



**Democratization of Law: A
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Democratization of Law: A Look at the Popular Legal Promoters Program¹

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Abstract:

This article discusses how a legal training course, called "Popular Legal Promoters," is able to foster the democratization of law. This task will be undertaken using as a starting point the participating women's opportunity to learn about their rights and the instruments for making them effective. This was chosen as the starting point because there is an understanding that the problems that are common to women, and their feeling of belonging, are fundamental to their possibility of exercising their rights. The article analyzes a fieldwork experience during the 11th training course of Popular Legal Promoters in the city of São Paulo, Brazil, in 2005, providing a profile of the participating students, their expectations and experiences.

Some reflections on the research method

To speak of Popular Legal Promoters is to speak of a familiar topic in the feminist movement and in some sectors of the human rights movement —militants, NGOs (Non-Governmental Organizations), participants in public projects and policies—; in these sectors, the topic requires no further explanation. Nonetheless, when one exits the small nucleus of these militancies, few people know what this course is, who the women are who participate in it, where they are from, what their goals are, and why they want to know more about the law and legal rights. These women sometimes even have to explain to family members who the Popular Legal Promoters are and what they do.

In the street, we have to explain what it is. Then it's like this: "Ah, you're taking a course? How is it, what is it?" "Legal

promoters," "What does that mean?" That's where I resolve the issue. I say: "Look, this is what the course is about: when you study a specialty, let's say you study law. Or let's say you study psychology, you become a psychologist. Social worker, perhaps. Then what do you do after that, you become a part of an office and you start providing services in the area that you studied, for the people of the community. That's exactly what I do. The only difference is that I have an intermediary" [The Union of Women] (P6).

This article presents an examination of these women who, as participants in a capacity-building legal training course, can act in defense of other women. During the year of 2005, I carried out field research at the 11th Popular Legal Promoters Training Course in the city of São Paulo, attending all classes from February



to November. My choice of the course as the object of my study was not made randomly. The Popular Legal Promoters training project forms part of a large panorama of social projects in legal education and human rights. Its importance is reflected in the fact that it has had a great deal of success in a little more than a decade, and has also spread to various cities and states throughout Brazil. Today, it can be said that there are legal promoters from north to south in Brazil, in cities such as Manaus, capital of the state of Amazonas, and Porto Alegre, in the southernmost state of Brazil². Without a doubt, this diversity is reflected in the women's activities, which deal with demands for rights that are specific to local realities. This project influenced and inspired a number of projects in rights education, inspired by popular demand for legal education and based in the necessity of knowledge of legal rights as a way of guaranteeing that people exercise their citizenship. The diffusion of this legal knowledge, legal knowledge that is not the sole privilege of specialists, carries a fundamental importance in the strengthening of democracy and the development of democratic social practices, which build upon the exercise of voting rights and participation in free elections. By guaranteeing that people are capable of understanding their life experiences in relation to their legal rights, the door is opened for the generation of personal, collective and institutional changes.

Now, for the sake of a clearer reading, we want to briefly examine the history of the Popular Legal Promoters course before presenting the research method and its results.

A brief history of the Legal Promoters

In May of 1992, representative of two Brazilian NGOs, The São Paulo Women's Union (*União de Mulheres de São Paulo*)³ and Themis⁴, participated in a legal training course for women

backed by the Latin American Committee for Defense of Women's Rights (Comitê Latino Americano e do Caribe para a Defesa dos Direitos da Mulher, or CLADEM)⁵.

In this encounter, they had contact with other examples of programs of legal training for women that already existed in other Latin American countries, such as Argentina, Peru and Chile.⁶ From this course was born the initiative to promote legal training for women in Brazil, initially in two cities: Porto Alegre and São Paulo. The first course in Brazil was carried out in 1993 by Themis. In São Paulo, the project was initiated in 1994, through a course named "Introduction to the Course of Popular Legal Promoters" participated in by 35 popular leaders. These initiatives influenced and continue to influence the resurgence of other legal training projects in the country.⁷

In general terms, the central objective of the training courses is to educate women in legal matters, the workings of the state and the organization of the legal system; they also help them understand the social constructions of exclusion and discrimination against women. The goal is for these women to become conscious of their rights and begin fighting for their effectuation. The focus of the course is to make possible that these women may come see their legal rights from the perspective of human rights, especially the human rights of women. It seeks to divulge the rights of women in a multidisciplinary manner, with a focus on the areas of law, health, social services and sociology; it also seeks to empower the course's participants.⁸

In agreement with Bonetti et al (2003, p. 255), there is an "appropriation of the universe of rights" that makes possible "the personal transformation of each woman." The



authors affirm, nonetheless, that this is "a slow and continued process of education and empowerment with respect to the exercise of citizenship: the self-authorization to appropriate a right and perceive it as one's own, and not as a gift that has been conferred."

It's important to note that popular legal training projects do not occur only in this project⁹ and in Brazil. There have been similar experiences in a variety of countries, such as Namibia, South Africa, China, the Philippines, Kenya, Bangladesh and India (Golub, 2003). In these countries, people, referred to as paralegals, act as legal leaders in the places where they live.

In this way, these legal training programs promote something that Schuler and Kadri gamar-Rajasingham (1992, p. 2, *apud Golub*, 2003, p. 360) refer to as "legal literacy—the process of acquiring critical consciousness of the law and of rights, the ability to affirm one's rights and the capacity to mobilize for change."

The Popular Legal Promoters and the 11th training course in the city of São Paulo, which I attended during 2005, form a part of this global scenario.

I also elected to study this project because it is the longest-running program of its kind in São Paulo.¹⁰

Today, the "Popular Legal Promoters of São Paulo" project has a state-level coordinating team with representatives that carry out the course in various cities of São Paulo state. Up to the end of 2005, more than 3,000 women have been educated in this state. The coordinators of the project have also elaborated a Charter of Principles that provides basic parameters to any entity that wants to implement other Popular

Legal Promoters courses. This charter reflects the high demand for such materials on the part of human rights and women's organizations.

The following are some of the objectives of the Legal Promoters training course¹¹:

1. Generate consciousness in women of their rights as people and as women, thereby transforming them into subjects of law.
2. Develop a critical consciousness with respect to existing legislation and available mechanisms, in order to apply this consciousness in a way that combats sexism and elitism.
3. Promote a process of democratization of legal and juridical knowledge, particularly in areas that pertain to gender relationships and women's situation in society.
4. Capacitate for the recognition of legally assured rights in situations where violations have occurred, and of the legal mechanisms for reparation.
5. Foster conditions where participants can in turn educate other women in defense of their rights.
6. Inspire participants so that they may relate the knowledge that they have produced together when they act in other social movements and organizations.
7. Enable the educators to relate legal teachings to gender perspectives and a transformative form of popular education.
8. Capacitate the participants so that they act in promotion and defense of their rights along with the Executive, proposing and supervising public policies aimed at gender equality and the fight against racism.

The objectives listed above show us that the project focuses on women's actions and behaviors. The course seeks to promote the democratization of rights knowledge from a perspective of "transformative popular



education," so that women can critically identify situations where rights have been violated, help other women and act in defense of their rights. The objectives can be divided into two categories: "knowledge of rights" and "intervention/change/transformation."

Beyond these objectives, the Charter of Principles presents a basic curriculum to be followed that contemplates the gender question, notions of State, introduction to the study of law, the tripartite power structure, access to Justice, Human Rights, the right to health care, sexual and reproductive rights, racial discrimination, welfare and workers' rights, criminal law and criminal procedure, civil law and consumer law, gender and the environment, and the rights of children, adolescents, disabled people and elderly people. This shows that the course is not only concerned with women's rights. The proposal is comprehensive and seeks to impart general notions with respect to various branches of the law.

The Popular Legal Promoters training course in São Paulo does not require the participants/students to be community leaders or participants in a specific entity or social movement. This is because the coordinators feel that one's desire to participate may be understood as a first step toward future actions, and even if the women (students) do not go on to participate in social movements, their participation in and of itself represents a change in the manner that they come to see gender relationships and everyday situations.¹²

The course is held annually and consists of around 120 hours of classes and other sessions. Around 60 women are educated each year in the city of São Paulo. The majority of the course is made up of expositive classes, with some additional awareness workshops and visits to public agencies, such as the First

Delegation in Defense of Women. The classes are administered by law professionals, judges and lawyers, with additional participation by sociologists, psychologists and social workers. During the course, legal topics are studied from a gender perspective.

In this way, the course promotes greater access to legal knowledge, which is seen as transformative with respect to the reality of everyday life. Furthermore, the impact of the course extends beyond the acquisition of knowledge to facilitate the creation of ties of solidarity and friendship between the women who participate in it. The possibility that the participants will develop a conception of their own pertinence is another motivating force of the project. To pertain is to be in a situation of continued encounters with people who live in similar situations and share histories and life experiences, creating ties of solidarity in order to utilize knowledge of legal rights and promote transformations. Here, pertinence is evidenced in the construction of solidary relationships by which the participants come to identify themselves: they will be popular legal promoters, women who know their rights and act in society.

The course may be seen as an event capable of transforming the reality of women's lives and experiences through a process of informal education. Education is presented as a transformative instrument that gives new meaning to experiences both individual and collective. This educational process is also related to the formation of an emancipatory political culture. This was my objective in this research project: to verify in what way the course, in its various facets, stimulates and promotes this empowerment and capacitation through which the women who participate in the project, by



way of the information made available to them, begin to recognize the possibility to participate in processes of social change.

In the words of a student on the first day of the 11th Popular Legal Promoters course in São Paulo: "I've always enjoyed the struggle. I've come here to learn how to fight!"

Finally, it is necessary to highlight that the birth of the Popular Legal Promoters training course is incorporated within the context of re-democratization of the Brazilian state and the promulgation of the Constitution of 1988. It may also be related to the achievements of national and international feminist movements¹³.

Why legal rights?

When considering the law in the context of the Popular Legal Promoters training course, it's necessary to start with an already-classic question: is the law an instrument used to maintain the current order, the *status quo*; or, on the contrary, is it an instrument for social transformation and the mobilization of the so-called popular classes, or even the urban middle classes? Are these two faces of the law antagonistic or not?

Another question relates to access to Justice, understood not only as access to courts, but fundamentally as access to the language employed in legal proceedings. To what extent does knowledge of legal rights reveal itself in demands for their effectuation?

Beyond these questions, it's necessary to understand the law as an expert system, in accordance with Anthony Giddens (1991); as a specialized and closed system, in accordance

with Boaventura de Sousa Santos (1988, 1996); and as quasi-holy, in accordance with Pierre Bourdieu (2004).

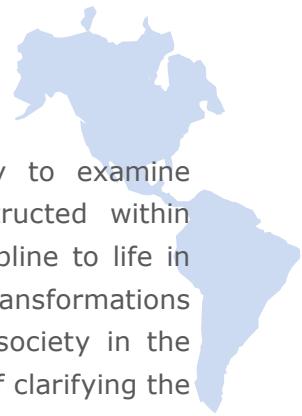
The existence of other forms of conflict resolution, parallel to official/state law, which according to Boaventura de Sousa Santos are connected to the phenomenon of legal pluralism, will also be one of the focuses of this analysis of the law.

Finally, it is necessary to seek to define the relationship of human rights discourse and policy in the promotion of increased access to the law (and to legal rights).

Initially, the law stands out as a "system of principles (norms) coercively imposed on a specific social group by any social organization granted the power to do so" (Grau, 2000, p. 13). In this way, the law is a set of socially established rules mediated by relationships of power. It is inconceivable to think of the law without this aspect of imposition of norms that regulate life in society.

Complementarily, Ferraz Jr. (1994) understands the law as a technique that employs language as its instrument with the objective of peacefully solving conflicts. It is ultimately the law that guarantees protection to citizens against arbitrary actions of the state, but it also contributes to the maintenance of the status quo and of inequalities.

This duality of the law, that is, the guarantee of protection against arbitrary actions of the state and the manipulation of techniques that permit the control and domination of the most underprivileged members of society, is intimately tied to the topic broached by Dubet (2001), when he addresses the existent dichotomy between two notions of inequality



present in modern western society, where they coexist in an often conflictive mode. On the one hand we have the equality of all people as formally guaranteed by Democratic Constitutions through their Declarations of Rights; on the other hand, we must admit that the capitalist system does not permit the pursuit of equality by all people in a uniform manner.

In this way, the two definitions of law outlined above are important because they permit us to visualize the law as a constitutive element of life in society; and for this reason, it carries its own set of contradictions. Thus, we are able to abandon a Manichean and dichotomous vision of the law as nothing more than a reflex of the relationships of production of the capitalist system, in which the dominant class always legislates in favor of its own interests. It is necessary to see it in its dual aspect: that of the reproduction of inequalities and the contestation of the current order.

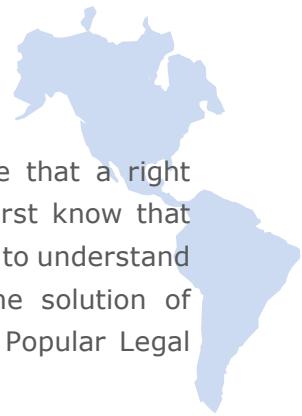
Ferraz, Jr. (1994) affirms that the ideal of justice gives meaning to the reason for the law's existence, and that without it there would be no reason to respect the law. Without that minimal moral value, law loses its signification and lacks legitimacy. This means that law equals justice in the sense that they are organs of the state. They should be aligned in relation to these areas of tension created between dominant and dominated classes, and they should not merely exist through the dominant class's subjugation of the dominated class, by which the dominated class, without any possibility of resistance, would not even utilize laws and justice in defense of its rights, believing that the cards had already been dealt. In this case, the dominated class would only be left with feelings of resignation.

It is therefore necessary to examine the spaces of resistance constructed within that very law that provides discipline to life in society, paying attention to the transformations that have occurred in Brazilian society in the last twenty years, with the goal of clarifying the discussion and meaning of the Popular Legal Promoters training course.

Brazil exists today as a Constitutional State¹⁴. This state establishes a set of fundamental rights and guarantees, which cannot be altered by the exclusive criteria of legislators or governing politicians. This set of rules reflects desires for a more just and solidary society, or rather, it reflects an idea of how Brazilian society should be and wants to be, albeit an idea that hardly exists in current-day Brazil. These desires are included in the Constitution of 1988 with good reason: they are the fruit of changes that occurred in Brazil from 1940 until today, but principally during the time period spanning from the last dictatorial regime to the present day.

Initiatives such as the Popular Legal Promoters training course act in the training of a legal and political culture regarding citizenship that is capable of altering perspectives with regard to legal rights. The objective is to educate people regarding the imbricated panorama of rights: what the law says, why the Constitution is important, and what organs of the state exist in order to guarantee rights. This may be seen as a form to follow in the configuration of a new "attitude standard with respect to the law and rights."

This legal promoters course will quickly give us a great deal of support. It will give us... it gave us an excellent vision as to how to begin our work [...]



Our interest is the following: to establish courses in all the communities that we are familiar with, in these neighborhoods, that increase awareness amongst them ["the young people of the periphery areas"]. And this legal promoters course is going to be an important step in the process. Because there are two of us now, and next year we'll suddenly be six or seven. Isn't that how it is? (P6)

Beyond the specific characteristics of the historic conception of justice (Santos, 1996), it must be emphasized that difficulties related to access to the courts are also related to the profile of the people who have had their rights injuriously violated. The search for reparations spans from the comprehension that a right has been violated until the belief that that violation may be remedied. The question that arises is: is it worth it to fight for the effectuation of that right? According to Santos (1996), personality, combined with factors such as sex, level of education, social class, ethnic class and age, affects people's social relationships (family, community, political), and is determinant in the transformation of injurious violations into litigation. The most vulnerable groups tend to have the lowest capacity for perceiving violations and to litigate as a result of violations, due to a set legal-political culture.

[...] different social groups have different perceptions of situations where litigation is possible, and different levels of tolerance with respect to the injustices that may be translated into litigation. For this reason, low levels of litigation do not necessarily reflect low levels of unjustly injurious behaviors (Santos, 1996, p. 50).

Thus, in order to perceive that a right was violated it is necessary to first know that one possesses that right, and also to understand which public organs exist for the solution of the conflict. As a student of the Popular Legal Promoters course states:

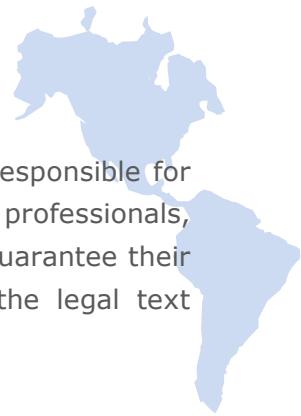
It changes everything. Before you picked up a book or read something in the newspaper. This is what happened, "she did this," now you know, she had rights. You didn't know to what point your rights and obligations existed. Now we know our rights and we can go backwards. Before no, people were afraid. "That there isn't for me, no!" Now we have certainty with respect to rights and obligations. (P4)

Such statements reflect the formation of a new culture of rights, as well as the possibility of bringing them into effect.

Meanwhile, despite developing ties between people and establishing rules of social coexistence, the law, just like other areas of knowledge, is distant from people's everyday life. It is a set of knowledge that is difficult to comprehend. Justice is always seen as a hermetic, ritualistic, difficult-to-access institution, only understandable by those who are a part of it. Utilizing the term proposed by Giddens, it is an expert system (1991).

From Giddens' perspective, expert systems function as islands of knowledge. Only a small number of specialized experts are able to comprehend them and operate them, but without them, life in contemporary society would become completely unimaginable.

This is how Giddens defines expert systems:



When I say expert systems, I refer to systems of technical excellence or professional competency which serve to organize large areas of the social and material environments in which we live. The majority of lay people only consult 'professionals'—lawyers, architects, doctors, etc.—periodically and irregularly. But the systems in which experts' knowledge is integrated influence many aspects of what we do in a continuous manner. When I'm simply sitting at home, I'm involved in an expert system, or in a series of such systems, in which I have deposited my confidence (Giddens, 1991, p. 35).

According to him, the existence of these expert systems is sustained by the presence of confidence, understood as the belief in something that one does not comprehend, or in someone whom one does not see. In these cases, one assumes that the systems have the necessary instruments for their perfect functioning.

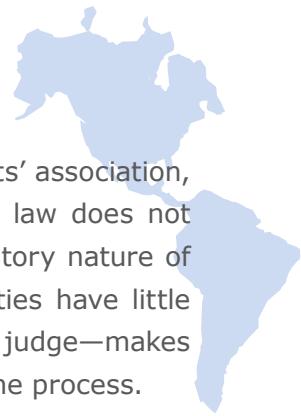
To complement the idea of faith and confidence in an expert system, Bourdieu (2004, p. 225) clarifies that law, or the "legal space," imposes "a frontier between those who are prepared to take part in the game and those who, when they find themselves involved in it, remain in fact excluded from it, because they are unable to undergo the conversion of all of their mental space—and, in particular, all of their linguistic posture—that is necessary for entrance in this social space."

Bourdieu (2004) uses metaphors to define those who dominate the law and those who are not familiar with it as the professionals and the profane, respectively. They are a part of what he calls "social division." The profane, by the operative logic of the dogmatic tradition of the

law, position themselves as not responsible for the decisions pronounced by the professionals, and even those who attempt to guarantee their independence are subjected to the legal text inserted in the "fighting game."

The law presents itself to a large parcel of the Brazilian population through its ineffectiveness, or, in a much graver way, through its effectiveness by way of penal law. In these spaces, where the presence of the state as guarantor and promoter of citizenship is virtually null, and where the state's presence is virtually tied to the presence of the police¹⁵, openings are created for the regulation of social life by other mechanisms, by other forms of law that aren't related to state law. Other than forms of law not recognized by the state, these mechanisms include forms of conflict resolution that act in spaces where state law is not capable of penetrating due to its very nature, or due to its deficiencies. In these situations, people lack confidence in the expert system, because they understand that it is not capable of solving the conflicts whose demands clash with the legal culture of the courts, or that it does not have the structure needed to receive and solve conflicts.

The phenomenon of legal pluralism, defined by Santos (2002) as the possibility for the coexistence of various legal orders in a single territory, presents itself in these spaces¹⁶. To Santos, the possibility for the coexistence of these multiple forms of legal knowledge and practices are the fruit of the very inequalities, not only economic but also intrinsic to the system, that place official law in its role as the maintainer of a determined social order, constituted in the form of an expert system. In the moments in which this expert system isn't able to respond to the multiple questions generated by society, extra-official legal forms begin to multiply.



In his research carried out in the 1970s in a Rio de Janeiro favela, the sociologist shows how a legal system develops parallel to the official law, as a part of the dispute over housing (Santos, undated, 1988). The author shows how the population elaborates mechanisms of conflict resolution without the mediation of official law, and frequently in opposition to this law. The population "found ways" to resolve its disputes over urban land in any way possible.

It can be said that such conflict resolutions, despite not enjoying legality in relation to state law, enjoyed emic effectiveness and legality, and constitute community law¹⁷. Denominating this law as "Pasárgada's law," he defines it as:

An unofficial parallel law, covering a very intense legal interaction in the margins of the state legal system (asphalt law, as it is called by the favela inhabitants, because it only holds vigor in urbanized, and therefore paved, zones). Obviously, Pasárgada's law is only valid in the heart of the community and its structure is based in the inversion of the basic norm of property, through which Pasárgada's legal land statute is consequently inverted: illegal occupation (according to asphalt law) is transformed in ownership and legal property (according to Pasárgada's law) (Santos, undated, p. 14).

It is interesting to see how this parallel law goes through a process of definition and constitution of foundations for the solution of internal conflicts, at times reproducing the official law, and at times innovating with respect to official law. Pasárgada's law "is operated through a legal discourse characterized by the very intense and complex use of legal rhetoric" (Santos, 1988, p. 17). In this law, the presence of persuasive power is an important element for the fulfillment of the

decisions proffered by the residents' association, keeping in mind that Pasárgada's law does not possess the imperative and obligatory nature of official law, in which the two parties have little interaction and a third party—the judge—makes decisions without involvement in the process.

Santos (1988) affirms that in Pasárgada's law a "popular technical language" is developed, which seeks to bring together the parties in legal conflicts, in proportion to their needs in the resolution of their conflicts.

I understand this language as an intermediary between the languages of the profane and the professionals as described by Bourdieu (2004), which permits an appropriation of the elementary principals that establish law-based relationships. I have seen a very similar occurrence in some of my interviews with the popular legal promoters, who end up acting as intermediaries between the demands that appear in neighborhoods where they live and the work that they carry out.

As in Pasárgada's law, the access to legal knowledge as proposed by the Popular Legal Promoters training course is also a way to create dialogue and utilize official law ("asphalt law"), unraveling its "secret language."

This was the case in the information given by one of the promoters to her female neighbor, who was "married" to another woman. As it is not recognized in Brazilian legislation, marriage or union between people of the same sex has attained a different status in the interpretation of the promoter.

It's that she found that she was scared of going to the lawyer, just because she's a woman who's lived with another woman for 18 years...What was there to do? I



said: "No, it's equal rights, it's the law," I went home and grabbed a book about rights and duties, I gave it to her to read, she read it...and I solved the problem. Without paying attorney fees... (P6)

Considering that the Constitution guarantees that all people are equal, why would she have to distinguish herself as being part of a gay marriage? It's interesting to note that in this case, beyond the information provided to the woman, money was saved that was going to be spent on a lawyer. Beyond that, she was not confident that she would receive the same information if she went to the lawyer, probably due to the idea that he would have preconceptions related to the woman's marriage.

Finally, what is the relationship between human rights and the reflection concerning the law developed above? Why consider human rights when one is reflecting on the dichotomy of law: maintenance of the status quo, or change and social transformation? What is the relationship between human rights and expert systems? And, is it possible to speak of the effectuation of human rights in a context of legal pluralism? Why consider human rights when analyzing the Popular Legal Promoters training course?

To Koerner (2003), human rights play a fundamental role in democracy, in that they

[...] are not only an instrumental and strategic element, but are central to political deliberation in democratic society. They manifest the needs, the reactions and the demands of marginalized sectors, which are not adequately translatable through the politically dominant lexicon. Moreover, they provide standards for the recognition of problems among segments

of the population that do not identify these problems as rights violations. Finally, they enter in the space of public deliberation, granting the reciprocal recognition of agents and their demands, the formulation of common norms, and public discussion concerning the reasons that justify people's normative pretensions (p. 152).

Therefore, the effectuation of human rights becomes a possibility within the state's sphere of influence. Although one may consider that many times legal pluralism contributes to the solution of conflicts to which official law does not provide a response, these achievements lack legality and consequentially lack legal security and certainty.

This is why projects such as the Legal Promoters are important, because they seek to spread legal knowledge from a human rights perspective; that is, they reference human beings' personal dignity and combat socially constructed inequalities. One could say that the course seeks to promote confidence in the expert system of the law, providing instruments that allow women to demystify its quasi-"secret" language. But, because the training course teaches women about the law in order to promote social change, we can state that the techniques of the system do not remain alien to the women, who remained lay with respect to the law until their participation in the course.

In this way, the law comes to be seen as an instrument of power that establishes its relationships in an absolutely egalitarian fashion among citizens. But, viewed from the plane of reality, it is not effective; it does not have an effectuation that is based in the capitalist structures of production and exclusion. In these cases, we may arrive at a limit situation in which people, working for their daily survival, don't



find means of resistance or encounter ways to recreate shared life in society.

It is necessary to find mechanisms of resistance within this situation of isolation, both for the construction of citizenship and for the formation of a culture based in laws, as is proposed in the Popular Legal Promoters training course.

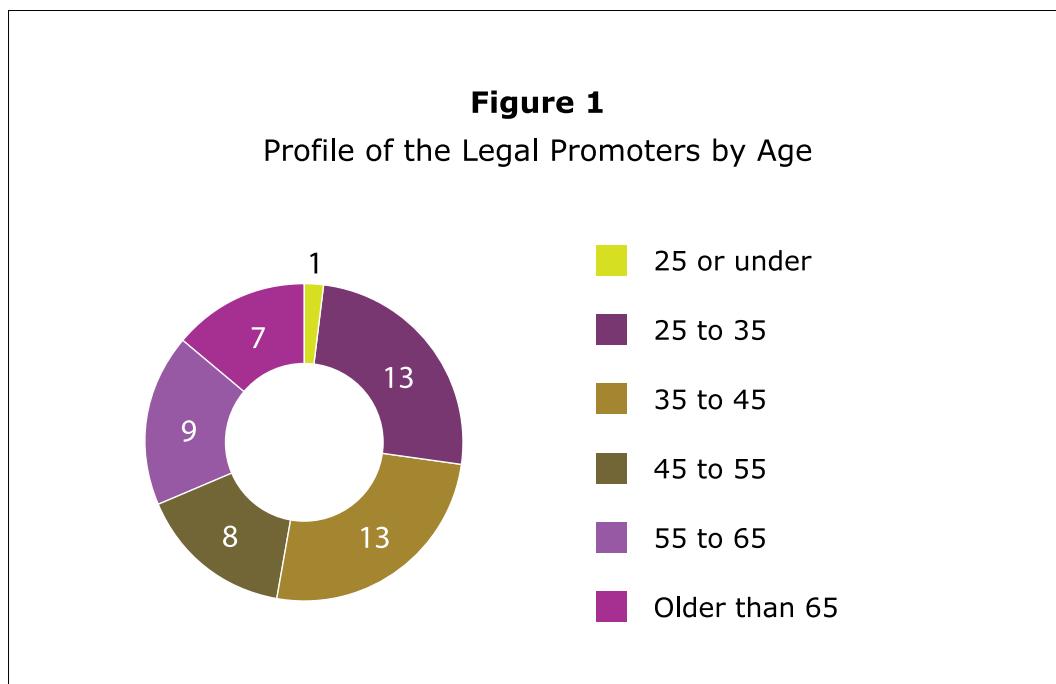
The Human Rights discourse provides one of the paths toward the constitution of a true sense of citizenship, although in Brazil it suffers from a series of preconceptions (Vieira, 2001). Developed from the struggles and contradictions of the capitalist system, the human rights discourse is today the most appropriate way to deal with the inequalities born from this system, and to break from the culture of isolation. This is because it speaks of a reality that is hoped

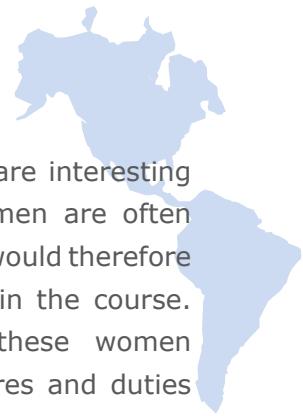
for by many: a society that is able to deal with differences without transforming them into inequalities; a society that guarantees these objectives in the form of laws.

Student Profile

As a part of my research, 39 of the students who attended and completed the Popular Legal Promoters training course filled out the student profile questionnaire that I distributed to all students at the beginning of the course. Therefore, the material that I possess corresponds to 61% of the popular legal promoters who completed the 11th training course in São Paulo.

The following represents some of the data collected through the questionnaire:

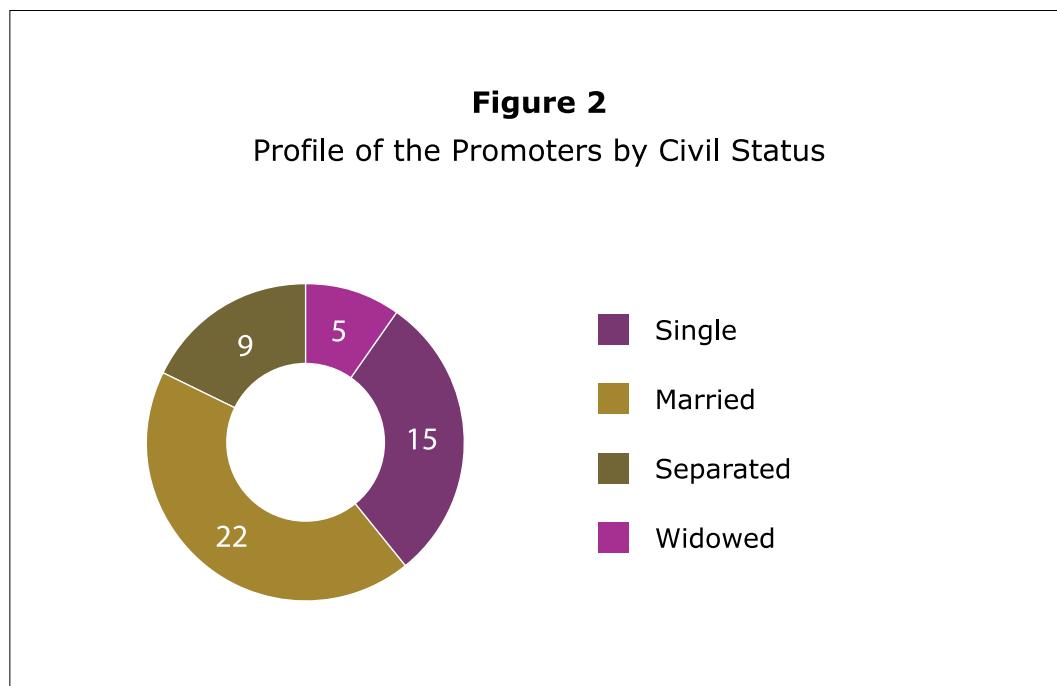




The above chart shows that, despite the fact that the course is open to all women, with a minimum age of fourteen, almost three fourths of the participants in the course are women between 25 and 55 years of age. The greatest degree of representation is found between 25 and 45 years of age. This possibly reflects that these women have entered a more mature period in their lives, and have a desire to take on specific compromises. Beyond this, it's interesting to note the participation of senior women in the course.

With respect to civil status, the chart shown below demonstrates the presence of a majority of married women over single women, separated women and widowed women. It is necessary to note that I included both legal marriages and stable unions in the category of married women; I also included legally divorced women with those who are either legally or de-

facto separated. These statistics are interesting because single or separated women are often thought to enjoy more liberty and would therefore be more available to participate in the course. Nonetheless, considering that these women have to set aside household chores and duties every Saturday in order to come together for the course, as well as find babysitters for their young children, it's probable that separated and single women encounter more difficulties that affect their participation, primarily if these women have children. If we compare these statistics with the information about age, we can see that the presence of not-so-young women in the participant profile may be related to the age of their children, who in many cases are older and more mature, and therefore more autonomous. This data is reaffirmed by the fact that 75% of the students who responded to the questionnaire are mothers.

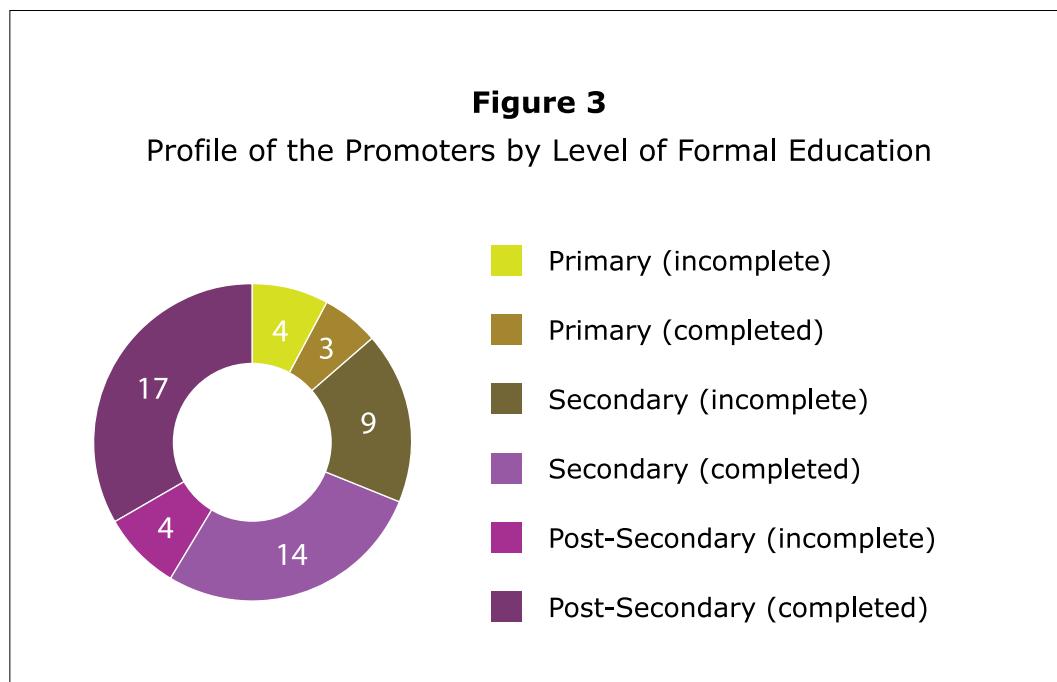


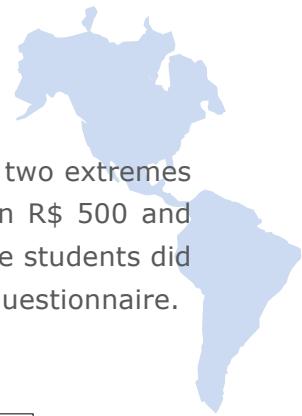


With respect to education, the heterogeneity of the participants in the course is worth noting, as has already been affirmed in the anterior information. Divided in six categories (complete or incomplete levels of education), the chart below offers a very basic representation of the degree of education of the women, as it does not clarify whether they are currently studying or not. Some of the women, for example, declared their level of education and also said that at the present they were studying. The fact that a third of the participants have post-secondary diplomas stands out. In the 11th training course, these women held degrees in Social Service, Pedagogy, Psychology and Law. In the sample, seven of the 39 promoters who completed the course are social workers. Information from the course yearbook shows that a total of 14

social workers completed the legal promoters training course (22%). But, if we consider the two sections of women with post-secondary coursework—completed or incomplete—we see that 41% of the promoters have experience at that level of education, whether they have completed their degree programs, are currently studying, or have left their studies incomplete. With respect to secondary education, we find that a further 46% of the participants have attained this level of education, including some participants who have completed technical and professional courses.

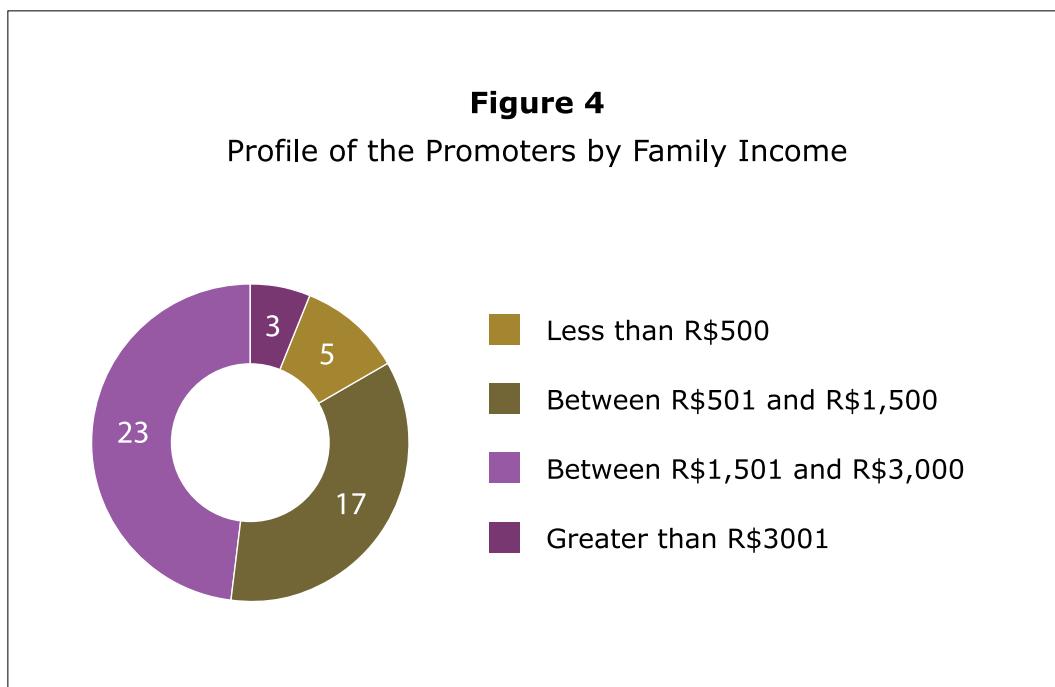
Finally, the information gathered shows that women who have only completed their primary education represent the smallest number of the participants in the Popular Legal Promoters training course.





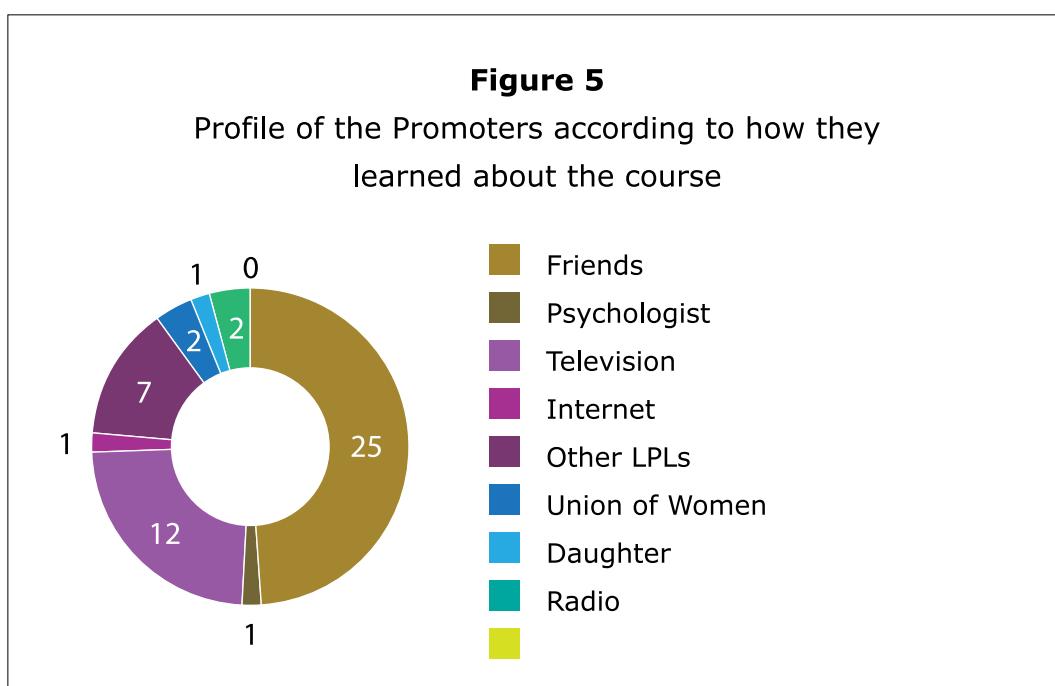
Finally, with respect to income, we find that almost half of the students report a family income between R\$ 500 and R\$ 1,500, and that slightly more than a third report income between R\$ 1,500 and R\$ 3,000. A lower

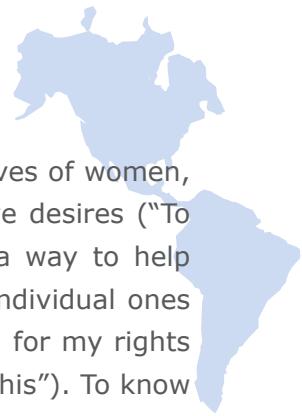
number of participants fall in the two extremes with respect to income: less than R\$ 500 and greater than R\$ 3,000. Also, three students did not complete this portion of the questionnaire.



It is also interesting to consider the participants' responses regarding where they learned about the existence of the course. The

question: "how did you find out about the Popular Legal Promoters course?" was answered in the following manner:





The above diagram signals that more than half of the promoters learned about the course through friends and acquaintances, by way of what we might call "word of mouth." 25 of the women interviewed responded that a friend or colleague from school or the workplace had told them about the course, while seven of the participants affirmed that they had learned about the legal promoters course through a friend who had previously participated in it. Beyond the information listed above, it is also worth noting that in all responses, the participants in the course learned about it from other women.

Objectives and Expectations

Beyond the socioeconomic profile discussed above, the questionnaire presented three questions related to the women's expectations and objectives for the course.

Considering that the central objective of the course is to transmit knowledge about laws, knowledge that is aimed at social change, we may state that the objectives and expectations of the students are, in a way, consistent with this purpose.

In their responses as to why they became interested in completing the course, I was able to perceive that the women's motives for taking the course were related to their interest in amplifying their knowledge and learning more about laws and rights. For example, "Because it covers all the political, social and economic areas of Brazilian citizenship," or "To expand my knowledge of laws and rights," that is, they exhibit the perception that to know the law means to know some of the "foundations" of the reality in which one lives.

Nonetheless, it is worth noting that in almost all of the completed questionnaires, the desire for this knowledge is tied to the possibility

for changes that may affect the lives of women, which encompasses both collective desires ("To expand my knowledge and find a way to help construct a better society") and individual ones ("Because I was always searching for my rights and I wanted to know how to do this"). To know one's rights has a practical application, because when individual rights are clarified, one can go on to help those in need ("To have the capacity to help those who are in need"). This means that one is able to conquer the space formed by the streets in order to learn and liberate oneself from rooted preconceptions ("To know my rights, be respected, and be liberated from certain preconceptions"). It is also a part of the struggle against the discrimination suffered by women ("Because I always liked the movement in support of citizens' rights and in defense of women").

With respect to the second question, "Where do you plan to utilize the knowledge that you have attained in this course?" I perceived that the majority of the women hope to use this knowledge in the spaces where they already participate and act ("At my job, where I work with needy families"), for their own good and for the good of others, altering society's views on women ("In communities, explaining and orienting women, making it so that they command respect and are respected"). This question is related to the first one, but the responses reflect more practical objectives, demonstrating the desire that the knowledge obtained in the course may be utilized in daily practices ("In my day-to-day life. I can't keep silent when I see injustice"). It is interesting to note that defending rights means defending whomever is discriminated against, and not just other women (In the community where I live and in all the places where my action as a legal promoter might be needed," or "Working with the elderly and the disabled").



Regarding the third question, "What are your expectations for the course," responses were related to the following motivations: to acquire knowledge, to learn, to learn in order to put knowledge into practice, to learn about laws, to exchange experiences, to create ties with women from different regions, and to see the world in a different way. Asked if they had already completed other similar courses, 20 of the respondents said no.

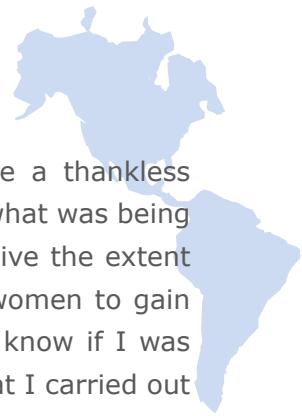
Finally, it is worth examining the testimonies given during the first evaluation workshop, carried out in June of 2005, when all of the students took a turn at the microphone in order to give their impressions regarding the course. Their words indicate interrelated achievements, many of them personal, which demonstrate an alteration of gender relationships in the home universe ("Our first victory is related to courage. To wake up early and leave the side of one's husband and children to do something that is for the people, above all"), of the vision that they have of the world ("The course brings to the surface some things that many people suppress within themselves. Many barriers and preconceptions are knocked down), and of the collective changes that may be brought about through new knowledge ("I'm a housewife. I want to help my neighborhood's women's association. I already caused a great deal of trouble in school, so I went back and started to study again. With the small amount of information that I received here, I was able to help a lot of people. When there's a problem, my daughter says: 'let's go to my house, because my mom studies like crazy!").

Final Considerations

Taking the microphone and speaking: that's how it began, in February, at the presentation of all of the students of the Popular Le-

gal Promoters Training Course. "The microphone empowers," states course coordinator Amélia de Almeida Teles of the São Paulo Union of Women. Everyone was required to take the microphone, which in a certain sense symbolizes the public universe.

In line, the women moved toward their public presentation. Some of them timidly stated their name and the neighborhood where they lived, whether they were single or married, whether they had kids, and if so, how many. I felt a festive climate of happiness among the participants. Many of them said that they had seen a segment on television about the promoters and became interested in the course. Many, almost half of the women enrolled, said that they were social workers. Others spoke about how happy they were to participate in the course, that it was going to be a really good thing, that they were going to learn to stand up for themselves and other women. One of them became very emotional, and said that it was the first time in her life that she had spoken in public. I counted 109 women who were beginning the course. 64 of them completed it. I was also called on by the course's coordinator to present myself. She said that I was a lawyer and that I was doing research in the field of Education about the course and about the legal promoters. It was the first of two times that I took the microphone and spoke. The second time, I asked the students to fill out my questionnaire. I tried, over the course of the year, to be an observer of the course, and avoided manifesting my feelings with regard to topics that I considered controversial and subjects that I considered important. Many times I wanted to grab the microphone and speak, but I always thought twice about it, remembering that if I took a stance in that space I would damage the view that the students had of my presence there and the role that I was carrying out.



Having said that, I don't want to affirm that the researcher is simply that person who observes, analyzes and judges. I think that is what we do, but also that, in many cases, our position as observers extrapolates our sphere of control and we find ourselves in the middle of animated conversations during the coffee break or in line for the restroom, where students ask us for legal information or are curious about our research and who we are, what we are studying. I would see some of the students during my trip home on public transportation, and they would always converse with me, telling me stories about their families and children. I even received a gift from one of the students, a woman who made crocheted bags.

In this sense we not only observe, but also create ties with the people, ties of affection and of goodwill. When the course ended in November, I felt a mixture of relief and sadness: relief because I had arrived to the final stage of my field work, and sadness because I had gotten used to seeing that group of women every Saturday morning.

I say this to clarify to the reader that my considerations with respect to what I saw, heard and witnessed in the field work represent a particular perspective, and no matter how hard I try, they will be far from impartial. It is necessary to remember that my views are influenced by my legal education, and this is an important piece of information when one considers that the Popular Legal Promoters training course is a course that seeks to democratize legal knowledge in a way that influences women's lives. I tried throughout the year to separate myself from my familiarity with legal terms and language, seeking to identify the moments in which it was more difficult to comprehend these elements, which concepts were more complicated, and which terms would have been seen by the women for the first time.

However, that proved to be quite a thankless task. I needed to be attentive to what was being said at all times in order to perceive the extent to which it was possible for the women to gain access to legal language. I don't know if I was able to do that. The interviews that I carried out gave me some ideas.

I interviewed six legal promoters in October and November of 2005. Two of the interviews were individual, and the other two were carried out with two promoters each. I sought to divide the subjects of my interviews generationally and educationally. I thus interviewed the youngest promoter, who has also studied at the university level, individually (P1). I also individually interviewed a promoter who works as a social worker (P2). Together, I interviewed the two oldest promoters: one had an incomplete primary education (P3), and the other had completed secondary school (P4). Finally, I interviewed two promoters who live in peripheral neighborhoods of the city: one with an incomplete primary education (P5), and the other with an incomplete secondary education (P6). These promoters were interviewed two at a time in part because they were friends and always sat together during the course, one pair always seated at the front of the class and the other at the back; always in the same places. When I asked if they would let me interview them for my research, they said that they would prefer to be interviewed together. I initially hesitated, believing that the result wouldn't be satisfactory, but in the end I thought that interviewing them together would put them at ease and they would be able to more freely speak their minds.

In relation to the questionnaire distributed at the beginning of the course, the objective was to gather general information about the students' backgrounds (origin, age, civil status,



family income, education), as well as elicit an initial look at their expectations and objectives for the course.

When I distributed the questionnaire I made it clear to the students that it was important to me as a part of my research, but that they weren't obligated to respond nor identify themselves, unless they felt it was appropriate. I received 51 completed questionnaires, and only one respondent chose not to identify herself. The dropout rate for the course was fairly high. In the beginning, I thought that I wouldn't be able to utilize the questionnaire in my research, because the completed questionnaires wouldn't correspond to the participants who completed the course. But, when I compared the questionnaires to the course yearbook¹⁸, I found that of the 51 completed questionnaires, 39 corresponded to students who completed the course (11 of the respondents did not complete the course). For my profile to faithfully and completely represent the total group of students who completed the course, it is necessary to note that 25 questionnaires were not returned. Therefore, my data represents 61% of the popular legal promoters who finished the 11th training course in São Paulo.

My selection of a course on law and rights exclusively focused on women was made by chance. The importance of the Popular Legal Promoters legal course is related to the necessity of promoting and spreading legal knowledge, granting access to its quasi-“secret” language. Furthermore, increased knowledge of the law can lead to participation in the construction of social changes. Despite the fact that there is not an obvious and direct relationship between knowledge and change, the former can provoke the latter when combined with other elements, such as a political culture. Knowing the law does not make one fit to fight for its effectuation.

Nonetheless, knowing the law is necessary in order to be able to transform one's reality.

Then, it's like that, it's having that mission, that things can be changed, policies can be changed, people can convince other people... (P1)

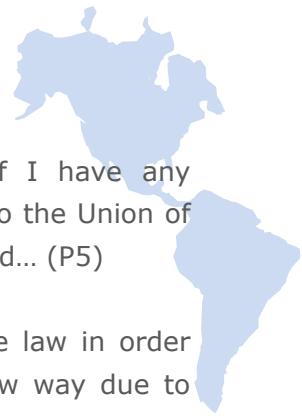
In this way, we can see why legal training courses in the mold proposed by the Popular Legal Promoters training course are important: because they spread knowledge of the law in its dichotomies and complexity, and this knowledge becomes an instrument of domination and of mobilization.

The proposal of holding a course with the law as its central focus is a way of promoting increased insertion of individuals in this expert system that affects everyone's lives.

Thus, the central focus is to learn about the law (and legal rights). Its unique language, to which access is restricted to a small number of people, impedes the majority of people —true possessors of legal rights— from accessing its contents. The Legal Promoters experience the transposition of the limits that separate the profane from the professionals, the lay people from the experts.

In my 76 years of life, I didn't know about a lot of things and their relation to the question of experience, provenance, laws and rights. In these very wonderful classrooms, we've gotten all types of information (about the environment, parenting, adolescence and many other things), it clarified many things for us that we never would have known if we hadn't attended this very worthwhile course. It was really an optimal experience (P3).

The urgent necessity for projects such as



the Popular Legal Promoters Training Course is reflected in various difficulties regarding access to justice and the law, and in more general terms, to the legal culture of the courts, the backgrounds of the operators of the law, the training model used in law schools, the superimposition of the Executive Power —which always claims its discretionary administrative nature— as well as the lack of organized groups prepared to act in defense of people's rights. Also, the law as represented in the course is a bit different from the law as represented and studied in academia.

I studied law, and the content of this course was something completely different, because it was different from the university; I see how the law, the formal law of the university, differs greatly from these contents, from human rights, from a perspective of this situation: gender, ethnicity... It doesn't exist! That's exactly it, it doesn't exist. (P1).

The training of women to act as intermediaries between demands for access to justice, as if these women were "bridges" between specialists and the profane, causes the law to become more democratic, following the perception that if one knows the law, then he or she can fight more effectively for its effectuation, formulate demands for more efficient public services, and bring attention to violations that were previously unrecognized. The importance of this training is also recognized by the promoters, demonstrating that empowerment is not only knowing one's rights and fighting for them; it is also responsible for the manner in which women see and recognize themselves, and understand the importance of their work.

You all directly exist, you all have autonomy. I, on the other hand, I don't have autonomy. I recognize the cases

in the community, and if I have any problems I present them to the Union of Women. And it's established... (P5)

It's related to knowing the law in order to see oneself in society in a new way due to the possibility of learning something new: to see oneself as a valued individual:

There are many people who think that it's enough to go to primary school. Because a lot of people ask me: at your age, what is it that you're studying [...] I have a friend who asked me. I'm studying citizenship, the right to justice, the right to liberty, the right to work. You're not going to do anything with that, she said to me. I said: I'm very happy that this is happening in my life because I didn't have the opportunity to do things like this when I was younger, at the age when one should take advantage of the opportunity for education. Now I'm doing it in an underground way, but I'm happy (P3).

They think that one studies for the job that they will have afterwards. I say: I'm doing it for me! [...] We've won the right to the law (P4).

To win the right to the law: To be conscious of the fact that the law is guaranteed to individuals, and recognize the possibility of fighting for its effectuation.

It is because of all of this that the Popular Legal Promoters training course is an example of how legal capacitation initiatives, which seek to expand people's knowledge of the law from a Human Rights perspective, are capable of solidifying democracy, empowering people to act in defense of, and demand for, the effectuation of their rights.



Endnotes

1. The present article was elaborated as a part of the master's dissertation: "Quando o direito encontra a rua: um estudo sobre o curso de formação de Promotoras Legais Populares" FEUSP, 2006. Defended on March 16, 2006 and overseen by the professor Dr. Flávia Schilling.
2. The project has such a high profile that in 2009, the Lula government, as a part of the proposals presented in the National Program of Security through Citizenship (Programa Nacional de Segurança com Cidadania, or PRONASCI), implemented the program "Women of Peace," which is made up of community leaders who act in the neighborhoods which are the focus of the public policy.
3. The São Paulo Women's Union is an NGO. It was founded in 1981, with the initial participation of 300 women. From its foundation, it has acted in the most important struggles for women's rights in Brazil, especially in São Paulo. These issues include the struggle for access to daycare services in the beginning of the 1980s, the creation of the State Council on the Condition of Women, and actions in support of women's rights in the Constituent Congress (text taken from the publication *8th Popular Legal Promoters Course*).
4. The NGO Themis was founded in 1993 in Porto Alegre, and its mission is to amplify women's access to the legal system through the construction of new mechanisms that defend and promote their rights. The intervention of Themis takes place through three basic programs of action: **Training of Popular Legal Promoters**, an original project of this NGO that remains its central means of intervention; **Feminist Advocacy**, which provides legal assessments, seeking favorable legal examples and precedents; and the **Center for Documentation, Study and Research**, dedicated to the development of theoretical foundations for intervention and interaction with the operators of the law, as well as the expansion of training methodologies (text taken from the site www.themis.org.br, accessed on August 21, 2007).
5. For more complete information, please see www.cladem.org (accessed on December 20, 2005).
6. The history of the Popular Legal Promoters course in São Paulo is available on the site www.promotoraslegaispopulares.org.br (accessed on August 21, 2007).
7. In July, 2007 the Brazilian Ministry of Justice presented the President of the Republic with a package of legislative measures included in the National Program of Security through Citizenship. Included in these measures is the Mothers of Peace project, inspired in the legal capacitation and action of the popular legal promoters.
8. Empoderamento is a term that does not exist in the Portuguese language, rather, it was "imported" from the English term "empowerment" and has been utilized by Brazilian activists and researchers to denominate the process that surrounds people who are capable of standing up for their rights from the moment that they become aware of these rights, as well as the instruments that they may utilize to acquire them.



9. There are other initiatives in the city of São Paulo, which are reflected in the makeup of this course but carried out by other entities. One such initiative is the Popular Legal Promoters course organized by Geledés and the Institute of Black Women, which is directed at black women. Another example is the course given in 2001 to incarcerated women in the Feminine Penitentiary of the Capital, by the Collective for Liberty and Social Reintegration (Coletivo para Liberdade e Reinserção Social, or Colibri). There are also similar courses organized through the initiative of promoters of justice from the Santo Amaro Forum (Caetano, 1998). In the same mold, but without gender delimitation, we may cite the Center for Human Rights and Popular Education (Centro de Direitos Humanos e Educação Popular, or CDHEP) in the Campo Limpio zone of southern São Paulo, which has a project named "Leadership School," which seeks form in participants a critical conception of reality, the city and its outskirts, as well as many other parts of the rest of the world.
10. Later, after the first initiative of organization and coordination on the part of the Union of Women, two other entities joined the project: the Brazilian Institute of Public Advocacy (Instituto Brasileiro de Advocacia Pública, or IBAP), and the Public Democratic Ministry Movement (Movimento Ministério Público Democrático, or MPD). The partnership has existed for 15 years.
11. Extracted from the Charter Letter of the Popular Legal Promoters (www.promotoraslegaispopulares.org.br, accessed on January 15, 2005 and December 20, 2005).
12. The dropout rate of the course throughout the years has been high, around 45-50%, perhaps simply because many women find out exactly what the course is about after attending a few classes. There are also instances where students stop attending the course because they do not share its vision of the topics presented in relation to homosexuality or racism, for example. For more complete information, see: Oliveira, Fernanda C.S F, Quando o direito encontra a rua: um estudo sobre o curso de formação de Promotoras Legais Populares, dissertation, FEUSP, São Paulo, 2006 (especially chapter 4).
13. In the international sphere, we want to highlight the legislative gains shown in the International Pact on Civil and Political Rights (Pacto Internacional de Direitos Civis e Políticos, or PIDCP) and the International Pact on Cultural, Economic and Social Rights (Pacto Internacional de Direitos Econômicos, Sociais e Culturais, or PIDESC). These pacts were formed through the American Convention on Human Rights (Pact of San Jose, Costa Rica) of 1969, the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, and the Interamerican Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).
14. Despite repeated disrespect toward Constitution of 1988, either through the promulgation of unconstitutional laws, or due to the application of these very laws by the magistracy, despite all of this, legally speaking, we live under a Constitutional State, based in the search for democratic values.



15. "In clear terms, even though its vocation is not connected to this and it also lacks the competencies needed for this, the police should from now on carry out the duty that social work doesn't do, or doesn't do any more, since it has been admitted that there are not (will not be) jobs for everyone. The regulation of permanent poverty through salaried employment follows after its regulation through forces of order and through the courts" (Wacquant, 2001, p. 129).
16. The coexistence of parallel legal orders that complement the official order stands out in other moments of Brazil's history. Koerner (1999, p. 7), based in Gilberto Freyre, presents a colonial patriarchal family as a space in which relationships are not ruled by formal law. "The space of each family constitutes a species of "cave" that is not penetrated by the state's authority."
17. The expression "communitary" that is presented here is seen throughout the discussion presented by Bauman (2000), in which the author questions the indiscriminate use of the word "community." In this article, the expression merely seeks to delimit a grouping of people who live in the same territory and whose lives are ruled by a specific set of rules, in this case the rules of Pasárgada's law.
18. The yearbook is a brochure that contains the history of the Popular Legal Promoters, a presentation of the course's organizing entities, the contact information of the people responsible for its organization, and the contact information of the promoters who have completed the course.

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