responsible for an enormous affluence of people, material and financial resources, projects, principles and values into the territory.

With the end of the Untaet and the official restoration of the independence of the Democratic Republic of East Timor, in May 20, 2002, the international media started to focus their attention somewhere else. However, if today East Timor left the stage in which internationalized messages and values circulate, this stage has not left East Timor. It is impressive to see the universe of international values that circulates across the country, especially through the streets of its capital, Dili. Concepts, values, ways of thinking and conceptualizing the world and positioning oneself into it, all of them pertaining to globalized ideologies, make themselves present with the same force and vigor of very particular forms of organizing the quotidian life.

One of the most remarkable dimensions of such presence resides in the ongoing projects for the affirmation of gender equality. In November 2002, only in Dili, sixteen non-governmental organizations developed actions in favor of equality between men and women. A considerable portion of these projects focused on the fight against domestic violence, and this was the purpose of a program of the United Nations Fund for Population Activities (UNFPA) in a partnership with the local government, which destined almost 300 thousand dollars to campaigns of prevention and action against this kind of violence.

As a matter of fact, from 2001 to 2002 the number of domestic violence reports in East Timor increased considerably. Among the calls answered by the National Police of East Timor (NPET), the cases of domestic violence occupied the fifth position in the ranking of police occurrences in 2001,<sup>1</sup> corresponding to 8% of the occurrences across the whole country. In the following year, this participation practically doubled, reaching 15% and ending drawn with "theft" on the second position in the ranking.<sup>2</sup> The women's organizations considered that this was not due to an actual increase in the cases – the husbands did not become more violent from one year to the next; it was due, they said, to an increasing structure for the denouncement of such aggressions. Thus, many women that did not denounce their cases before for not having anybody to resort to, now saw a way for making their pain public, a way that had been opened by the sensitization campaigns and the public power's apparatus.

It is possible that this is partially true. Nevertheless, there is a previous dimension that must be taken into consideration for the understanding of many of the phenomena associated to this increase in the reports. In order to make a denouncement, having someone to receive it is not enough. More importantly, there must be a case of "domestic violence" to be denounced, that is, it is necessary that a gesture of aggression is perceived as an

unacceptable attitude by somebody, perceived as an act of violation and violence.

Therefore, the increase in the number of denouncements should be analyzed within the process of construction of a narrative of gender that changes the way in which corporality is experienced in a big portion of the country. Gestures and attitudes associated to the body, usually regarded as being natural, become attitudes of violence. The creation of this new form to express the body dimensions (and, in a more incipient fashion, the sexuality) implies the establishment of sensitive links with other existing representations, perceived as markers of local identities – what is evoked as the Timorese "culture" (*budaya*) or "manners" (*adat*, in Indonesian, *lisan*, in Tetum). In this sense, the construction of a discourse postulating equality of gender and the consequent process of creation of the conditions by which the intrafamilial physical aggression is qualified as "domestic violence" can be construed as a process of construction of narratives about the national identity.<sup>3</sup> By means of the conflicts generated by the affirmation of this new kind of gender narrative, disputes between different projects of national construction can be seen, especially around three central axes: body, gender and justice.

In the present text, I intend to explore the first two axes. I analyze the encounter between a set of actions by the public power and the civil society, whose concern is to fight what they call "domestic violence" in East Timor, with some local ways of living and thinking about body and violence. I initially present some data on the domestic violence in East Timor and its relations with ways of seeing and thinking about body, family and education. Next, I focus on some of the public policies that the Timorese State and the organizations of the civil society have been implementing in order to create sensitivity against the domestic violence in the country. By colliding with many of the local pieces of knowledge about body and gender, these policies generate odd reactions, of opposition and synthesis, which express a Timorese modernity. I believe that a better understanding of how those collisions operate is a way of throwing light on more general dilemmas of the restoration of the State and civil society in East Timor.

### **The denaturalization of a category: an act of aggression or an attitude of violence?**

Even with the increased number of denouncements that was detected from 2001 to 2002, both the police and the women's organizations in East Timor recognized that the complaints that were eventually reported were but a small portion of the cases that could be qualified as "domestic violence" (Untaet, 2002; OPE, 2003a). This occurred not only because the majority of the conflicts tended towards being solved by traditional mechanisms of mediation and justice,<sup>4</sup> but also due to the fact that many women did not regard a physical aggression as an offense to any right (to the physical integrity, for instance) and, therefore, as a reason for complaint.

Knowing the domestic violence situation in East Timor demanded, therefore, stepping backwards on what concerned the statistics. Before seeking to detect the incidence of this kind of violence, it was necessary to observe what was locally defined as such: what perceptions existed about the act of interpersonal aggression and how it was associated to the senses of justice. Some surveys executed by non-governmental organizations (NGOs) along the last four years provide important data on this matter.

*Violence by itself is not perceived as a problem*

In the final report of a qualitative research on traditional justice, which listened in depth to the accounts of 25 women that had gone through varied experiences of domestic violence, the IRC (International Rescue Committee) emphasizes a particularity of the traditional forms of judgment. According to the text, “an administrator of [local] justice resolves cases by focusing in the events which occurred prior to the act of violence. Whoever is seen to be at fault during that time is therefore blamed for the violence [...] it can be the accused, the victim or both” (IRC, 2003b, p. 3). The concern of a *lia nain*, operator of the traditional justice, when listening to the parties’ accounts, is to recapture the attitudes that occurred previously to the aggression and insert them in their original context, seeking to understand who caused what until reaching the aggression itself.<sup>5</sup> Thus, the aggressor is not, beforehand, the culprit for the gesture of violence.

Such posture of the traditional forms of justice is criticized in the IRC report because the principle, which is a guideline of the State justice, that the domestic violence is a crime regardless of the aggressor’s intent, is not utilized in them. Thus, while for the positive law a given attitude of violence is always condemnable, for the legal sensitivity of a great portion of the Timorese villages a gesture of aggression, however much intentional it may be, is not, *per se*, a reason to condemn someone.<sup>6</sup> If for the State justice “victim” and “aggressor” are two fixed and opposed categories, such does not necessarily happen in the alternative processes of disputes resolution.<sup>7</sup> Instead of a dual classificatory system (victim *versus* aggressor), the operators of these local forms of justice utilize a system with at least four categories (aggressed person *versus* aggressor, victim *versus* culprit) in which, depending on the history of the relationship between the parties, the culprit may be the aggressed person.

Among other things, this tells us that, for many villages, the use of force does not possess, by itself, a negative connotation. It is not regarded as an aggression and, therefore, is not seen as a problem for the group. The use of physical force in the interpersonal relationship is not necessarily an offense, and may, in certain contexts, even be an obligation of those using it. This verification demands a very clear analytical division between the physical and moral dimensions of the act of aggression, an issue that is frequently explored by L. Cardoso de Oliveira (2002), and, as we will see farther on, is extremely useful for understanding the meanings of violence in East Timor.<sup>8</sup> In this manner, even if the use of force has been perceived by one of the parties as an aggression (an improper gesture), such attitude will not be necessarily

morally condemned by the *lia nain*. In the recapture of the aggression context, what is regarded as a problem becomes the rupture of a previous order.<sup>9</sup> The individual that is responsible for the rupture of such order (and that, by doing so, may have led someone to a violent reaction) will be the one regarded as the culprit.

Thus, the use of force is then seen as a mechanism for recapturing the order in the domain of the interpersonal relationships. It may be, therefore, a socially legitimated tool for regulating the relations in the community, and its legitimate use is far from being regarded as a monopoly of the State.

#### *Violence and gender: views of the body*

Another survey, conducted by an Australian NGO with focus groups in every subdistrict of the Covalima District, and in which I had the opportunity to participate, brings important information on how the logic of the justified aggression operates together with some representations of gender in that district (OCAA, 2003).

In two of the subdistricts, the focus groups unanimously agreed that "a man may beat his wife to teach her" (*mane bele baku nia feen atu hanorin nia feen*). In the District's general average, this phrase reached an acceptance of 50%, both among men and among women. This trend is verified by another research, a statistical survey held from October 2002 to February 2003 with women from all over the country (IRC, 2003a). According to the survey, 84% of the women agree that cases of domestic violence are matters to be solved within the family, and 51% consider that a husband has the right of beating his wife if she disobeys him.

The report of the Covalima survey further states that "in general, both men and women participants tended to consider certain forms of aggression as normal, and, as consequence, they don't look at these forms of aggression as a risk, but as part of a normal relationship" (OCAA, 2003, p. 13). The generally accepted forms of aggression are associated to the (physical or other) punishment as a way to discipline a previous improper behavior, regarded as inadequate.<sup>10</sup> The women participating in the survey emphasized that they do not accept an aggression that was uncalled for, but the analysis of the context that has generated the aggression may result in the validation of the gesture. In this sense, the women also use to punish their husbands, tearing their clothes when washing them or cooking a lousy meal on purpose.

Therefore, by recapturing the division between the physical and moral dimensions of the aggression, it is easy to realize that an act of use of force, even being regarded as a physical aggression by the individual suffering it, may have no big implications on the moral sphere – it may not be perceived as an *insult* and, therefore, may not generate *resentment* (Cardoso de Oliveira, 2002).<sup>11</sup> What would define the perception of an aggression as a moral offense is the interpretation by one of the parties of the other's intention. In a certain extent, this is what is being stated by the Covalima men and women,

by identifying in the supposedly educative intention of the use of force an element that attenuates the moral significance of the use of force.

As a matter of fact, the act we tend to call violence and qualify negatively in the Western modern model acquires another status in some situations in the Southeast Asian region.<sup>12</sup> The use of aggressive behaviors and the practice of physical punishment are, in several ways, encouraged as forms of socialization. Those positive aspects of aggression may be construed as expressions of different ways of understanding the body and its socializing function.

The degree of tolerance with what would be a justified aggression is usually associated to visible excesses on the body. Aggressions that result in bleeding or visible physical sequels tend to be less tolerated.<sup>13</sup> Thus, in addition to the original intention of the aggressor, the marks on the body also play their role in the moral significance of the act of force. In a certain way, the aggression to the body is more easily perceived as an unjustified violence if it materializes in perceptible marks that extrapolate certain limits. This relative sensitivity to the body's integrity is also bespoken in the Covalima survey. When inquiring about the risks of successive pregnancies for the women – who usually give birth to an average of 7.5 children (Unicef, 2002, p. xi), although it is not uncommon to come across families with up to twelve siblings – the survey reveals that the participants do not necessarily establish a connection between the reproductive activity and the body's health. The inconvenience of a woman having too many children resides in the risk that she may not be able to do her housework properly for being busy with the children, something that would justify an aggression from her husband.

The medical knowledge that, in the Western modernity, has built a sensitization regarding the care with the body as a condition for the physical and mental well-being seems not to be in operation in many Timorese villages. The body and its senses seem, more than to play a role in the individual welfare, to have a function in the person's socialization. It is by means of corporal punishment that education is applied. This is evident in the foreigners' report on what they regard as an abusive use of violence (the use of physical force and of what they regard as humiliating situations) in the Timorese schools.<sup>14</sup> The act that we would call *domestic violence* is not, therefore, only associated to the women's position in the familial structure, but to certain conceptions on the corporal punishment as a form of education and to the education of the body as an instrument at the service of the production of subjectivities.

#### *Gender and ethnical diversity*

If it is true that the use of force against women is not associated only to a matter of gender, on the other hand the women's position in the familial structure and the reference to a "patriarchal culture" are arguments constantly evoked in the discourses and practices of NGOs and the government about the *domestic violence* (Untaet, 2002). Some remarks should be made on what concerns these arguments. Speaking about the women's stand in the familial

structure is complicated for many reasons. From the analytical perspective, many authors have already pointed out that it is not very useful to analyze a subject's position fixed by a gender identity, due to the fact that, in the dynamics of the social relations, the subjects are not frozen in fixed identities (of gender or other), but articulate varied identities, evoked in specific situations and relationships (Butler, 1990; Costa, 1994). In the Timorese case, due to the island's ethnical diversity, creating an abstraction that is applicable to the whole country is as illusory as useless. Even in Covalima, a relatively small district, the situations in which gender exerted some influence on the social relations were quite variable among the districts, depending on the predominance of the Bunak groups, which were matrilineal, or Tetum and Kemak, which were patrilineal. Nevertheless, some general traits of the Timorese groups' social organization can be recognized and associated to the ways in which gender differences are evoked to justify differentiated treatments for men and women.

East Timor possesses over thirty different ethnical groups.<sup>15</sup> All of them adopt a system of unilineal lineage, in its majority patrilineal and virilocal – only two of them are matrilineal (in some places the virilocality is used, in others it is the matrilocality). The bride's wealth (*barlaque*) exists in all of those groups, but it is especially important among the patrilineal groups, in which the payment of the *barlaque* allows the couple to fix their dwelling within the man's group. However, the *barlaque* is not a condition for a marriage to occur. Young couples usually live together for some time without the payment of this obligation. However, in this case, called *kaben tama* (literally "the spouse enters"), the couple must live with the woman's family, and can only settle down in their own home, nearby the man's group of origin, after the dowry's payment is made. This means that the young wife is usually a "stranger", a newcomer in her new house, and should pay obedience to the older women in the familial group. Some see in this a factor of vulnerability of the wife in face of her spouse, who, for having "paid" the *barlaque*, may feel he is the "owner" of his wife, and, consequently, has the right of treat her as he wishes. We can, however, make a reverse interpretation, and say that the payment of the *barlaque* creates a network of protection for the wife. By being a commitment between families (the payment is made by the bridegroom's family to the bride's family), the *barlaque* places the relationship between spouses into a context that goes beyond the dyad formed by the couple, forcing the spouses to take responsibility by their behavior before the families. Thus, the husband's will may be limited by a social obligation. What some women's organizations state is that this may be the original purpose of the *barlaque*, which, today, may have been corrupted by the first interpretation (OPE, 2003a, p. 15).

The hierarchy between generations is a highly respected principle, and is, certainly, more important than gender differences in the domestic environment of the villages. Thus, the oldest woman in the house has a considerable power over men and women of the newer generations. In a group of the same generation, the oldest woman can use the services of her younger sisters for the execution of the house chores while they are still single. This way, although the young wife has initially a low prestige in the household, as time goes by and she gets older new women come into the

house (including the couple's daughters) and take on the maintenance of the domestic routine. It is not by chance that the Timorese markets are usually packed with elderly women negotiating mainly with agricultural products, since they do not have to spend the whole day involved with the housework or the harvest activities.

In this sense, gender does not work alone at the power relations which underlie the use of force in domestic relationships. It is, perhaps, even a minor factor in face of other markers, such as the generational one. Moreover, although gender exerts its influence on many aspects of the social life, the ethnical differences are much more remarkable in the quotidian relations. The great ethnical diversity of this half-island has produced a history of big and small battles and a tradition of jokes and proverbs that evoke conflicts between the local identities. Thus, gender seems not to establish a crucial differentiation in the discourses and social practices in East Timor. That depends on what aspect of the social life is being focused.

However, in the representations about the body constitution we can see that gender is an operative marker, and, in some cases, can be the base for discrimination and violence. The local commerce, for example, is usually regarded as an activity in which women are welcome, provided it does not imply great displacements.<sup>16</sup> The concern with the displacement points to a differentiated perception on the bodily constitution of men and women. In this sense, the women are seen as not strong enough to carry and use weapons (the *katana*), and, for this reason, are regarded as vulnerable during the displacements and do not receive permission to keep away from their villages of birth.

Still in the sphere of the representations about the body and the reproductive activity, it is important to point out that reproduction is regarded as a responsibility of the women – more than a mere responsibility, it is usually regarded as a duty. In spite of the Church's disapproval, the concept that if a woman does not provide her husband with children he is socially authorized to get himself another wife is still usual. This way, infertility is always a problem of and for the woman.

### **New elements on the stage**

The described setting is quite characteristic of the rural areas of the country, where 76% of the Timorese population lives (UNICEF, 2002, p. vii). The urban environment of Dili, however, has posed constant challenges for many of the characteristics described above. A story that I heard about in Dili, in the end of 2002, is very expressive on what concerns that. A Timorese man, printing technician in a local printing office, had been married for eleven years and had always beaten his wife. She had always felt the physical pain, but never cared about it. Until the moment in which she asked for divorce. The husband did not understand it. He did not see any reasons for it; after all, that had been the standard conduct in their relationship for over a decade, and



she had never got annoyed by it. The novelty was that, now, his wife was working in the local office of the Red Cross, along with several foreign employees. The husband came to believe that the foreigners were “planting ideas” in his wife’s mind. Sure enough, in a certain extent, this is exactly what has happened. The physical pain she had to endure for years was now added to a moral suffering.

Talking to the woman that was the boss of the printing office employee, I tried to understand what had driven the wife to cease enduring the act of aggression. According to her, the wife was now ashamed of being beaten by her husband. In face of the group that shared her quotidian life in the workplace, that act acquired another connotation: it caused shame and humiliation – a kind of pain that only results from an insult. We can say that, in face of a new context, the *act* of physical aggression became an *attitude of insult* to that woman’s person. Like L. Cardoso de Oliveira (2002), we can easily see here a new kind of pain, a pain that has no ontological existence, but depends on the perception of the insult for existing in the world.

Somehow, that woman felt now ashamed for being spanked by her husband, and this new kind of pain she could not bear. In a great extent due to the social contact with the foreigners, the physical aggression acquired a new meaning, a reason for shame and humiliation. In my view, we can say that what used to be *physical aggression* had become *domestic violence*.

But those ideas do not come only from expatriates (foreign employees) of the UN system. There are important local actors acting to incorporate gender equality into the national agenda and providing the aggression against women with a new meaning. In addition to the several Timorese NGOs for protection of the women’s rights,<sup>17</sup> the government possessed an Office of Advisement to the Prime Minister for Promotion of Gender Equality (OPE – Office for Promotion of Equality), a position occupied by a woman that is an activist of the Timorese women’s movement, and which has been involved in this cause since 1975.

The OPE, in a joint project with the United Nations Fund for the Population (UNFPA), has been, as of 2002, leading a series of events – campaigns, inquiries, working up of legislation, radio and TV shows – that, little by little, are consolidating, especially in the urban environment of Dili, the expression “domestic violence” as the definer of a new morality that makes of the physical aggression within the family, especially to the women, an unacceptable act. This new morality has also changed the way by which people seek to solve what they come to regard as a dispute – or a conflict to be settled. This new category encompasses different attitudes that, previously, had also different local statuses. An example of this is the physical aggression between spouses. In Tetum, the lingua franca and one of the official languages of the country, it is defined by a reflexive verb, *baku malu* (fight each other, confront each other). This points to a perception in which violence is not practiced by an aggressor and suffered by a victim, but is an act of reciprocal misunderstanding, which makes of the traditional mediator’s efforts an attempt to fix up such misunderstand more than to punish an

aggressor. While *baku malu* does not characterize a dispute, “domestic violence” does characterize it. The first one is a disharmony that needs to be harmonized; the second one is a conflict involving a wrong party and a right party, and the wrong party should be punished.<sup>18</sup>

The concern with consolidating the concept that *domestic violence* is a crime, regardless of the aggressor’s motivation, caused the OPE to propound a specific legislation on the theme, instituting the crime of domestic violence and providing legal support to the operators of the State law. Thus, from 2002 to 2003, a bill was prepared by a group of human rights consultants and activists, and a national consultation was conducted in order to discuss the bill with the local communities (OPE, 2003b). The proposed law resulting from this process is entirely guided by international standards of human rights and respect to gender equality, and engaged in creating mechanisms for supporting the victims and reeducating the aggressors. In addition to the new legislation, OPE and UNFPA have developed, together with the Office of the General Prosecutor of East Timor, a guidebook of procedures for the action of the public prosecutors in the cases of domestic violence (Guide, 2003).

If those measures aimed at strengthening the action of the operators of Law in the Timorese courtrooms, on the other hand the UNFPA and the Office for Promotion of Equality took steps also for strengthening the other extremity of the legal system: the police. A module about domestic violence was, then, included in the training of cadets in the police academy of Dili, causing every police officer graduated for the NPET to have both basic notions of assistance to the victims and some familiarity with terms such as “human rights”, “women’s rights”, “gender equality”, and so on. Moreover, a conjoint work with the national office of the Vulnerable Persons Unit (VPU) of NPET took measures to hold training sessions in every district for the local units of VPU, capacitating police officers for the assistance to cases of sexual and domestic violence.

Similarly with the government, projects created by NGOs and groups with higher influence on the country inland have been also addressing the violence against women. Workshops for the formation of trainers on sexual violence were held by the Australian Caritas in a number of districts. In other ones, NGOs for the defense of the women’s rights, such as Fokupers, conducted workshops of communitarian mobilization for local groups.<sup>19</sup>

This set of actions has been exerting an impact on how women lend a meaning to the aggressions they suffer. This enables us to construe the incredible increase in the complaints of *domestic violence* to the police (from 8%, in 2001, to 15% of the complaints in 2002) as an expression that something is really changing in the meanings ascribed to body, gender and violence in East Timor. In this process, local concepts are linked to ideas and values borrowed from the Western modernity, producing odd syntheses, not always desired by the discourse that postulates gender equality.

An example of this kind of unexpected effect occurred during a training session for the police, and was witnessed by me in an inland district. In the

training, in which routines for the investigation of cases of sexual violation were presented, one of the local police officers raised his hand. He had some questions about the great number of sexual violation complaints they had been receiving along the last months. Based on the statistics, we could then say that the gender equality discourse was operating transformations in the place. Could it be that those Timorese people were becoming less “indulgent with regard to violence”? Many complaints were filed by parents that came to accuse one or other young man from their village of having seduced their daughter, asking the police to arrest him under the charge of rape. When proceeding to the investigation, however, the police officers found out that the picture was rather different. In many cases the involved youngsters had been dating for quite a while and intended to get married, but the families had not agreed on the matrimonial exchanges involved in the bride’s wealth. In some cases the negotiation had reached a dead-end, and, by involving the police in the story, the girl’s family sought to push the boy’s family into accepting their demands. The police officer did not know what action to take in situations like these. Was he or was he not in face of a criminal case? Should he or should he not accept the rape accusation? Was it or was it not a case to be taken into Court?<sup>20</sup> It did not look like that to him, but the parents got furious when he told them that, perhaps, they were not in face of a crime. For those parents, there could not be a bigger violation than that non-authorized access to their daughters’ body.

More than a case of a mistaken use of the police assistance, this seems to me a case of strategical use of the new categories introduced by the discourse on gender equality. Knowing or not that the case at issue was not a crime to the eyes of the Law, those people went to the police in search of an additional resource that could result in pressure on the young man’s family to force them to pay the *barlaque*. Thus, we would have the manipulation of an instrument of the Western modernity (the police, an institution of the modern State) to ensure a traditional right – or a right that was regarded as legitimate based on the local tradition, but had no legal support whatsoever in the modern structure of State or in the formal system of justice. Moreover, we would have the local population manipulating a new concept, pertaining to the Western modernity (“sexual violation or violence”), with the purpose of solving a dispute associated to native customs.

### **Gender and national identity**

The relation of the new narrative of gender with what is locally perceived as pertaining to the Timorese culture or customs (the *barlaque*, for instance) is delicate. The OPE itself, in the campaign launched on the international day for the elimination of violence against women in November 25, 2002, presented the slogan: “Gender-based violence is not a part of the Timorese culture” [“violensia basea ba gender laos kultura East Timor nian”, in Tetum].

This slogan was a clear effort to respond to the criticisms that the institution of a new morality for gender relations could be a menace for the local culture.

The efficacy of this process – its ability of having the desired result in the quotidian life of a great portion of the local population – depends, in a great extent, on how it relates to the legitimacy of the local forms of authority. We cannot expect that this new discourse is incorporated by the population – or even perceived as a legitimate one – without some kind of sanction by the traditional leaderships. The discourse of gender equality cannot do so easily without the local support. Mentioning the historical moment of a similar kind of commitment – the proposition of a (modernizing) national project with the traditional authorities in East Timor - Jannisa states:

“I will put forth the idea here that the ‘modern` and ‘traditional` - or the élite and the maubere - levels of East Timorese society did not really conjoin until the early 1980s, when FALINTIL under Xanana first asked the population if they should go on fighting and then changed the direction of the resistance struggle, away from a military logic (since there was no possibility that the war could be won by military means anyway) towards a struggle which actively involved all strata of society. When the katuas, the elders, along with the great majority of the population, in 1981 decided to support Xanana and Falintil, they at the same time subscribed to the above abstract idea of East Timor, an imagined community in Benedict Anderson’s words.” (2002, pp. 26-27).

Similarly, the equality discourse seeks to prove itself by avoiding a confrontation with symbols that are regarded as a portion of the local tradition. This kind of concern has led the PGE to formulate its strategy of fight that was synthesized in that slogan. However, if we recall the moral dimension that must be present in order to make of the act of aggression an attitude of violence, the slogan acquires another meaning. As a matter of fact, the concept that the physical aggression to female bodies is an attitude of violence, named “gender violence”, is not really included in the Timorese culture. And, in this sense, we can state that the "domestic violence" is not "part of the Timorese culture", but is presently being "invented" in this society.

## **Conclusion**

East Timor has been for centuries a space where different peoples, different forms of social organization and cultural values gather. Such tradition of bordering space seems to reappear in this moment in the process of fight against domestic violence, in which different confronting sensitivities are detected not only on what concerns the domestic violence theme, but also the very meaning of such concept. In this encounter, the divergences are the motto. Sometimes what is defined by the Law as a crime is not perceived as such in the conceptions of the local communities; sometimes what is locally perceived as a crime is not defined as such by the Law.

Within this scenario, however, there is a general movement to transform, in the moral sphere, the subjective (although publicly shared) meaning of the use of force in the domestic relations. In order to restrain such use, the local repertory acquires the concept of *domestic violence* as a form of negatively valuing an act of aggression; as a form of instituting a change in the moral

dimension of the violence that thoroughly alters the meaning of its physical experience. Thus, even before being fought off, *domestic violence* must be invented.

Drawing attention to the socially constructed character of violence, however, does not mean to disregard pains of other nature, not necessarily named as domestic violence. On the contrary, by paying attention to this dimension of the phenomenon, we may, inclusively, lend visibility to pains that are often not associated to the materiality of the wounded body. During the national consultation for the preparation of the law on domestic violence, for example, the groups (especially the traditional leaderships) usually did not accept the concept that every act of violence is a crime. The groups tended to establish different levels of violence, regarding a mild aggression, or an aggression applied with the purpose of educating, as a normal aspect of a relationship. Although the participants were refractory to regard some kinds of “violence” as crimes, the range of what could be construed as such was considerably ample. According to the groups, if a man got himself another woman without the consent of the first one, this would be a clear case of violence. Thus, even without perceiving the physical aggression as violence, a social life was assigned to another kind of pain, which had nothing to do with the body; a kind of pain that can only be explained to the light of the perception of a moral offense.

Another group stated that a man should never force his wife to obey him against her will. This would be an offense to the woman’s right of having her opinion and will respected within the household, provided, of course, that her will would not imply to abandon her duties. Other groups regarded as much more serious than a slap the fact of a man not consulting his first wife before getting himself a second one, or qualified as violence the disrespect to the woman’s right of *not wanting* to report the case to the police (Simião, 2005). Thus, the denaturalization of the category “violence” allows us to perceive the way in which acts not necessarily associated to a physical aggression may be construed, to the light of the local morality, as very serious forms of insult – forms that are, indeed, cases of *violence* for many Timorese women.

On the other hand, in addition to the conflicts between different conceptions about violence, the observed material seem to point to conflicts between local pieces of knowledge (also multiple and contradictory) and a technical and political knowledge pertaining to the Western modernity. From this encounter of pieces of knowledge on body, family, gender, and violence, mediated by the intentions of a political game and locally manipulated by men and women, the production of a Timorese modernity results. A modernity in which different sensitivities concerning body, justice and gender relations interact, generating different responses at every moment.<sup>21</sup>

Moreover, by articulating both more general representations about body, violence and education and localized experiences of a quotidian pain in bodies marked by gender and generation, domestic violence may be regarded as a particularly important theme for the understanding of some dilemmas of the Timorese modernization. At the same time in which they speak of private

conflicts, incarnated in particular bodies and relations, the contradictions of the process of combat to domestic violence point to ongoing changes in the Timorese society in a more general sphere, articulating different notions of legal right, justice and individual.

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## Notes

1 The National Police of East Timor was formally instituted in May 2002, with the restoration of the independence. Before that, however, the police assistance and the record of occurrences were already performed by the United Nations police (UNPOL) in conjoint with Timorese natives. The 2001 data concern the assistances that were made by the Unpol, but are present in the statistics history of the current NPET.

2 In 2001, according to a NPET report, of a total of 4,917 occurrences, 382 were of domestic violence. In 2002, the domestic violence complaints reached 853 of 5,576 occurrences.

3 For a discussion on the role played by narratives of gender in dispute in the affirmation of national identities in the Southeast region of Asia, see Ong and Peletz (1995), Edwards and Roces (2000) and Jayawardena (1994).

4 East Timor possesses just four Justice Courts throughout the whole country, which makes difficult the physical access to the State justice. Although the police have a bigger penetration in the country, the population fears to take familial cases to the police precincts, since during the 24 years of occupation the police had been mainly in the hands of Indonesians.

5 A *lia nain* from Dili told me about an example of this kind of attitude concerning a case of conflict between neighbors. A resident had taken the case before the *lia nain*, accusing his neighbor of having killed one of his pigs. The neighbor explained that the pig was destroying his crop, and that he had warned the accuser repeatedly to confine the animal. Since the pig had not been confined and went on destroying his crop, the neighbor killed it. In the trial conducted by the *lia nain*, the neighbor's reaction had been fair, and, therefore, he was not to blame for the pig's death. The pig had been killed due to the negligence of its owner, who, in this case, was not entitled to any compensation.

6 About the notion of juridical sensitivity and how it constitutes different senses of justice in different cultures, see Geertz (1998).

7 I use the expression "alternative processes of disputes resolution" in reference to the traditional forms of justice (local forms of mediation and judgment of disputes, coordinated by the traditional leaderships of the Timorese villages). It should not be mistaken by mediation, also alternative to courtrooms, but executed under the aegis of the State justice.



8 I think that, in order to emphasize this difference, we should use words such as violence, aggression and force more accurately. My proposition is to speak of "use of force" in reference to the factual dimension, "physical aggression" when the force is publicly perceived as an unjustified excess, and "insult" when it acquires a negative moral connotation. In this sense, an act of force, even being felt as a physical aggression, may not be characterized as an insult, since the moral dimension may radically change the meaning of the physical experience.

9 Several authors regard the sense of the Timorese traditional justice as a ritual for the restoration of the social order and of a broken harmony that needs to be re-established (Soares, 2002; Hohe, 2003). For Soares, for instance, the rituals for the resolution of conflicts are "only a portion of a big process that seeks to link the past and the future, conducting society to an ultimate state of social stability, in which peace, serenity and honesty prevail".

10 The examples of women's misbehaviors are usually associated to the non-execution of the household chores, while the men's misbehaviors are related to the loss of money in bets and drunkenness.

11 L. Cardoso de Oliveira borrows from Strawson an example that elucidates how resentment is less associated to the facts themselves than to the perception of the intentions that are subjacent to a given attitude. "If someone steps on my hand by accident, while trying to help me, the pain may not be less intense than if they step on it as an act of ostensive disregard to my existence [...]. But, usually, I will feel in the second case a kind and degree of resentment that I will not feel in the first one" (Strawson, *apud* L. Cardoso de Oliveira, 2002, p. 82).

12 Recently, a colleague that was returning from his field investigation in the Western region of Java told me that a North-American fight movie that, in the United States, portrayed the battle between a hero and a criminal had its title translated in Java to "The two heroes". On what concerns the meaning of violence in the mediation of conflicts of different natures in that region, see Robinson (1995), Aragon (2001) and Acciaioli (2001).

13 A lady that I interviewed in the district Court of Dili, and had suffered a fierce physical aggression from her husband, told me in these very words: "spanking with the purpose of teaching is one thing; this (pointing to her bandaged head) is another".

14 Some Portuguese teachers that, at the service of the Portuguese mission in East Timor, acted along several months in Timorese schools would usually express a deep discomfort in face of what they regarded as unreasonable punishments, applied by their local colleagues to the students. Accounts about little boys being forced to stand under the sun for hours or to kneel on corn seeds, or simply being slapped around due to minor disturbances in the classroom were often heard.

15 The exact number of languages and ethnic groups in East Timor is a controversial matter. In this regard, see Schouten (2001).

16 Men and women are present in the markets almost in the same number, but trading different products. The women usually sell vegetables, eggs and industrialized products imported (or smuggled) from Indonesia, while the men deal with meat (buffaloes, cattle, chickens, pigs and goats) and alcoholic beverages (the palm-wine, *tua mutin*, and its distillate, *tua sabu*).

17 The women's movement in Dili counted, in 2003, on sixteen organizations. Two NGOs stood out in the assistance to women that were victims of violence: Fokupers, presently led by young activists graduated in Indonesian universities; and Etwave, founded and administered by a militant of the women's rights.

18 The relational character of the domestic violence had already been pointed out in studies such as the ones by Gregori (1993) and Grossi (1998), which displaced the analysis' focus from the woman to the conjugality. In this sense, even in contexts in which the physical aggression is socially perceived as violence and legally represented as the action by a subject on a victim, a set of reciprocal responsibilities is always present.

19 It is interesting to observe, however, that women's organizations such as OPMT and OMT, which are historical and mass organizations, have been relatively distant from the theme of domestic violence, developing activities predominantly associated to the generation of jobs and income.

20 The instruction provided by the trainers, adequate to the formal procedures, was that the police officer should not accept this kind of case, since the sexual intercourse had been consented, and no crime had been perpetrated. What the officer could do was to suggest to the family to file a civil suit with the district Court.

21 For a detailed understanding of the different projects in dispute in the construction of a modern State in East Timor, see Silva (2004).

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