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Refraction

Emergence of Supranational  
Powers

Regarding the Shake-up of  
Democracy

Development of Russian Higher  
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# Exploring the Essence of the Universe

*Samo Liu*

## ABSTRACT

Drawing from the philosophical ideas of Daoism, Buddhism, as well as modern scientific theories such as physics and cosmology, this paper explores concepts of space, time, and the universe, reflecting on their significance.

*Keywords:* essence of the universe, fundamental energy, intellectual energy, material energy, matter, energy, information, the space, the time, the universe.

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# Exploring the Essence of the Universe

Samo Liu

## ABSTRACT

*Drawing from the philosophical ideas of Daoism, Buddhism, as well as modern scientific theories such as physics and cosmology, this paper explores concepts of space, time, and the universe, reflecting on their significance.*

**Keywords:** essence of the universe, fundamental energy, intellectual energy, material energy, matter, energy, information, the space, the time, the universe.

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## I. INTRODUCTION: THE UNIVERSE IS ALIVE

It is widely known that geocentrism was once a philosophical theory, with human and Earth existence as its core. Without scientific revelations about the universe, some might still consider geocentrism as the truth today (Liu, "Reflection and research on the origin of the universe").

Humans are known to be alive; they speak, possess subjective consciousness, and move. Anything capable of change over time, from measurable beginnings to immeasurable ends, is considered alive. It is hoped that human language and numerical information can recognize the existence of matter without discrimination.

Physics tells us that the entire material existence of the three-dimensional universe is in motion (Lange's "Theoretical Concepts in Physics"). The Earth rotates, orbits the Sun; the solar system revolves around the Milky Way; the Milky Way moves around larger galaxy clusters and groups, constantly changing. Molecules, atoms, particles, and quarks also remain in perpetual motion (Landau's "Quantum Mechanics").

The universe, with its beauty and order, is in constant motion and change. Is it artificial? Certainly not, as humans themselves are part of the universe, capable of thinking, having subjective consciousness, and using language, numerical, and scientific tools to discover and study. How much have we discovered? What is right and what is wrong? Humans can use information to judge information (Liu, "Thinking and research on the Human origin").

Research indicates that according to the mechanics of physics, the universe and all things within it possess a natural, non-subjective awareness. At the macro level, matter perceives gravitational and electromagnetic forces; at the micro level, particles perceive strong, weak, electromagnetic, and thermal forces (Liu, "Reflection and research on the origin of the universe").

It's possible that science has yet to identify all the forces between matter; forces are the mutual perceptions of material existence. The structural and qualitative aspects of matter generate, emit, and perceive information. The perceived mechanics of force are a factor. The relationship between cause and factor constitutes mechanics. All forces, beyond just gravitational, electromagnetic, strong, and weak forces, include the crucial concept of thermal dynamics, for which physics has no answer. In mineral processing work, chemical bonding force is also an important concept of material existence (Liu, "Reflection and research on the origin of the universe").

Research suggests that all forces may collectively lead to the creation of mass; mass is related to time. Force is the root cause that creates, sustains, moves, and changes the universe and all things within it, ultimately causing matter to vanish

during motion and change (Liu, "0-dimensional universe Survival test of all things").

Research methodology involves understanding Daoist philosophy (Liu, ".Tao Te Ching \_ Universal Declaration"), understanding Buddhist philosophy (Liu, "Textual research of the universe original classic"), and dialectical materialism (Engels' "Dialectics of Nature").

It is widely known that humans are alive but will eventually die. Being alive constitutes existence, with feelings and subjective consciousness. When humans die, their bodies remain but devoid of consciousness or sensation. However, do humans still perceive? Yes, otherwise, you would fly off the Earth. Mechanics constitute the shared endowment of mutual perception and causality for all material existence, bestowed by the universe. Research suggests that humans possess the innate ability for material existence twice over, essentially having two lives (Liu, "Thinking and research on the Human origin").

Understanding on the "I Ching," it's found that the universe consists of material and non-material Yin and Yang. Combining Daoist and Buddhist philosophical ideas with cosmological reflections, it's discovered that non-material existence also possesses a natural awareness (Liu, "Reflection and research on the origin of the universe"). Why is the universe the way it is? Where does it come from? Where does it go? Why are humans the way they are? Where do they come from? Where do they go? These are the questions of the essence of the universe.

## II. ESSENCE OF THE UNIVERSE

Contemplating the philosophical questions of the essence of the universe is a focal point of human thought in the axial age (Armstrong's "The History of God"; Jaspers' "The Origin and Goal of History").

Western philosophy encompasses numerous schools of thought and an extensive array of literature, with authors critiquing each other. However, two philosophical systems stand out for providing systematic approaches to existential contemplation without attacking other systems:

Daoist philosophy and Buddhist philosophy. Learning modern scientific knowledge such as physics reinforces the belief that these two philosophies are scientific philosophical ideas.

Hence, with limited knowledge of Western philosophy, discussions are superficial and merely based on partial understanding. This paper provides scientific philosophical reference information, avoiding attacks on any theoretical system. Constructive criticism is welcomed, serving as a new coordinate system for thought.

References include philosophical historical works by Russell, Tilly, Robert, and Allen; study of works by Marx and Engels; and browsing through works by Aristotle, Plato, Descartes, Spinoza, Leibniz, Kant, Schopenhauer, Hegel, among others. As a doctor of engineering, numerous scientific works have also been read, including those by Copernicus, Galileo, Newton, and Einstein, leading to the following reflections on the essence of the universe.

## III. THE SPACE

Space, a term familiar to people, seems to leave little room for discussion. However, a very serious issue is that the 500 years of scientific development occurred without a clear understanding of the true foundation of space. The development of modern physics brings a harsh fact: without resolving the issue of space, the contradiction between quantum mechanics and relativity may remain unsolvable (Liu, S. (2020)).

Space is a monumental question in the history of human philosophy, one that humanity must address.

### 3.1 Western Philosophy's Conception of Space

In ancient Greece, many philosophers and scientists pondered the fundamental questions of the universe, with various thoughts on space and the entities within it, lacking unity and systemization, and tending towards materiality. Space was viewed as an unknown deity, possessing a divine presence.

Socrates, out of reverence for the gods, suggested abandoning the study and contemplation of space, focusing only on exploring the material world and human society, as described in Plato's works.

Plato left behind dialogues and stories, summarizing his philosophical thoughts for posterity. Faced with the grand, infinite, and marvelous existence in the universe, he envisioned a divine presence akin to a supreme engineer or architect, without which space and the entities within it, including human existence, could not be explained. However, there was no argument about the nature of space.

Aristotle wrote extensively, contemplating the question of space and void in his work "Physics." Regarding space and the divine presence within it, Aristotle did not deny them but rather left them in the concept of "God" in his work "Metaphysics"; he then systematically developed the categories of material philosophy and science. Logical and rational contemplation of materiality became the fundamental mode of human thought (Liu, "Reflection and research on the origin of the universe").

After the Middle Ages, human science and philosophy developed rapidly.

Kant wrote many books, attempting to study the origin of the universe, discovering its contradictory nature; (Liu, 0-dimensional universe Survival test of all things) Hegel studied the origin of the universe, establishing the dialectical thinking of materialism, which influenced the emergence of Marxist philosophy; philosophers such as Spinoza, Fichte, Schelling, Schopenhauer, and Nietzsche also studied the origin of the universe and raised many lines of thought and methods for consideration, proposing the concept of the existence of a natural god in the universe. Philosophy played a role in promoting the development of material science. (Liu, Thinking and research on the Human origin)

It is recognized through research that without sufficient scientific information, philosophical contemplation can only be materialistic and logical. Since human language, writing, and numerical information are all expressions of

materiality, post-Aristotelian philosophy has become materialistic philosophical thinking (Liu, "Reflection and research on the origin of the universe"). The logical thinking and scientific experimental methods of material science benefited from the thoughts of philosophers such as Aristotle, Bacon, and Descartes.

Descartes created the Cartesian coordinate system, providing a mathematical basis for the existence of matter. Matter is called a three-dimensional existence, and space is called a three-dimensional space, becoming the standard of material science. Zero became the core of the coordinate system, becoming the most balanced central number (Jeremy Webb, "Nothing:" is a good book). All numerical existences of matter in space can be represented using a coordinate system, especially position and distance. While studying rocks, the author discovered that the true existence of matter's external form is the existence of energy and information changes. The external form of matter is the existence of calculus, existing in all directions (Liu, S. (2021)). The three-dimensional coordinate system can be used as a research tool, but it is inappropriate to directly say that matter and space are three-dimensional. Calculus was invented by Newton and Leibniz.

"Mathematical Principles of Natural Philosophy" is Newton's great work, in which he discovered universal gravitation. Although he did not endorse the action at a distance of force and thought that universal gravitation might be transmitted by ether, he was the first to discover the informational power of mutual perception between material masses. Newton creatively proposed the concepts of absolute space, relative space, and place.

In layman's terms, relative space is the space in which matter exists, commonly referred to as three-dimensional space; place is the external form of matter.

After reading several books by Leibniz, I didn't understand why he opposed absolute space. In the "Correspondence of Leibniz and Clarke," it was found that Leibniz was a proponent of absolute space.

Clarke was a believer in Newton's absolute space. His expression of absolute space is: the space of the supernatural world; the space of nothingness; empty space (Leibniz, "Correspondence"). Space is not a substance but a property.

Leibniz scientifically proved absolute space in just one sentence: space is absolutely identical, without matter, there is no distance, and there is no physical meaning of matter. Another interpretation is that without matter, the existence of the divine in the universe cannot be manifested.

Many people only know that Leibniz opposed absolute space, and few mention his proof of absolute space. Later, Mach also opposed absolute space. From his "A Critical Introduction to Mechanics and its Development," it is found that he objected to Newton's proof of absolute space using the "rotating bucket" example, and his objection was valid because Newton's example had problems. However, Mach did not prove what space or absolute space is.

So, the space standards followed by science are those expressed in Newton's "Principles," namely relative space and place, the domain of space in which matter exists, rather than the issue of the existence of space and the divine presence within it discussed by ancestors and shelved in human beliefs by Aristotle. It is not the true space.

The concept of absolute space involves the problem of the fundamental existence of matter. Research suggests that space is a maternal existence. The description and expression of space should be determined by the entities within space.

For example, matter exists in three dimensions, so the spatial domain of its existence is described as three-dimensional space.

Suppose there are non-material entities within the spatial domain, without material dimensions, zero dimensions. In that case, the description of the spatial domain is a zero-dimensional space, the original space of matter. Learning from the works of Newton and Leibniz, it is believed that the zero-dimensional universe is roughly equivalent to the concept of absolute space (Liu, S. (2021.4),

Liu, S. (2021.5), Liu, "0-dimensional universe. Absolute space test").

After studying quantum mechanics, relativity, physical cosmology, and other scientific knowledge, inspired by the philosophical thoughts of Taoism and Buddhism on the origin of the universe, energy and information in physics are designed as the original sources of material and motion changes, non-material existence, zero-dimensional existence, creating and encompassing the material universe. It is hoped that the scientific community will criticize and verify this. The origin of the universe is an extension of material philosophical thinking, and the universe is a collection of non-material and material existences (Liu, S. (2020), Liu, "Tao Te Ching \_Universal Declaration").

### *3.2 Philosophy of the Origin of the Universe in Taoism and Buddhism*

I dare not study religion, but admire its thoughts without believing in personalized gods.

Nor do I dare to call myself a researcher of Taoist or Buddhist philosophy, only a natural enthusiast of the thoughts on the origin of the universe in Taoism and Buddhism, which is quite contradictory. Since childhood, I have been fond of contemplating the concepts of "existence(有)" and "emptiness(无)," and the causes(因) and conditions(因缘) of emptiness(空). When I was young, I was a staunch materialist and believer in materialistic philosophy. Learning in a beautiful environment and acquiring knowledge made the materialistic philosophy in my mind collapse and then rebuilt my contemplation of the philosophical origin of the universe. I don't want to say much, but seeing the widespread propagation of the concept of higher-dimensional space, I feel I should say something and provide some food for thought. If it's incorrect, it might as well be ignored.

Thus, I published "Reflection and research on the origin of the universe," "Thinking and research on the Human origin," "0-dimensional universe Survival test of all things," and "0-dimensional universe Survival test of all things" (Taipei, Warmth Publishing), as well as two works on the

interpretations of the "Tao Te Ching," "Heart Sutra," and "Diamond Sutra."

### 3.2.1 Brief Understanding of Taoist Philosophy of the Origin of the Universe

Space is the infinite Big pocket of all existence, a flexible and changing container; whatever exists can be expressed in the state of spatial domain. "Existence" is called material existence; "emptiness" is called non-material existence, and "existence" originates from "emptiness." "Dao (道)" is called the collection of material and non-material existence in space; "De (德)" is the human expression of Dao in language, writing, and numbers. The universe is a comprehensive description of space and existence.

Material existence originates from non-material existence, which is the origin of matter, both called "qi," as described in the "I Ching (易经)" as the two qi of yin (阴) and yang (阳).

Yin and yang belong to the original attributes of the universe. The foundation energy is designated as yang (referred to as energy); wisdom energy is designated as yin (referred to as information). For the sake of understanding, it is designed as the existence of a four-dimensional universe and a five-dimensional universe; (liu, Reflection and research on the origin of the universe) "Thinking and research on the Human origin" corrects it to the existence of a zero-dimensional universe.

Energy and information are the original existences of matter, non-material existences, and the origin of material existence. Force and time are designed as the causes (因) of wisdom energy information; force and time create basic energy into material energy and matter, and can also transform matter back into material energy, a change that only occurs in about 4.9% of the material energy of physical cosmology. For example, under the information of light speed, matter becomes energy, and vice versa.

What determines existence and change is about 95.1% of non-material energy existence (Liu, S. (2020), Liu, "Tao Te Ching — Universal Declaration"). In physics, this is called dark energy and dark matter, whose nature is unknown but certainly not material.

### 3.2.2 Brief Understanding of Buddhist Philosophy of the Origin of the Universe Space is Considered Inconceivable

The existence of matter and the spatial domain of material existence are always changing existences, relative existences; matter originates from emptiness and returns to emptiness; what causes matter to change is the existence of emptiness; it is the changing of causes and conditions. The "Diamond Sutra" predicts that in the last 500 years of 2,500 years later, humans will discover the existence of emptiness in space and will use scientific evidence to prove space and the entities within it.

It is believed that all existences in the universe have consciousness, which is the consciousness of emptiness, natural, and mutually perceptual; without subjective consciousness and sensation, natural creations, movements, and changes are called "Do Nothing But Do Anything (无为而为)" by Taoism (Liu, "Textual research of the universe original classic").

### 3.2.3 Design

Inspired by the composition of matter in physical cosmology, the concept of a zero-dimensional universe is proposed, hoping to re-demonstrate the problem of absolute space. Inspired by quantum mechanics and the law of conservation of mass-energy, it is believed that matter originates from the yin and yang of energy and information.

The four-dimensional spacetime coordinate system is designed to be considered as the zero-dimensional existence when time equals zero. (Liu, Reflection and research on the origin of the universe)

### 3.3 Theory of Relativity

The author is a believer in Einstein, considering him a revered teacher. Although I believe I am not qualified to be his student. In the course of study, there were philosophical doubts about his description of the curvature of spacetime.

As a doctoral student in engineering, lacking a theoretical scientific foundation, especially the

mathematical foundation of theoretical science, only philosophical doubts about relativity can be raised. Einstein did not believe in absolute space. The theory of relativity studies the relative changes of matter in spacetime, discussing the relative changes of the existence of matter mass and external form, that is, relative space and place; it has no relation to the space of matter's original space. The speed of light is a major information.

Relativity does not discuss the true problem of space, nor does it discuss the existence of non-materiality in space, or it only discusses materiality, concluding that matter originates from matter, and the origin is also matter. Then, the problem of the original of matter (the problem of quantum mechanics) must be limited to within the speed of light, becoming a contradiction between relativity and quantum mechanics. Matter cannot exist beyond the speed of light, but what about non-material existence?

The resolution of this contradictory issue was provided by Einstein himself, my respected teacher. Einstein, one of the pioneers of quantum mechanics, raised the fundamental question: What are light quanta? Despite pondering over it for fifty years, he admitted, as recorded in Eugene Hecht's "Optics" (translated by Qin Kecheng), that he had not found the answer.

However, the answers lie in the four-dimensional spacetime and the law of mass-energy equivalence,  $E=mc^2$ . The fundamental and intellectual energy originated from here. Mechanics, optics, and even the concept of time "seconds" are manifestations of this intellectual energy. The composition of material energy in physical cosmology essentially resolves the issue of existence in space. Quantum mechanics elucidates the logical relationships between existences and answers the philosophical contemplations of Daoism and Buddhism regarding the origin of the universe (Liu.S(2020), Liu "Reflection and research on the origin of the universe").

### 3.3.1 M-Theory

As for the M-theory, I confess my ignorance as I have not studied Professor Witten's works but have gained some knowledge from the writings of Stephen Hawking and Hiroshi Ohguri, I am unable to comprehend the mathematical formulas and principles therein.

From the perspective of the origin of the universe, I raise a concern: the study of the M-theory focuses on the entities within space, not space itself. The promotion of multidimensional space may not be conducive to scientific advancement (Liu, "Thinking and research on the Human origin").

From a philosophical standpoint, I express apprehension: the structure of mass or the information of mass and the energy structure information of matter may not necessarily share the same causal relationship. Force is like a group of angels of the universe. Unifying forces may not necessarily resolve what physics calls the ultimate problem. Human scientific exploration lacks a final theory, so please refrain from using the term "ultimate," which is not suitable. The discovery of force in physics remains incomplete, and mechanics is not yet perfect (Liu, "Reflection and research on the origin of the universe" Volume II).

I bring attention to one issue: while the M-theory may represent a profound study of the genesis of the material universe and may contribute to the understanding of material formation, the concepts of "strings" and "membranes" are unclear, making it difficult to determine the logical relationship between phenomena and essence or origin (Liu, "Thinking and research on the Human origin"). I hold great respect for Professor Witten.

## IV. THE TIME

In general language, text, and numerical descriptions, we acknowledge that we exist within space and time. Time is of great significance, and many philosophers have attempted to describe the fundamental issues of time. However, none of these descriptions fully grasp the essence of time.

Humans use language, text, and numbers to refer to the cyclical changes in the natural temperature environment as "years," the periodic changes in the appearance of the moon as "months," and the cycles of sunrise and sunset by the sun as "days." Furthermore, humans have subdivided days into hours, minutes, and seconds. The process of time is perceived as fascinating, leading humans to create clock tools and treat time as if it were a material existence. This is something no other animal would do; indeed, humans are remarkable.

But who perceives time more accurately, humans or ordinary matter? Is time real or illusory? What does it truly signify?

Newton defined absolute time and relative time in his "Principia," while Einstein discovered that the existence of matter can alter time under the influence of human-made or external energy and information. This discovery is significant. In my research on stones, studying relativity and quantum mechanics, combined with the philosophical thoughts of Daoism and Buddhism, I discovered the question of whether matter can be alive or dead, or existent or non-existent.

Studying Lee Smolin's work "Time Reborn," I encountered many profound insights from a physicist, such as his commentary on the multiverse theory and understanding the real existence of matter in time. It was truly inspiring. Especially on page 105, there is a remarkable statement: There is no single ultimate theory in the world, but no new concept has been found regarding the origin of time. (Lee Smolin, "Time Reborn," translated by Zhong Yiming)

Concepts regarding the origin of time are found in Daoist and Buddhist philosophy and are confirmed in the definition of a second at the International Congress of Metrology.

#### 4.1 Buddhist View of the Origin of Time

Buddhism refers to the time of material existence as "kalpa," roughly equivalent to billions of years. The process of material existence is termed "duration(度)." Buddhism holds that all matter is alive and should be respected. It can be understood as the existential process of materiality, starting from zero and ending at zero.

The process of existence involves relative existence and change, which can be expressed in terms of years, months, days, hours, minutes, and seconds, or using other vocabulary. (Liu, "Reflection and research on the origin of the universe") Non-material-energy existence has no concept of time.

Since physical cosmology has discovered that about 95.1% of the universe's composition is non-material, quantum mechanical thinking may be the origin of material creation. When contemplating the origin of the universe, the four-dimensional spacetime coordinate system is designed as the foundation of two cosmic existences: basic energy and intellectual energy, along with the coexistence of about 4.9% of material universes. Both exist within space.

Buddhist cosmological philosophy introduces the concept that the universe's existence is subject to the causal changes of causes(因) and factors(因素). The author designates factors as basic energy, which can give rise to changes into material energy and matter. Matter is a special and complex structure of energy and mass. It changes between material form and material energy form.

The origin is basic energy, filling the entire universe's space. This space is temporarily zero-dimensional and can be called absolute space, which includes the existence of what humans call three-dimensional space.

There is a question: It may be incorrect to refer to space as three-dimensional or zero-dimensional. Because in a thousand or ten thousand years, our descendants might criticize us.

Within the energy-filled universe, there exists an unknown phenomenon called cause and condition, which does not possess energy but governs the aggregation and dispersion of energy. It also has directionality or balance. The author refers to this as intellectual energy, which is information, a spiritual existence, energy's energy. Although "Reflection and research on the origin of the universe" is designed as a five-dimensional universe, the actual form is unknown, leaving one to marvel at the living existence of the universe.

Force is the driving factor behind the aggregation, creation, movement, and change of material energy and matter. Time is the guiding principle of directional change. The synthesis of force and time dictates the form of matter. Basic energy is the material energy and matter.

There are also other undiscovered causes and conditions. Therefore, one should not casually use the term "ultimate," as it implies annihilation or non-existence.

#### 4.2 Daoist View of the Origin of Time

Chapter Four of the "Tao Te Ching" suggests that human descriptions and studies of the origin of the universe can only go as far as understanding the essence and existence of matter, unable to proceed further.

The "Tao Te Ching" believes that the universe acts without action (无为而为), following the natural course of Dao (道法自然).

The universe is a Yin-Yang (阴和阳) existence and change of energy, the Yin-Yang changes of the Five Elements (五行生克). Existences attract and repel each other, but there is directionality. (Liu, "Thinking and research on the Human origin").

The highest principle of directionality is balance. The mechanical cause dominates the movement and change of material aggregation and dispersion. Time guides directionality. For example, within the human body, energy forms sperm and egg, which combine to create life. The directional process of conception, birth, growth, maturity, aging, and death is determined by the cause of time. This process applies to animals, plants, stones, and all matter. Additional energy and information can alter the time factor of matter. (Liu, "Reflection and research on the origin of the universe")

The Daoist work "Zhuangzi. Gengsang Chu" believes that the cause of time and force governs the dynamic and directional changes of matter, without possessing material energy indicators. (Liu, "Reflection and research on the origin of the universe")

The Daoist work "He Guan Zi" suggests that the cause of time is the standard for the birth of

material mass and determines the structure of material existence and the lifespan of existence. These views have marvelous connections with the conclusions of modern science. (Liu.S(2021), Liu "o-dimensional universe Survival test of all things")

#### 4.3 Scientific Concept of Time Origin

- In 1967, the 13th International Conference on Weights and Measures defined the "second" as "the duration of 9,192,631,770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the cesium-133 atom at 0 Kelvin temperature" (13th CGPM, 1969). The cesium atom defined in this manner must be at absolute zero temperature, in a zero magnetic field environment, and free from disturbances.

The scientific community is ought to investigate whether other atoms exhibit similar characteristics. If so, the numerical value of this electromagnetic wave would vary. The state of the atom defined in this manner serves as the original "cause" for the conversion of basic energy into material energy and matter, potentially imparting directionality to the motion and changes of the atom or particles composing it.

If this fact holds true, then the notion that the divine creator endowed time as a factor for the birth of matter stands validated.

- Gravitational force is the cause (因) and condition (因缘) for the mutual interaction of material mass; electromagnetic force is the cause and condition for the mutual perception of the Yin-Yang structure of matter, exhibiting both attraction and repulsion; strong force is the cause and condition for the mutual perception of particle existence; weak force is the peculiar force of cosmic particle creation and matter, endowing matter and material energy with peculiar perception, providing a cause for decay. Analysis suggests that the cause of weak force is related to time and is related to the structure and mass structure of matter, which gives directionality to the cause of mechanical motion and change.

Thermodynamics is the representation of the existence, motion, and change of matter (Langre, "Theoretical Concepts in Physics"). Analysis in the second volume of "Reflection and research on the origin of the universe" suggests that thermodynamics may be the original force behind the creation of Particle and Quark. It is believed that the study of mechanics in physics is not yet complete.

- Atomic matter is the standard of materiality referred to by humans as the three-dimensional universe, originating from the formation of material mass structure. The origin of matter is material energy, and the origin of material energy is basic energy.

What form does material energy take? The study of this question in M theory, using dimensions such as points, strings, and membranes, has been inspiring, although the results of this inspiration are speculative. Please forgive me, Professor Weiteng.

Energy and information have no material dimensions; they are zero-dimensional. Once dimensions are present, it becomes matter. Non-materiality is the original existence of matter, and from the perspective of the origin of matter, the concept or idea of a zero-dimensional spatial form arises. However, the concept of a zero-dimensional universe space, like three-dimensional space, is a human-made conceptual existence, not an absolute idea. It can be understood as Newton's concept of absolute space, a stage in human understanding of the universe. (Liu, "Thinking and research on the Human origin")

## V. THE UNIVERSE

He is the collective existence of material and non-material in space, commonly referred to as "Dao" (Liu, "Tao Te Ching — Universal Declaration).

Three-dimensional space represents the existence of matter; zero-dimensional space represents the existence of the universe's origin. It is a unified space, the mechanism of yin and yang changes, which is the fundamental mechanism of the

universe. This was already clearly studied by Zhu Xi during the Song Dynasty in China (Liu, 2020; Zhu Xi, "近思录"). The guiding and directional changes of yin and yang are the divinity of cosmic wisdom energy (Liu, "Thinking and research on the Human origin"). The study of wisdom energy mechanics and time is the study of the combination of cosmic and human minds, called the Philosophy of the mind. This conclusion was reached by Wang Yangming during the Ming Dynasty in China (Liu, "Thinking and research on the Human origin").

The universe created humans, and the human soul software is bestowed by the universe. The cosmic mind and the human mind are integrated. (Wang Yangming, "传习录"). Humans created robots, and the soul software of robots is given by humans. The concerns of humans about robots are concerns about their own souls.

### 5.1 The Space

It is suggested not to describe space as existing, otherwise conceptual ambiguity may arise. Space is the mother of all existence and the eternal unknown of human scientific exploration. It is boundless and infinite(其大无外, 其小无内) (Liu, ". Reflection and research on the origin of the universe").

### 5.2 The Existence

Science has essentially explored material existence, and space is called three-dimensional space; existence is called matter, energy, and information. Matter changes and transforms among the three, and information is the spiritual force of mutual change and transformation. Quantum mechanics and relativity have opened the door to exploring the origin of the universe, a work that our ancestors began 2500 years ago.

In the West, under the influence of Aristotle, research and thinking shifted towards the material universe and human society, becoming the standard and deeply rooted material philosophy.

In the East, Daoism and Buddhism have continuously and subtly studied the problem of

the origin of the universe, leaving behind a large amount of theoretical and practical records (Liu, "Reflection and research on the origin of the universe"). When material cosmology proposed that about 95% of the existence in the universe is non-material, and when there were contradictions between relativity and quantum mechanics, it was time to think about the origin of the universe. Scientific information is ready.

## VI. CONCLUSION

Six books have been published, and several papers have been written. Relevant information can be found in related materials. The writing is not very good and is still being revised. Just providing some philosophical thinking information, seeking criticism and empirical verification or falsification. Thank you for reading, and please forgive and understand any inappropriate parts.

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# Directions for the Development of Russian Higher Education

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## ABSTRACT

The article is devoted to the study of the main directions of evolution of the Russian higher education system based on a combination of experience accumulated in higher education both during the Soviet period and over the past 30 years, including integration into the Bologna process, as well as attempts to predict Russia's opportunities to become one of the new global educational centers taking into account the objective processes of globalization, the introduction of innovative technologies in education and existing practices of integrating Russian higher education into internationalization processes. It seems that the basis of the Russia-centric model can be a combination of traditional and innovative educational technologies, the development of new formats of international cooperation in the field of education with the predominance of Russian educational practices. The paper presents the results of a study of current scientific and expert discourse on the state of Russian higher education, identifying the drivers of the formation of a Russian-centric educational model.

**Keywords:** higher education, innovations in education, russian educational policy, russian- centric model of education.

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*The article is devoted to the study of the main directions of evolution of the Russian higher education system based on a combination of experience accumulated in higher education both during the Soviet period and over the past 30 years, including integration into the Bologna process, as well as attempts to predict Russia's opportunities to become one of the new global educational centers taking into account the objective processes of globalization, the introduction of innovative technologies in education and existing practices of integrating Russian higher education into internationalization processes. It seems that the basis of the Russia-centric model can be a combination of traditional and innovative educational technologies, the development of new formats of international cooperation in the field of education with the predominance of Russian educational practices. The paper presents the results of a study of current scientific and expert discourse on the state of Russian higher education, identifying the drivers of the formation of a Russian-centric educational model. The article summarizes the nature and types of educational technologies used in modern domestic higher education, assesses the quality of teaching in modern Russian universities, as well as the need for foreign citizens to obtain higher education in the Russian Federation based on pilot surveys of Russian and foreign students conducted by the author.*

**Keywords:** higher education, innovations in education, russian educational policy, russian-centric model of education.

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## I. INTRODUCTION

Russian higher education today is undergoing significant changes against the backdrop of tectonic geopolitical transformations, a change in the educational paradigm from utilitarian to value-based, the return of Russian higher education to educational models that were implemented before the start of the process of Russia's accession to the Bologna process, attempts to build a new one or correct the one that has already developed to date higher education systems taking into account modern realities. The ongoing processes of shifting global educational centers also raise the question of the possibility of not only more actively integrating Russia into the global educational space, but also of the possibilities of positioning Russia as a new key global educational center. We assume that right now the necessary and favorable prerequisites and conditions for this are taking shape, which is confirmed both by the presence of corresponding priorities of the highest political and administrative elite, strategic goals and objectives of the Russian state, and by the preservation of the status of the Russian Federation as a host country for foreign students, and by growing interest from non-Western states to receive education in Russia and create new formats of interaction in the educational sphere between Russian universities and foreign educational structures with a focus on domestic standards and educational programs. *The purpose of this article is to determine the prospects for the*

formation of a Russian-centric model of higher education. *The objectives* are to study the current state of Russian higher education with identifying the drivers of the formation of a Russian-centric educational model; generalization of the nature and types of educational technologies used in modern HE in the Russian Federation; assessing the quality of teaching in modern Russian universities, as well as determining the need for foreign citizens to obtain higher education in the Russian Federation.

We note that this article is one of the first attempts to outline the preliminary contours of a new Russian-centric educational model, the clarification of which will occur in the process of implementing relevant educational government policies in practice.

## II. RESEARCH METHODOLOGY

The sources for this article were studies and expert positions presented by representatives of the Russian scientific and teaching community in leading journals on the issues of assessing the accumulated experience and prospects for the development of Russian higher education today, as well as statistical data and opinions of specialists on the issues of internationalization of higher education. Many years of professional experience of the author's involvement in both educational and research activities (participation in research projects, educational work with students of Russian universities, teaching as a guest lecturer at foreign universities, management of English-language programs and participation in the implementation of educational master's programs in foreign languages in Moscow State University named after M.V. Lomonosov, NUST MISIS) can also be considered sources for the formation of a research position.

The conclusions of the article are also based on the results of several empirical studies conducted by the author in 2023 in Russian universities.

### 2.1 Current State and Prospects for the Development of Russian Higher Education

The Russian higher education system in the post-Soviet period radically changed the direction

of its development several times, from integrating into the global educational (primarily Western, European) space through integration into the Bologna system to abandoning it at the beginning of 2022 and heading towards building its own, taking into account both understanding the experience accumulated over a thirty-year period, the need to respond to the demands and needs of the modern national economy, and under the influence of global processes and challenges (pandemic, transformation of the global management system in various areas, including education).

During the period of integration of Russian higher education into the European educational space, and in a more general context, the introduction of a utilitarian approach based on commercialization into the social sphere, including education [Alexandrova 2023; Yakovleva 2023, 39], the quality of education has decreased significantly [Andryushina, Lutsenko 2014], education itself has become a "service" provided by educational agents [Andryushina, Grigorieva 2023], education has completely ceased to be present not only in practices, but also in the very nature of the domestic education. In addition, the marketization of education has become the cause of growing socio-territorial differentiation at all levels of education [Cherednichenko 2023], "social degeneratism" and "virtual lull" instead of real improvement in the level and quality of life" [Gretchenko, Odegov 2023, 67], inability higher education systems to train specialists with qualifications that meet the expectations of employers [Razumova, Teleshova 2023, 340-344], reducing costs for the social sphere in general and for education in particular.

In this sense, the call for a return to the interpretation of education as a benefit within the framework of the traditional value approach for Russia seems very appropriate and timely, and education certainly includes an educational component. At the same time, as we [Andryushina, Grigorieva 2023, 476] and many other colleagues noted, there is always the threat of "sliding" into a dogmatic bias of the educational and edifying function through the creation and implementation of strictly ideologically motivated

courses in higher education. It seems that in practice, a full-scale return to Soviet educational ideological models is unlikely due to the different motivations of Soviet and modern youth [Gretchenko, Odegov 2023, 62], the excellent attributes of the Soviet and modern Russian “chronotopes” [Yakovleva 2023, 43], as well as current models of pedagogical and educational activities, which were significantly influenced by both the elements of the Bologna system and the processes of internationalization, which will be discussed later. At the same time, the preservation of positive and effective scientific and educational practices used back in the USSR is also necessary due to the proven Soviet system of higher (and secondary school) education, which allowed the USSR to be a superpower state in the era of bipolarity, actively and successfully opposing its educational models American and, in many ways, surpassing them [Makhchelyan 2023, 49-52]. We should not forget that leading Russian universities and faculties, even during the craze for Western educational practices, maintained their own traditions in the form of a mandatory entrance test in addition to the Unified State Exam and a five-year specialty. The introduction of the Unified State Exam has also become a highly discussed aspect of reforming domestic education. Without going into the study of the pros and cons of introducing the Unified State Exam (a huge layer of domestic literature and statistics is devoted to this), it should be noted that firstly, Russia never switched to the Bologna system in full; this was prevented by the national characteristics of the ruling and regional regimes in implementing the principles of a rather rapid restructuring of Russian education “according to Western patterns”; secondly, the domestic education system is an extremely unstable area that is constantly being reformed (which is happening at the moment). In other words, state educational policies of the post-Soviet period are characterized by the “pendulum nature” of their implementation, the predominance of latent decision-making mechanisms in the interests of frequently changing political and managerial teams with often opposing interests and goals, and the strong dependence of national priorities on the international situation. The main driver of

decision-making in the field of education is the highest political will. Such politicization of the educational sphere predetermined the spasmodic nature of reforms, “frequent changes in indicators of educational effectiveness, constant reformatting of educational “content” in the form of updating standards, Federal State Educational Standards, the emergence of different options for implementing a multi-level model of higher education, etc.” [Andryushina, Grigorieva 2023, 477].

The process of internationalization has a huge impact on education, which has already become the very context of the existence of national educational systems, individual universities, teachers and students. This is the reality of the new century, the process of giving educational models and practices an international character [Knight 2003, 2]. Moreover, internationalization, on the one hand, is an objective process that does not depend on the priorities and strategies of national political and administrative elites; on the other hand, internationalization can and should be managed, since it is implemented through the export of higher education (“soft power”), positioning the state in modern geopolitical, social, cultural, economic and other spaces. Over the past 30 years, the potential for internationalization of higher education has been realized most effectively by American and European universities, long remaining global monopolistic educational centers that attract foreign students and specialists to solve problems of promoting their own neoliberal values on a global scale. [Giroux, Karmis, Rouillard 2015, 146-150], and meeting the national needs of the labor market and economy. However, over the last decade there has been an expansion of the range of education centers; there have been more of them due to the inclusion of Asian, Russian, and Australian universities.

The list of countries hosting foreign students and teachers includes countries in the Asia-Pacific region (especially China). Russia occupies a special position in it, which in the period from 2014 to 2019, attracted about 300 thousand foreign students and, despite forecasts regarding the loss of leading positions in the list of host

countries, managed to maintain them [Andryushina, Ryabinina 2023, 26].

In 2022, 362,000 foreign students studied at Russian universities at all levels of education and the Russian Federation ranked sixth in the world in terms of the number of foreign students studying in the Russian Federation, and by 2030 the total number of foreigners could increase to 435,000 people!. At the same time, 17,000 foreign students study under the quota of the Russian Government.

New international formats of cooperation in the field of higher education with the participation of key modern states also require special consideration. Thus, the development of joint educational programs and a network of branches is no longer a novelty in the regional and global educational spaces [Burquel, Shenderova, Tvorogova 2014, 146-150]. At the same time, new innovative formats are emerging in the form of network and joint universities. And Russia has already become a permanent participant in new international educational formats. Of particular interest is the joint Russian-Chinese university MSU-BIT in Shenzhen, the main goal of which is to create a world-class educational center based on the best Russian educational programs for training specialists for the Asia-Pacific labor market. It is noteworthy that education is conducted primarily in Russian, while the Joint University has English-language programs, as well as education in Chinese.

These trends raise the issue not only of reforming the higher education system at the national state level, but also of the possibility of forming a Russia-centric model of higher education as a global educational center.

So, today we have a mosaic combination of the remnants of Soviet educational practices, introduced and “sprouted” elements of the Bologna system with Russian specifics, as well as the new most relevant practices of building our own educational model based on updated political priorities. In May, Russian President V.V. Putin signed a decree launching a pilot project on higher education reform for the period 2023–2026. This

means replacing a bachelor's degree with a basic higher education, and a master's degree with a specialized one (by specialized training we mean a master's degree, residency, and assistantship-internship). The purpose of the experiment is to examine different models and possible solutions within the new higher education system. The project will be implemented in six universities in the country (Moscow Aviation Institute (MAI), MISiS University of Science and Technology, Moscow Pedagogical State University (MPGU), St. Petersburg Mining University (SPGU), Immanuel Kant Baltic Federal University (IKBFU) and the National Research Tomsk State University (TSU), in certain specialties, primarily engineering and technical profiles. For example, starting from the new academic year, MISiS will open master's programs in IT and economic specialties lasting a year. For the research master's degree, the two-year duration of study will be retained, which will provide students with the necessary knowledge to build a scientific career (but it is expected that, if necessary, it can be extended by another year). It is precisely these kinds of assumptions that allow us to say that, in general, change programs are not yet fully prepared and their adjustments are implied based on intermediate results.

It seems that the drivers for creating a new model of domestic higher education today are the use of a value paradigm, a combination of education and upbringing, the return of effective Soviet educational practices, as well as political will in the form of “a synthesis of all the best that was in the Soviet education system and the experience of recent decades”<sup>1</sup>. The quality of both the new national Russian and Russia-centric models in the regional and global spaces will be largely determined, among other things, by a reasonable balance of traditional and innovative educational technologies used in Russian universities to ensure the quality of education.

<sup>1</sup> Full transcript of Vladimir Putin's message to the Federal Assembly on February 21, 2023 // Komsomolskaya Pravda: [website]. Полная стенограмма послания Владимира Путина Федеральному Собранию 21 февраля 2023 года // Комсомольская правда: [сайт]. 21.02.2023. URL: <https://www.kp.rudaily/27468/4724024/> (дата обращения: 21.08.2023).

## 2.2 Innovations and Traditions in Russian Higher Education

The concept of innovative education as a new type of education has existed in theoretical discourse since the 70s of the twentieth century, however, modern processes of transition to the information society and knowledge economy have actualized at the beginning of the current century the issue of training specialists with a new set of knowledge, skills, competencies formed in the learning process. Thus, the innovative activity of educational agents and, first of all, universities, their openness and ability to introduce new innovative technologies is both the subject of theoretical and conceptual understanding and applied value [Bykova 2017].

The fourth technological revolution and the formation of a knowledge society are changing both the methods of acquiring knowledge and skills and the content components of education. The development of technology has contributed to the exponential growth in the use of digital educational platforms, products, methods of accumulation and transfer of knowledge in general. Thus, in the last ten years, the most popular and significant trends in education and pedagogy have become: the use of distance and hybrid education formats, increased demand from students for an increase in the share of practical courses and disciplines, the use of short-term courses (MOOCs), expanding the opportunities for students and listeners to independently build educational trajectories and influence the content of educational programs, the use of gamification technologies in the educational process, and the use of artificial intelligence.

Increasing environmental uncertainty (geopolitical instability, pandemics) is also constantly changing the range of innovative educational technologies. COVID-19 has become a serious challenge for education in general, the consequences of which continue to be understood by practitioners and researchers around the world. In general, experts note such consequences of the pandemic for education as the expansion of digital learning formats, which existed long before 2019, but became widespread and implemented

only in connection with the pandemic. At the same time, COVID-19 has updated other non-digital innovations: increased attention to psychological well-being and social interaction (family environment, reflection of emotions, the influence of physical and mental well-being on the assimilation of information).

In 2023, the greatest challenge for education was the creation and active use of generative programs (ChatGPT and others). The emergence of this phenomenon has excited both experts and researchers and forced practitioners, especially teachers, to rethink questions about existing educational models, methods of assessing knowledge, and social roles in education [Dimitriadou, Lanitis 2023; Pavlik 2023].

However, national educational practices demonstrate different degrees of manifestation of the above global educational innovations. So, in Russia in 2023, many of them turned out to be less pronounced. Innovative technologies “at the intersection of online and offline formats” have become the most relevant in domestic education, namely: hybrid learning, combining study and practice through digital technologies, network technologies, online micro-learning for progress in work. For all these trends, the ability to learn independently and design your own educational path “in small steps” is especially important. In this regard, the “autonomous learning” trend can be called key for 2023 <sup>2</sup>.

In order to study educational innovations that currently exist in the Russian higher education system, as well as to understand the prospects for the further development of the Russian Federation as a global educational center based on the use of both advanced educational innovations and proven and popular classical practices to actively attract foreign students, The author conducted two pilot surveys.

The first survey using remote technologies (Google forms), aimed at collecting and

<sup>2</sup> Global trends in education in the Russian context. Мировые тренды образования в российском контексте. [Электронный ресурс]. URL: [https://ioe.hse.ru/edu\\_global\\_trends/](https://ioe.hse.ru/edu_global_trends/) (дата обращения: 28.07.2023)

summarizing the opinions of Russian students on how they interpret educational innovations, what innovations are used in their universities, and which ones should be implemented more actively, took place in May 2023. It was attended by 52 students from Moscow State University and MISIS, both technical (42.3%) and socio-economic profiles (57.7%), (bachelor's/master's ratio - 50% to 50%, gender ratio - girls 57.7 %, boys 42.3%). The results of this study showed that for the majority of respondents (44.2%), educational innovations are associated with a hybrid model of education (involving the use of both distance and full-time learning), gamification of the educational process, and the formation of educational content by students independently. In other words, respondents interpret educational innovative technologies through a process. It should also be noted that the data from our May survey confirmed the all-Russian trends in the educational sphere for the period 2022–2023, identified by experts from the National Research University Higher School of Economics.

In addition to procedural innovative educational technologies, some students from both Moscow State University and MISIS paid attention to the content aspects of learning (38.5% of students associate innovative educational technologies with innovative, practice-oriented courses). However, we note that innovation for students is still a form through which students learn in a new way, rather than the context and content of education.

According to the results of a survey in May 2023, the classic full-time format (50%) became the predominant form of education, prevailing over hybrid (15.4%) and distance learning (1.9%). But “a wider range of elective courses for the implementation of individualized educational trajectories, along with gamification technologies, are not sufficiently implemented in practice” [Andryushina, Andryushkov, Grigorieva 2023, 165].

The second remote study - a survey, conducted in November-December 2023, also using Google forms, involved foreign students studying at Russian universities, not only Moscow, but also

regional ones (MSU, MISIS, MSPU, Moscow State Academic Art Institute named after V. I. Surikov, St. Petersburg State University, Mordovian State University named after N. P. Ogarev, Northern (Arctic) Federal University). The purpose of the study was to find out the opinions of foreign students about the motivation to receive education in the Russian Federation, the degree of satisfaction with the quality of Russian higher education, the management of educational programs, organizational and living conditions of stay in Russia, as well as to clarify the need for foreign students to introduce innovative technologies on a larger scale with the identification of specific innovations, for which they have a demand. 78 respondents took part in the survey, the majority were citizens of China (33 students), as well as Vietnam (3 students), Afghanistan (1), Syria (2), Yemen (9), Zimbabwe (1), Congo (3), Niger (1), Kazakhstan (5), Kyrgyzstan (1), Tajikistan (1), Turkmenistan (8), Uzbekistan (9), Ukraine (1); the bachelor's/master's ratio is 46.2% and 53.8%, respectively.

Like Russian respondents to the May survey, foreign students in the November-December 2023 study also noted the traditional full-time format of teaching in Russian universities as dominant with a classic set of lectures and seminars (80.8%), the use of a hybrid (30.8%) ). It is noteworthy that maintaining the full-time format is desirable for 59% of students, which is an important requirement for university administrations and represents a traditional educational format for Russian higher education! Also, respondents would like to see greater implementation of gamification technologies in education (41%), because To date, 19.2% of respondents noted the use of gaming methods and technologies. It was interesting to note that the majority of foreign students (67.9%) do not use generative technologies in the educational process, while there is a request for the implementation of ChatGPT (12.8% of respondents noted the more active use of ChatGPT as desired changes in the educational process).

Thus, we can conclude that the introduction of generative practices in Russian higher education has not become (yet!) a pressing challenge, but

one should predict the need to take measures to regulate the use of generative forms of learning and education and for representatives of traditional education agents to take a proactive position in this matter.

Analyzing the motivation of foreigners to obtain higher education in Russia, slightly less than half of the respondents (46.2%) indicated as the main reason the fact that Russian universities in general provide high-quality higher education, which is competitive and provides the opportunity for successful employment in the future in any country in the world, and for 9% of respondents, learning the Russian language and becoming familiar with Russian culture is the dominant motive for enrolling in a Russian university! For 7.7%, the brand of a Russian university is important as a condition for the implementation of favorable career trajectories. In other words, Russian universities are attractive, and the diploma they issue is valuable on a global scale. The same percentage of respondents (7.7%) plans to further study in graduate school and defend candidate and doctoral dissertations in the Russian Federation.

The affordability of study, associated with the depreciation of the ruble against traditional world currencies (dollar and euro), also became a significant factor determining the educational choice for 12.9% of students. However, they noted that obtaining a diploma from a leading Western university would be preferable for them, provided that tuition fees in Russia and in European and American universities remained the same.

Assessing the quality of Russian education, 59% of respondents consider it very high versus 33.3% of students who expected a higher level and quality of education. Extremely low ratings were given by 5.1% of respondents. As for the management of educational programs, organizational and living conditions of stay in Russia, 71.8% of foreign students are completely satisfied with the quantity and quality of activities (regarding both educational and extracurricular processes) for the adaptation of foreign students implemented in their universities. 76.9% are satisfied with the quality of administration/management of the

educational program. 61.5% of respondents consider the set of compulsory disciplines in the curriculum to be quite sufficient, while 30.8% note the predominance of theoretical disciplines and would like to have more practice-oriented courses. 46.2% of students were completely satisfied with the list of elective courses; approximately the same number of respondents (42.3%), however, would like to be able to build individual educational trajectories based on a wider range of electives. It is noteworthy that immersion in Russian culture is a key need for the overwhelming number of foreign students (87.2%), who would like to enrich their stay in Russia with more excursions, visits to different Russian regions, and in-depth study of the Russian language.

These results allow us to talk about the consistency and relevance of Russian educational programs in different universities, and the accumulated experience in their management. Thus, in general, today Russian universities are competitive subjects of the global educational architecture, and it is necessary to improve the quality of teaching, including through the personalization of educational student trajectories, more active use of gamification technologies, as well as expanding tools for more actively introducing foreign students to Russian culture, tongue.

### III. CONCLUSION

To summarize, we can say that taking into account the study of the accumulated post-Soviet experience of the functioning of a rather eclectic (combining Soviet practices, elements of the Bologna system and the current processes of building a HE system that meets the interests of the national economy and development) domestic higher education, the drivers of the creation of a new model of Russian higher education today are a return to the value paradigm, a combination of educational and educational functions, current favorable political will and strategic priorities associated with the formation of an effective higher education system relevant to objective processes (globalization and internationalization)

and national demands, which can be in demand not only within the country, but also beyond.

Raising the question of the possibility of transforming Russian universities into global educational centers and relying on the results of a pilot survey with the participation of representatives of different world regions (excluding North and South America), it is quite possible to talk about positive prospects for creating a Russia-centric model based on high assessments of Russian education and fundamental traditions teaching (full-time format, a traditional combination of lectures and seminars for Russian higher education) in Russian/Soviet higher education, taking into account the introduction of the latest educational innovations, as well as the high demand from foreign students and applicants for obtaining diplomas from Russian universities, studying in Russian and immersion in Russian culture and academic traditions.

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# Exploring Challenges and Gaps of Preparing Inclusive Early Childhood Development Teachers in Zimbabwean Teacher Training Colleges

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## ABSTRACT

To create equitable programmes and services for all children, inclusive early childhood education has increasingly become a major focus of national governments, education systems and schools. Generally, inclusive education has the potential to alter the way society perceives the early education of children. It becomes prudent therefore to explore perceived challenges and gaps experienced by teachers colleges in preparing inclusive early childhood development (ECD) teachers. The study sought to ascertain whether the lecturers in the ECD department are adequately equipped with knowledge, skills and expertise to deal with inclusive education issues. The assumption is that the experiences and expertise will be shared among trained ECD teachers. A qualitative approach employing interviews and document analysis as methods of collecting data was used. Data was collected from one teachers' college in the Metropolitan province of Harare where two college administrators, 2 lecturers and 5 student teachers were purposively sampled to participate in the study. The research findings revealed that lack of knowledge and skills to deal with inclusive education coupled with unfriendly infrastructure were the major challenges faced by teachers' colleges.

**Keywords:** inclusive education, teacher training colleges, early childhood, development, inclusivity, early childhood student teachers.

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# Exploring Challenges and Gaps of Preparing Inclusive Early Childhood Development Teachers in Zimbabwean Teacher Training Colleges

Agnes Pakombwele<sup>α</sup> & Duduzile Nkomo<sup>σ</sup>

## ABSTRACT

*To create equitable programmes and services for all children, inclusive early childhood education has increasingly become a major focus of national governments, education systems and schools. Generally, inclusive education has the potential to alter the way society perceives the early education of children. It becomes prudent therefore to explore perceived challenges and gaps experienced by teachers colleges in preparing inclusive early childhood development (ECD) teachers. The study sought to ascertain whether the lecturers in the ECD department are adequately equipped with knowledge, skills and expertise to deal with inclusive education issues. The assumption is that the experiences and expertise will be shared among trained ECD teachers. A qualitative approach employing interviews and document analysis as methods of collecting data was used. Data was collected from one teachers' college in the Metropolitan province of Harare where two college administrators, 2 lectures lecturers and 5 student teachers were purposively sampled to participate in the study. The research findings revealed that lack of knowledge and skills to deal with inclusive education coupled with unfriendly infrastructure were the major challenges faced by teachers' colleges. It is therefore recommended that there should be a specific policy to address the implementation of inclusive education in teacher training colleges. More importantly, the infrastructure in teachers' colleges should reflect inclusivity. Further studies can be undertaken to ascertain the availability of funding and resources in inclusive education in teacher training colleges.*

**Keywords:** inclusive education, teacher training colleges, early childhood, development, inclusivity, early childhood student teachers.

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## I. INTRODUCTION

Various special education laws and regulations have called for vast changes in educating students with disabilities in public schools in the United States (Anderson, 2020) and other countries globally. Integrating students with disabilities with their non-disabled peers has been an integral part of the education system in Zimbabwe following the Education Act of 1987. Policymakers, researchers, and educators agree that high-quality inclusive early education begins in teacher training institutions (Pellati et al., 2016). Best practices have historically moved from very segregated education settings to much more inclusive educational settings in which to educate students with special needs. Thus, for the successful implementation of inclusive education, current practices at teachers' colleges should reflect what is practised in schools, providing student teachers with access to high-quality inclusive educational experiences is of the utmost importance in mitigating educational gaps that might exist. This study explored the problems encountered during the implementation of inclusive education in teacher training colleges in Zimbabwe. Focus was on the challenges that the college is encountering in trying to prepare an inclusive early childhood teacher. In so doing, this research explored prospects for success in such an endeavour. It is not in dispute that there are concerted efforts towards inclusive education by the Ministry of Primary and Secondary Education

and the Ministry of Higher and Tertiary Education Science and Technology Development in Zimbabwe. The government, through various policies and circulars, is advocating for inclusive education in all schools in Zimbabwe.

## II. THE CONCEPT OF INCLUSIVE EDUCATION

Inclusive education is when all learners, regardless of any challenges they may have, are placed in age appropriate general education classes that are in their own neighbourhood schools to receive high-quality instruction, intervention and support that enable them to meet success in the core curriculum (Ballard, 2012; Makaya, 2022). As a relatively new phenomenon worldwide, inclusive education is driven by the philosophy that all children, regardless of their mild or severe individual differences, should attend the same school, in the same class with their peers (Musengi et al., 2010; Chireshe, 2011; Majoko, 2016; Maladev, 2023). In addition, inclusive education is seen as a system catering for the needs of a diverse range of learners and supporting diversity, thereby effectively eliminating all forms of discrimination (United Nations Educational, Scientific and Cultural Organisation (UNESCO), 2004).

Inclusive education owes its foundations to the American Civil Rights Movement of the 1960s (Thomas *et al.* 1998), when the provision of segregated services like health and education based on race and colour started to be seriously questioned and rejected by the segregated races and liberals. Those who were segregated began to advocate that physical impairment does not necessarily mean disability (Chireshe, 2013; Thomas *et al.*, 1998).

Inclusive education was then introduced at the Salamanca World Conference in 1994 in Spain. During the conference, the Salamanca Statement was adopted, and called for equal opportunities and access for diverse learners, including diversities in race, skin colour, gender, sexual orientation, trauma, learning styles, and disability (UNESCO, 2004). As a result, teachers were required to understand diversity as an element

that accommodates all kinds of differences, not just disability (Maladew, 2023). Additionally, teachers were expected to learn to work in creative ways to facilitate the diverse challenges encountered by young children and their families (Maladew, 2023; Diaz-Vega et al., 2023; Makaya, 2022). In an inclusive classroom, the role of teachers is to consistently and creatively modify their teaching strategies to include all learners' learning needs (Veerabudren et al., 2021). Explaining further the role of teachers, Mpofo and Shumba (2012) suggest that there is a great concern regarding teacher understanding of diversity particularly in early childhood education and this becomes a great challenge in the promotion of inclusion. Several researchers concur that inclusion demands teachers ought to discard the traditional teaching methods where they were the sole providers of knowledge and the learners were passive recipients (Veerabudren et al., 2021; Makaya, 2022; Mabasa-Munganyi, 2023). It becomes imperative therefore to ascertain whether graduates from teachers' colleges were effectively prepared to assume the role of guide in inclusive settings or centres. The research sought to determine the teachers' understanding of diversity in relation to inclusive education in early childhood classrooms.

## III. INCLUSIVE EDUCATION IN ZIMBABWE

By introducing EFA(education for all) goals the government of Zimbabwe (GoZ) aimed at ensuring that no child should be left out of school regardless of gender, sex, race, ethnicity, social, physical, or cultural status goals (Majoko, 2016). The initiative saw the establishment of homes and centres like Jairos Jiri centres throughout the country, Kapota Home in Masvingo and St George's in Bulawayo to accommodate people with disabilities (Mafa, 2012). The inclusive education in Zimbabwe was ushered by the World Declarations on Education for All (Jomtien Conference, 1990), as well as the Salamanca Statement of 1994.

Zimbabwe is a signatory to the Salamanca Statement and framework for action on special needs education and several other inclusive education related international charters and

conversions (Musengi et al., 2010; Mabasa-Manganyi, 2023). Being a signatory to the Salamanca Convention of 1994, the government of Zimbabwe is fully obliged to ratify and implement inclusive education (Majoko, 2016; Makaya, 2022).

Although Zimbabwe does not have an inclusive education specific policy, it has inclusive education related policies like the Education Act of 1996 which advocates for education for all. The Nziramasanga Report 1999, which looked into the education affairs of Zimbabwe, stipulates that the quality of education for children with disabilities should reflect the same standards and ambitions as general education (Mafa, 2012). In addition, the Zimbabwe Disabled Persons Act of 1996 advocates for non-discrimination in the provision of education and non-discrimination of people with disabilities in Zimbabwe, respectively (Chireshe, 2013). In 2001, the Directors' Circular No.1 of 2004, announced that pupils with disabilities were supposed to be included in sporting activities in their own category whenever those without disabilities participated. In 2010, the then Ministry of Education, Sports, Arts, and Culture, in partnership with the Leonard Cheshire Trust, launched a campaign named "Inclusive Education for All" which targeted 1000 children with disabilities in government schools (Musengi et al., 2010). In line with the effort of the government to embrace inclusive education, Zimbabwe's 2013 constitution upholds the rights of all people, including vulnerable groups and those living with disabilities (Makaya, 2022).

According to Makaya (2022), Zimbabwe's position of implementing inclusive education policies was impeded because of teachers' attitudes (Chireshe, 2013), teachers inadequate relevant knowledge and skills to address the challenges of diverse learners in various classrooms (Mabasa-Manganyi, 2023), overcrowded classrooms (Mafa, 2012) as well as lack of transparency and clear explanations of policies and how they should be implemented (Chireshe, 2013). Over the decade, inclusive education studies in Zimbabwe have all made numerous recommendations aimed at improving inclusive education (Mafa, 2012; Musengi et al.,

2010; Chireshe, 2011; Chireshe, 2013). The recommendations included: running awareness campaigns, coordinating stakeholders, training of teachers and availing resources. The present study explored the current practices in teacher training colleges in their preparation of inclusive early childhood teachers. It is further argued that the state of inclusive education in Zimbabwe requires an approach that embraces all learners, including disadvantaged learners and those with additional learning needs because the curriculum, pedagogy and assessment require an inclusive approach (Mabasa-Manganyi, 2023; Makaya, 2022; Makaya, 2022). For example, early childhood settings are constituted by learners who are diverse in terms of their cultural, religious, social, economic, political and academic needs. Therefore, it is the responsibility of teachers that all these diverse areas and needs are contextualised and catered for (Chireshe, 2013; Makaya, 2022).

All these efforts are aimed at improving the standards of inclusive education in primary schools. It is imperative to note that educators trained in teachers' colleges end up in primary schools where they meet children with diverse needs. These teachers should receive adequate training on how to handle such children. This study sought to find out if teacher training colleges are equipping the teachers with inclusive education knowledge and skills. The teacher's college selected was the first college in Zimbabwe to train ECD teachers. At the time of the study, the college was training the largest number of ECD teachers as compared to other colleges.

#### IV. THEORETICAL FRAMEWORK

The theoretical framework for this study was based on Vygotsky's social constructionist view on disability and its practical implementation in contemporary inclusive education programmes such as ECD. By adopting a constructivist perspective, the study supported the idea that children from diverse backgrounds require innovative practices and proper guidance from teachers (Botha & Kourkoutas, 2016). In addition, Botha and Kourkoutas (2016) commented that children with behavioural difficulties might often

develop varying degrees of psychological symptoms, including social withdrawal, learning difficulties, lack of motivation, and disengagement from school. The social constructivists equate learning to constructing, creating and inventing such that learners develop their own knowledge and meaning (Al-Shammari et al., 2019). Basing on the above ideas, learners from diverse backgrounds ought to construct and create new knowledge. From the above sentiments, the major question emerges: Do ECD student teachers have the knowledge, ideas and skills to teach ECD learners in inclusive settings so that they can invent knowledge on their own?

Furthermore, Vygotsky (1978) believed that knowledge is shaped by or constructed from social interactions with one's environment. In support of the above, Winter and Raw (2010) state that inclusive education requires a constructivist approach to teaching and learning. Constructivists believe that an understanding of the brain informs teaching (Gindis, 2003); therefore, learning should include learner-centred, task-based, hands-on and minds-on activities (Al-Shammari, 2019). According to Rapp and Coral-Granados (2021), constructivism is the best paradigm for teaching all learners, particularly students from diverse backgrounds and needs. In this regard, teachers are essentially considered facilitators, providing essential information, and organising activities for learners to discover their own learning (Winter & Raw, 2010; Rodina, 2007). The key to constructivism is that learning should include learner-centred, task-based, hands-on and minds-on activities (Lynch, (2016), while also being meaningful and closely related to practical and real-life experiences (Rapp & Corral-Granados, 2021). In addition, constructivist-based classroom activities should provide internal and external scaffolding strategies for all learners, which is essential for students with special educational needs (Lynch (2016). Practical constructivism-based inclusive education practices are the applications of constructivism in inclusive education settings, and these involve instructional methods and strategies to assist learners to explore complex topics actively. Given the above theory, it is no doubt that teachers

require the relevant knowledge and skills to design appropriate methodology and prepare the appropriate learning environment and activities that cater for learners from diverse background and needs.

## V. RESEARCH ISSUE/PROBLEM

Early childhood classroom settings in Zimbabwe serve young children from diverse backgrounds. In these settings, teachers ought to implement inclusion as an educational philosophy based on their professional training in teachers' colleges (Makaya, 2022; Mabasa-Manganyi; 2023). Many educators believe full inclusive practices are the best and the only way for learners from diverse backgrounds to experience success and growth (Mpofu & Shumba, 2012; Chireshe, 2013; Majoko, 2016). Currently, there is little training in pre-service teacher preparatory programmes for regular education teachers to teach learners from diverse backgrounds in inclusive regular classroom settings (Makaya, 2022). It becomes imperative to explore the challenges and gaps in the preparation of inclusive ECD teachers in teachers' training colleges.

### *Research Objectives*

The study was guided by the following research objectives.

- Determine the current training practices in teachers' colleges in the preparation of inclusive ECD teachers.
- Identify the challenges encountered during the training of inclusive ECD teachers in training colleges.
- Establish possible solutions to the challenges being encountered during training of inclusive ECD teachers in training colleges.

### *Research Methodology*

The philosophical assumptions underlying this research came from the interpretive tradition (Johnson & Christensen, 2014). Interpretivism assume that access to reality happens through social constructions such as language shared meanings and instruments (Myers, 2008). The philosophy enabled the study to observe how ECD lecturers facilitated the teaching of inclusive

education from a social construction perspective employing peer interaction at the teachers' college. In adopting the interpretive philosophical claim that social phenomena must be understood in the social contexts in which they are constructed and reproduced (Creswell & Poth, 2018), the study sought to explore the preparedness of ECD lecturers, student teachers and college administrators pertaining to inclusive education issues and their understanding of the subject matter. The social constructionist paradigm asserts that reality is socially constructed and subjective (Bartlett & Vavrus, 2016), hence this study sought to explore ECD student teachers' beliefs, motivations and understanding of inclusive education.

A qualitative approach was adopted in order to get insights and in-depth information on inclusive education in teachers' training colleges. Furthermore, this approach was deemed germane to understand human lived experiences of ECD student teachers during their training at teachers' colleges. The approach enabled the study to gather real, rich and deep data from ECD lectures, students and college administrators through interviews, observations and analysing documents.

The case study design in this research was adopted to explore a contemporary phenomenon of inclusive education in teacher training colleges (Yin, 2015). Case studies represent individuals in their real contexts and circumstances which enable readers to understand ideas more vividly than simply presenting them with abstract theories (Tight, 2017). The case study design assisted in exploring real-life experiences of ECD student teachers during training.

A sample of 10 participants took part in this study. These were 3 college administrators, namely the college principal, the hostel female warden, hostel male warden; 2 lecturers from ECD department; and 5 student teachers. Of the 5 student teachers, 3 were in the third year and 2 were in the first year. The third year students had gone for teaching practice the previous year and the first year students were supposed to go for teaching practice the following year. The third year

students were sampled in order to share their experiences during the teaching practice period. The hostel wardens were responsible for allocating accommodation to students upon arrival at the college. They were involved in the study in order to solicit information from them on the preparedness of the college in accommodating male and female ECD student teachers.

#### *Data collection*

Data was collected through semi-structured interviews and document analysis. Semi-structured face-to-face interviews were held with ECD students, college administrators and ECD lecturers. The rationale for using semi-structured interviews was that they involve face-to-face interaction between interviewer and interviewees, as well as excluding non-response rates (Leedy & Ormrod, 2013). These types of interviews were the most germane to a research that sought to address questions that demanded in-depth and individual responses (Marshall & Rossman, 2016). Through interviews, participants explained the current training practices in teachers' colleges in the preparation of ECD teachers.

Before the interview, the participants were briefed thoroughly and reassured of their rights and responsibilities in the research (Miles, Huberman & Saldana, 2014). The interviews with ECD lecturers and college administrators were conducted from their offices. The student teachers were interviewed in the staff room after seeking permission from the responsible authorities. Each interview lasted thirty minutes. The interviews were conducted between January 2023 and July 2023.

The study analysed documents that ECD lecturers used in delivering lectures. These documents included syllabi, college policy and the schemes of work. The syllabi was important in that it served to set forth the topics, concepts and key ideas of what is to be taught during the course. The syllabus contains the suggested pedagogy and the assessment to be done to determine achievement of both aims and objectives of the course.

Thematic approach and content analysis were used as methods of analysing and interpreting

data. Data from in-depth interviews was thematically analysed because it provided a way of looking for patterns in the data and connecting them together into meaningful categories and themes that capture the topic of the research (Yin, 2017). The process of data analysis involved reading the collected several times, taking note common ideas and coding them throughout the text (Bartlett & Vavrus, 2016). It involved “identifying, coding, categorising, classifying, and labelling the primary patterns in the data” to “determine what is significant” (Ridder, 2016). Finally, the codes were grouped together into similar clusters to create a meaningful theme. The three major themes that emerged were also predetermined as they corresponded with the subsidiary questions.

Content analysis assisted in exploring large amounts of textual information from the schemes of work and syllabus to determine trends and patterns of words used as well as their frequency, relationships, and structures (Marks & Yardley, 2004). Textual data from policies, syllabi, and schemes was systematically coded and analysed. Through content analysis, relevant codes were selected that would finally fit in the themes and discard codes that did not have anything to do with the research questions. The final research report reflected primary evidence generated from the identified documents interwoven with the interpretation of the phenomenon being studied (Yin, 2017).

### Findings

The main objective of the study was to explore challenges and gaps of preparing inclusive ECD teachers in a teacher training college in Zimbabwe. The analysis and discussions of the findings are presented in the following sections under the emerging themes that were also predetermined by participants’ narratives and related literature. Data was presented in the following themes: *inadequate knowledge by ECD lecturers, inadequacy of lecturers, lack of proper infrastructure, and lack of support for inclusive education.*

## VI. INADEQUATE KNOWLEDGE BY ECD LECTURERS

The study gathered that teachers’ colleges in Zimbabwe operate under the Ministry of Higher and Tertiary Education Science and Technology Development whereas teachers trained under this Ministry are employed by the Ministry of Primary and Secondary Education (MoPSE). is the MoPSE has an education for all policy currently guiding the day-to-day school enrolment. Teachers trained in the colleges are therefore expected to be fully equipped with skills, knowledge and expertise of handling these children.

Data from lecturers revealed that they had no adequate knowledge of inclusive education. They cited that they were are not adequately equipped to teach inclusive education. One of the lecturers (L1) said:

*I was not trained on inclusive education during my training period 6 years ago. I was not exposed to inclusive education except a few topics on learners with disability. It is now a challenge to implement what I do not have adequate knowledge on. We need seminars and workshops on inclusive education so that we will be able to deliver our job expectations.*

Lecturers reported that they have little knowledge of special needs education received during training and staff development workshops at the college. However, they feel there is a gap which needs to be filled by specific teachings on inclusive education. They reported that they cannot execute their duties well because they feel there is a gap in knowledge.

### 6.1 Inadequacy of Lecturers to Teach Inclusive Education in ECD

Lecturers lamented shortage of staff in the ECD department to effectively teach and implement inclusive ECD programmes. The department which should have a staff complement of twenty lecturers had fifteen only. Participants narrated that staff shortage resulted in heavy workloads and failure to complete the syllabus. According to participants, lecturers could not cover some of the topics and content due to limited time. In

addition, the ratio of lecturer to student was too big that they could not attend to the individual needs of students. Lecturer (L2) said:

*As lecturers, our practices here should reflect what students should meet in the field. Failure to match theory with practice is total failure on our part. The students are many so we end up teaching the basics only due to inadequate time. We are short staffed.*

The college principal confirmed that there was inadequate staff in the ECD section. He lamented that most lecturers were leaving the county for greener pastures while others were transferring to the universities. The college principal explained the process of replacing a lecturer was cumbersome.

### 6.2 Lack of Proper Infrastructure

The study gathered that the college had no proper infrastructure for inclusivity. From the study it was noted that there were no ramps at the entrances of dining hall, hostels and major buildings of the college. During the period of study, the college was constructing ramps for the library and the administration block. Although the college had also embarked on constructing ramps for lecture room and lecture theatre entrances, wheelchair users were complaining that some of the ramps were too steep. The college wardens reported that there were no elevators at both the female and male hostels forcing the physically challenged to be accommodated on the ground floor.

Interviewed students reiterated that they were being deprived their right to choose where to stay just like any other student. They reported that even the lecture theatre had no elevators and they had no option but to sit in the front bay all the time they had lectures. They lamented that the college infrastructure was very discriminating and not inclusive of their different needs. One of the interviewed students was on wheel chair and the other had an artificial leg. Their conditions limited them to participate in a few selected curriculum activities.

### 6.3 Lack of Funding and Support for Inclusive Education Programmes in Teachers Colleges

The study found out that inclusive education programmes and activities were not adequately funded. During the period of data collection, the college was constructing ramps for entrances of major buildings around the institution. The college principal responded that the project was recommended two years ago, but due to lack of funding it was still outstanding. The principal acknowledged that he had quotations for the library requisition computers, braille and hearing equipment to assist affected learners in teaching and learning. However, the principal admitted that the college was not well prepared for inclusive education and this cascaded to the training of students. He reported that the institution alone could not fully fund all the projects but they needed the government to assist in funding some of these projects.

Lecturers and students blamed the college administrators for lack of budgetary commitments towards funding inclusive education programmes. One of the lecturers added that a proposal to construct an inclusive education resource centre was made two years ago but funds were not provided for the project. Furthermore, necessary inclusive education gadgets such as the Braille, hearing equipment, computers should be availed so that student teachers learn how to use them.

### 6.4 Curriculum Content not Speaking to Inclusive Education

Curriculum content of the college does not reflect inclusivity aspects of education as reflected in the in-class and out of class activities. A sample of lecturers' schemes of work, the syllabi, the content and pedagogy did not reflect inclusive education aspects. One of the student said:

*When we go out for teaching practice, we are expected to teach inclusive classrooms. The content that we are taught is too general. We need content that is specific on handling learners with diverse needs. We also need to practise handling these learners before we*

are finally deployed. The content is too theoretical.

Some student teachers highlighted that they needed more lessons on how to handle children from diverse backgrounds in a classroom situation. Lecturers lamented that the Department of Teacher Education was taking too long to approve the new syllabus which reflects inclusivity.

### 6.5 Lack of Policy on Inclusivity in Teachers' Colleges

Some lecturers in the study expressed that teachers' colleges had no clear policy in on inclusive education issues. The policy document analysed by the researcher had no clear directives on how to teach inclusive education aspects to student teachers the college.

### 6.6 Negative Attitudes towards Inclusivity

Some student teachers felt that college administrators had a negative attitude towards inclusivity. They cited the lack of financial commitment, as well as awareness campaigns and workshops for inclusive education. The student said:

*There are many programmes that are being funded by the college. Surprisingly, when it comes to inclusive education matters, the college reports that it does not have enough funds. As students, we feel that our concerns are not being taken care of and the college is prioritising other programmes at the expense of inclusive education.*

The participant student teachers expressed that the lack of support from college authorities was due to their negative attitude to inclusive education. The issue of authorities' negative attitude towards inclusive education seems to have been always a major concern at the college. The student teachers explained that the college was funding other projects while inclusive education was regarded as the government's responsibility.

## VII. DISCUSSION OF FINDINGS

Indicators of quality education are access, inclusivity, qualified teachers, availability of learning materials as well as infrastructure and facilities (UNESCO, 2020). These help maintain quality education in ECD centres. The study findings revealed that ECD student teachers were not perfectly trained for inclusivity. The current practices in the selected teachers' training college were not a true reflection of inclusive education. As a relatively new phenomenon, inclusive education is a practice which attempts to cater for learners from diverse needs (Majoko, 2016). ECD teachers undergo special training are expected to offer specialised and quality education. The expertise include, among others, planning inclusive lessons, designing appropriate learning materials and constructing relevant learning environment. As Maladew (2023) would put it, teachers need skills to diversify their practices so that they create the teaching and learning environment which accommodate all learners. Learners construct new knowledge when exposed to relevant environment (Rapp & Corral-Granados, 2021).

Study findings revealed a gap between quality expectations and the current inclusive practices in teachers' colleges. The assumption that, upon completion of the course or during teaching practice, students should practice what they experienced at college, was therefore misplaced. The ECD department responsible for training ECD teachers was characterised by inadequate lecturers and this compromised the implementation of quality inclusive education. The study gathered that teachers were following the traditional way of teaching for syllabus completion. However, Veerabudren et al. (2021) emphasises that inclusive education demands teachers to migrate from traditional to contemporary ways of teaching.

Physically challenged learners in the study felt that the co-curricular activities at the institution discriminated against them. However, there is a circular which directs institutions to arrange sporting activities for learners with disabilities within their category (Zimbabwe's Directors'

Circular No.1 of 2004). The study discovered that college lecturers were not aware of this policy in schools. Currently there is no policy to speak on inclusivity in teachers colleges.

The study also identified an existing gap between policy stipulations and current practices in teachers' colleges concerning infrastructure. Circular demands the existence of relevant infrastructure for learners with disabilities in schools and the study identified a gap. This is in line with Chireshe (2013) and Makaya (2022) who noted that implementing inclusive education was impeded by lack of proper infrastructure.

Students teachers seemed to regard the lack of support from college administrators as a negative attitude to inclusive education. The study observed that the negative attitudes of ECD lecturers and college administrators can have a significant adverse effects on the effective implementation of inclusive education in teachers colleges. As has been alluded to earlier on, inclusive education is an approach to teaching and learning that awards equal educational opportunities for all learners, regardless of their abilities, disabilities or other diverse characteristics (Veerabudren et al. 2021). Consequently, Makaya (2022) suggests that the negative attitudes by college authorities and lecturers may result in limited expectations, lack of policy, stigmatisation, discrimination, emotional impact, among others. In light of these findings, it is therefore crucial for educational institutions to create an inclusive culture that values diversity (Mafa, 2012) and promotes collaboration among facilitators, learners and societies (Musengi et al., 2010).

## VIII. CONCLUSION

The United Nations Sustainable Development Goal number 4 aims to ensure inclusive and equitable quality education and promoting life-long learning opportunities for all. To achieve equitable quality education in early childhood, schools need to align their current practices to meet SDG goals. However, the study gathered that most of the practices at the selected teachers' training college were not inclusive. Additionally,

ineffective and inadequate inclusive education training is reported as the major setback on teachers' lack of understanding of the range of inclusive approaches relevant to ECD. There is therefore a need for effective collaboration among professionals such as psychologists, counsellors and school administrators. A constructivist approach regards collaborations as a prerequisite for inclusive education because they embrace social engagement among all stakeholders (Rapp & Corral-Granados, 2021).

For the successful implementation of inclusive education, current practices at teachers colleges should reflect what is practised in schools. The study concluded that ECD student teachers lack ideas and skills to successfully implement inclusive education in schools due to their non-inclusive training in teachers' colleges. This lack of knowledge exposes teachers to a lot of challenges in the ECD classrooms as reported by several researchers (Makaya, 2022; Makaya, 2022; Mabasa-Manganyi, 2023). It is therefore argued in this study that, if the training practices at the teachers' college are non-inclusive, it means the college lecturers are failing to impart inclusive skills in its student teachers. The study concluded that numerous challenges faced by student teachers would subsequently result in failure by their ECD learners to construct on meaningful inclusivity knowledge and ideas. The United Nations Sustainable Development Goals demand that institutions should aim to build and upgrade educational facilities that are child sensitive and provide safe non-violent inclusive and effective learning environment for all (UNESCO, 2004). Inclusive education in ECD settings can only be fully achieved with the support and commitment of stakeholders like universities, teachers and ministry officials. It is therefore difficult to talk of quality education that is learner centred, task-based, hands-on and minds-on activities, if the teachers are not qualified and lack some skills and expertise.

## RECOMMENDATIONS

Basing on the findings and the conclusions thereof, the following recommendations are suggested:

- College infrastructure should be adaptable to all learners. The infrastructure ought to have ramps and elevators; and, if necessary, widen the doors of the library and lecture rooms for wheelchair users. All learners ought to participate in sporting activities; therefore, the sporting fields must be refurbished to suit students with disabilities.
- Government and other stakeholders should adequately fund and support teachers' colleges with materials and resources to ensure implementation of inclusive education. The funds could be used to organise workshops, seminars, staff development meetings and awareness campaigns to equip lecturers and staff on inclusive education issues.
- The Ministry of Higher and Tertiary Education, Science and Technology Development and the Ministry of Primary and Secondary Education should work together to formulate and implement a clear policy on inclusive education. The policy ought to equip lecturers with content on how to teach student teachers with diverse abilities.
- The college academic board should re-structure the college policy, schemes of work, and syllabi to include inclusive education. Furthermore, the board should organise sensitisation and awareness campaigns on inclusive education from time to time.
- College and university lecturers should collaborate and consult each other on matters to deal with inclusive education. This would enable them to conduct research studies and share knowledge on inclusive education.
- More lecturers are needed in the ECD department to teach inclusive education. Manpower inadequacy results in heavy teaching loads which pose difficulties to meet the needs of students with diverse needs.
- In schools, the qualified teachers ought to be equipped with knowledge on how to handle ECD learners with diverse needs.

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# Emergence of Supranational Powers Melts the Political Regime of Freedoms: Media Views Regarding the Shake-Up of Democracy

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## ABSTRACT

The journalistic media have the potential to shape the culture of a society and determine actions favorable or contrary to democracy. How narratives are constructed, whether with attributes of positive or negative polarity, serves as a thermometer on the direction of political and socioeconomic decisions and their consequences. From the middle of the last decade, the emphasis on the demands of journalistic making, including discourses and debates on social networks, began to privilege the need to protect the signifier of democracy, reaching the point of eroding its meaning, opening up space for contrary powers to collective and, particularly, individual freedoms. Given this, new concepts emerge and shake the supporting tripod of democracy, providing opportunities for the advance of the tentacles of supranational powers. When checking the watchwords built by the media enunciators on digital platforms since 2020, one can understand the scenario created with a view to break with the democratic regime, tracing a boundary line between democracy and authoritarianism.

**Keywords:** democracy, support tripod, press, supranational power, discourse engineering.

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*The journalistic media have the potential to shape the culture of a society and determine actions favorable or contrary to democracy. How narratives are constructed, whether with attributes of positive or negative polarity, serves as a thermometer on the direction of political and socioeconomic decisions and their consequences. From the middle of the last decade, the emphasis on the demands of journalistic making, including discourses and debates on social networks, began to privilege the need to protect the signifier of democracy, reaching the point of eroding its meaning, opening up space for contrary powers to collective and, particularly, individual freedoms. Given this, new concepts emerge and shake the supporting tripod of democracy, providing opportunities for the advance of the tentacles of supranational powers. When checking the watchwords built by the media enunciators on digital platforms since 2020, one can understand the scenario created with a view to break with the democratic regime, tracing a boundary line between democracy and authoritarianism. This article provides space for researchers to delve deeper into new verifications of geopolitics and its repercussions on Discourse Engineering.*

**Keywords:** democracy, support tripod, press, supranational power, discourse engineering.

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## I. INTRODUCTION

On April 6<sup>th</sup>, 2021, the Colombian newspaper *El Mundo*, from Medellín, launched a “last cry” (último clamor), ending its activities as a result of what they labeled as the “virus of ignorance,” the foolishness of personalities willing to silence the uncomfortable voices of the press. A headline from the Spanish newspaper *El País*, dated December 31<sup>st</sup>, 2023 (Figure 1), predicted democracy being put to the test in 2024, considering that the elections would involve almost half of the world's population this year. Furthermore, in many countries there has been a setback in the democratic process since the coronavirus pandemic. Some of these nations opted for regimes with authoritarian tendencies, as a result of military coups or maneuvers orchestrated by leaders no interest in respecting voters' choices.

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### **E** El año 2024 pone a prueba las democracias

El apretado calendario electoral, con comicios en 70 países, las mayores tensiones geopolíticas en décadas y la irrupción de la inteligencia artificial representan un test extraordinario para el modelo democrático

*Figure 1:* Elections will test the muscles of democracy.

If there has been a deterioration in collective and, mainly, individual freedoms, does this mean other political regimes are trying to occupy the space of a decadent democracy? It is necessary to present some definitions of this regime in force in most of the West and sparsely in other regions to get an answer. The democracy seems to be approaching its end as a majority political regime in the last eight decades. Are the institutions or powers that support it also crumbling in the face of the series of accelerated changes that have occurred in the most diverse areas? Given a new scenario, the rise of three supranational powers appears with the intending to take advantage of the vacuum and try to establish another political order, employing and disfiguring the very tripod that nourished democracy until now.

For preparing this article, the corpus used as a parameter refers to media productions since 2020, both textual and video, from the United

States, Europe, and notably, Brazil. The analyzes of the narratives develop based on the conception of the Theory of Discourse Engineering (Holdorf, 2013), whose structure verifies journalistic activities and the impact of textual constructions on the solidification or dismantling of the democratic regime. Until 2013, expressive conservative ideological thinking predominated in the newsrooms of the most important Brazilian journalistic outlets. However, this inclination of the press weakened the democratic regime by assuming a right-wing partisan role, practically non-existent at the time, giving way to more radical forces, contrary to individual freedoms, to fill the vacant space of power (Holdorf, 2015, p. 155).

The deaths of Mussa José Assis, former editorial director of *O Estado do Paraná* news; Ruy Mesquita, from *O Estado de S. Paulo* news; Roberto Civita, from Abril publishing, in 2013;

Domingo Alzugaray, from *IstoÉ* magazine, in 2017; and Otávio Frias Filho, from *Folha de S.Paulo* news, in 2018, opened a void in the Brazilian press, leaving space for a new generation linked to the dissemination of ideologies derived from marxism. Despite certain connections with right-wing ideologies, few press outlets consider themselves independent, such as the *Gazeta do Povo* and *Zero Hora* digital news, and *O Antagonista*, *Crusoé*, and *Oeste* magazines. On the international scene, *The New York Times* they tipped the ideological balance to the left after the death of Arthur Ochs Sulzberger in 2012.

Between 1995 and 2010, watchwords praising the importance of democracy in the Brazilian press were subtle and little explored, including condemning the trends of the progressive left. From the second decade of the 21<sup>st</sup> century onwards, “democracy” appeared gradually, with increasing frequency in discourses, and increasingly spread across all parts of the planet.

## II. THOUGHTS ABOUT DEMOCRACY

In the most common context, it is enough to have free elections for democracy to exist. However, democracy is not limited to offering open elections to citizens, but has other characteristics. If this simple concept were restricted to the popular vote, Cuba and Venezuela could also be considered full democracies despite the suspicions regarding the honesty of these votes.

When making considerations about democracy under the sole parameter of free elections, Todorov (2012, p. 15) defines it “as a set of characteristics that combine to form a complex arrangement, within which they limit and balance each other” (original text in Brazilian-portuguese: “por um conjunto de características que se combinam para formar um arranjo complexo, em cujo seio elas se limitam e equilibram mutuamente”). O'Donnell (2011, p. 32) recognizes the existence of freedoms as other characteristics, for which he defends the establishment of fair internal limits.

To have mutual trust between voters and government officials, Laclau (2010, p. 200) points out as a determining peculiarity the absolute

transparency of the actions of representatives installed in the Executive and Legislative Powers. After all, the democratic regime presupposes, according to Gomes (2008, p. 57), the people exercising the government and not a portion of the citizens. To this end, Todorov (2012, p. 196) raises a warning signal if the powers that be disrespect the long-awaited balance.

Following the exacerbated externalization of the battle between extreme ideologies, public figures also began to try to redefine the idea of democracy through the media, whether journalistic or social. In an interview with *Gaucha Radio Station*, president Luís Inácio Lula da Silva considers the concept of democracy to be “relative,” as “Venezuela has more elections than in Brazil” (“Venezuela tem mais eleições do que no Brasil”). He admires the democracy that led him to the presidency on three occasions (Rádio Gaúcha, Poder 360, 2023), although he feels proud when they label him a “communist” (CNN, 2023). Unlike the president, the minister Luís Roberto Barroso, current president of the Supreme Court (STF), includes Venezuela in the group of authoritarian nations, such as Hungary and Russia, in which “people do not feel well represented, they do not feel they have voice and relevance in the current arrangement and therefore become easy prey to authoritarian and populist discourses” (CNN, 2022).

The former publisher of Grupo Estado, Fernão Lara Mesquita, believes that, in a democracy, “the people rule the government, and not the other way around” (Youtube, 2023). On his channel, the journalist Luís Ernesto Lacombe accuses (Figure 2) the press of defending authoritarian leaders under to justify of saving democracy (Youtube, 2023).



*Figure 2:* Journalist accuses the press itself of betraying the mission.

Democracy is not imposed but accepted. Naturally, the democratic regime improves over time as challenges emerge before society. When the term's meaning becomes a distorted watchword spread by the press, uninformed citizens opt for other orthodox powers. At the "nodal point" of the discourse, the watchword calls its audience to action.

### III. DEMOCRACY'S SUPPORT

Step by step, democracy is melting or eroding around the world, underlined Minister Barroso (CNN, 2022). Collective rights are undermined, and individual rights are ignored and ridiculed. This not only concerns Iran, North Korea, China, Russia, Cuba and Venezuela, where freedom has not existed for a long time, but also possible risks for the European Union, United States, Australia, New Zealand, Israel and, of course, Brazil.

The lie has become the truth, and the truth is considered "fake news", a watchword distorted from the original context. The "fake news" has become so powerful that any comment contrary to

or judgment on the global paranoia of stunned governments takes the form of falsification and discredit. Dissenting voices are stereotyped as enemies, critics, and disseminators of fabricated news. Either you agree with this outrageous and uncontrollable stupidity, or you place yourself in the line of fire of the arrogant and labeled as politically correct owners of a supposed "truth" that has never been proven.

The ability to mobilize the masses through watchwords paves the way for the press' irresponsible engagement with fantasies that cause regional and global social, political, and economic collapses. Just remember "The State is me" (L'état c'est moi), "Work frees" (Arbeit macht frei), "American dream" (the American way of life), "Always for victory," "In the name of democracy," "Hope conquered fear," "It was the biggest terrorist attack in history," "Arabs attack, Israel answers," "Stay at home." Today's watchwords are "anti-democratic acts," "coup actions," "democratic rule of law," "fundamentalist danger," "genocide," and other

expressions that shape the picture of shame and intellectual obscenity.

According to Moisés (2008, p. 16), democracy is based on the solidity of public institutions, such as political parties, parliaments, and governments. Add to this list the mediator, ombudsman, and all instances of the Judiciary and unions, according to a progressive vision of other authors. However, there are institutions contributing much more than these spheres mentioned to the maturation of democracy: Education, Justice, and the Press.

Not even natives of the stronghold of contemporary democracy anymore believe in this political regime, as *The Washington Post* (2023) found in “American democracy is cracking”(Figure 3). In the Southern Hemisphere, Lacombe (2023) points precisely to Education, the Judiciary, and the “old” Press as co-participants in the democratic collapse by employing outright lies, censorship, and distortion of facts. Thus, the West can be seen demolishing the institutions that protected democracy.



Figure 3: The unimaginable is already underway in the “land of freedoms”.

3.1 (Mis) Education and Ideologization

The education system in many Western countries has exchanged education, as character building and value formation, for party political ideology and unbridled profit. In other cases, it simply

ignored its importance on the socioeconomic basis, making it irrelevant, given the data provided by the Programme for International Student Assessment (PISA), coordinated by the Organization for Economic Cooperation and

Development (OECD), with the paltry results of governments that prioritize other actions.

Researchers compared the measure of honesty between Germans born in West Germany (capitalist) and East Germany (communist). The *Gazeta do Povo* news (2020) reproduced the results of the study, revealing that “communism

encourages dishonesty in individuals,” leaving a legacy of immorality (Figure 4). In the same sequel, *Revista Oeste* (2023) criticized the guide “Standards for Sexuality Education in Europe: guidance for implementation,” from the World Health Organization (WHO), which encourages masturbation in children between 4 and 6 years old.



Figure 4: Conservative press does not forgive the mistakes and purposes of marxist ideologies.

Through a documentary on its YouTube channel, *The Epoch Times Brasil* (2023) denounces the influences of the educational system, the press and social media as they contribute to creating of fear and doubt in children regarding their biological sexuality. These issues are treated as “normal”, making this term the watchword. Gender ideology has become the Other-enemy to fight, as it corrodes the educational system and, by extension, morality and the conservative traditional family of religious values.

Data collected by the United Nations Development Programme (UNDP) in partnership

with the Federation of Industries of the State of Rio de Janeiro (Firjan) reveal that only 60.3% of students will complete the education cycle by the age of 24 and that annually, more than half a million pupils over the age of 16 abandon their studies in Brazil. The *Correio Braziliense* news (2023) points to socioeconomic vulnerability as the main reason for school dropout, including the need to work without qualifications and the almost impossible access to the best educational institutions and technology. Without valuing and maintaining this column, democracy becomes an object of doubt regarding the effectiveness of equal opportunities for all who seek full

knowledge. The watchwords then establish a boundary line between democracy and the Other-student, ideologized and miseducated.

impartiality ranking, while Cameroon, Bolivia, and Venezuela remain at the bottom (WJP, 2023).

### 3.2 (In) Justice and Distortions

The judicial organizations exchanged honesty, public safety, individual, and collective rights for the corrupt interests of judges, prosecutors, public defenders and judicial attorneys. A judicial dictatorship is gradually being installed on many continents, the “Illiterate Lawyer’s Empire,” in which values are inverted.

In “Return of Lula and the judicial threat to Brazil’s Democracy,” the enunciator of *The Wall Street Journal* (2022) describes how the newly elected president managed to get out of prison with the help of the Supreme Court, whose power represents a risk to democracy by planning to block the National Congress. With proposals seeking to restrict the freedom of expression of the press, the STF became the target of a complaint with the Organization of American States (OAS) after approving an opinion holding journalistic companies responsible for the statements made by those interviewed, contradicting the Brazilian Constitution itself (Revista Oeste, 2023). For columnist and lawyer Luís Francisco Carvalho Filho, “not even the dictatorship (military, 1964-85) was as ambitious as the STF” (Folha de S.Paulo, 2023).

About the highest judicial bodies in other countries, *Veja* magazine (2023) exposes “The sad end of the reputation of US Supreme Court justices” by detailing the suspicious million-dollar inflows in the bank accounts of two members (Figure 5). The World Justice Project measures the Rule of Law Index. Regarding restrictions on government bodies, Denmark, Norway, and Finland lead the list of countries that respect the separation of powers, at the same time Egypt, Nicaragua, and Venezuela occupy the position of authoritarianism and disrespect for institutions. Norway, Denmark, and the Netherlands top the list of civil justice impartiality, leaving Bolivia, Venezuela, and Cambodia in last place in this judicial category. Finland, Denmark, and Norway hold the top spots in the criminal justice



Figure 5: Justice has lost its way around the world.

The main attributes assigned by the press to justice have a negative polarity, highlighting “corruption”, “political alliances”, “ideological contamination”, “escalation of fear”, and “distortion of the democratic concept”.

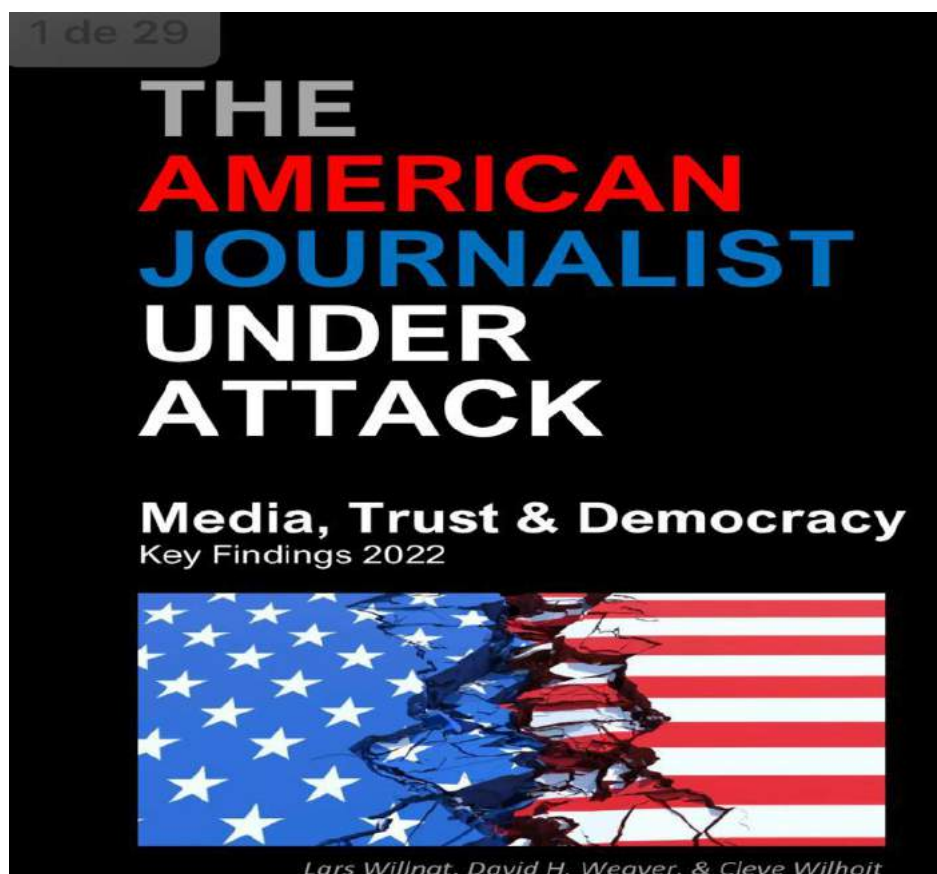
### 3.3 Press without Credibility

When destroy the credibility of the press – or it implodes itself –, the State itself starts to persecute the remaining and independent journalists, and also encourages the dismantling of the academy that prepares professionals for journalism. From then on, everything disappears, and any stimulus to critical thinking becomes impossible.

Almost three decades ago, Fallows (1997, p. 12) condemned North American journalistic practices, accusing them of undermining the press’s credibility and, by extension, devastating society. In Brazil in the 21<sup>st</sup> century, Lacombe (2023) blames the mainstream press for

supporting those who push the country towards the precipice. But the watchword related to the decline in journalism’s credibility goes beyond borders.

The NGO Honest Reporting (2023) denounced photojournalists from the Associated Press (AP), and Reuters agencies, as well as The New York Times and CNN for teaming up with Hamas terrorists. The aim them was to exclusively record images of the atrocities committed against the Israelis. On his YouTube channel, Brazilian actor Sílvia Matos (2023) blames the press for associating with governments interested in publicizing and imposing their ideologies on the population. A study promoted by Syracuse University shows only 3.4% of North American journalists confess to identifying with right-wing parties. According to the survey “The American journalist under attack” (2022), 60.1% perceive journalism as heading in the wrong direction (Figure 6).



*Figure 6:* Journalism shot itself in the foot when to leave the track and making strange choices.

When depending on advertising revenue, journalism has forgotten its social mission over time, making mistakes, failing to reinvent itself, and suffering a metastatic disease that helped erode democracy (Pickard, 2019). When the press depreciates the Another, it weakens its credibility. “How the media construct, invent, idealize, create, nurture and summon their audiences,” according Holdorf (2015, p. 154), “leads contemporary, or post-modern, society to question the role of the media.” The delegitimization of journalistic activities contributes to the crumbling of democracy.

#### IV. SUPRANATIONAL POWERS

The press provides evidence of powers or supranational governments whose influence corroborates the decline of democracy. These powers accumulated incomparable wealth throughout centuries and also, they keep going inducing, persuading and threatening any power and institution that becomes an obstacle to their intentions. The United States surpasses everyone,

whether through diplomatic convergence, accumulation of resources, military measures, or cultural diffusion. Following closely behind, China and its Marxist-Maoist playbook, already deepened in Asia, Africa, and Latin America, is rapidly approaching. Occupying third place on the podium stands the European Union, susceptible to another power emerging in its bowels.

*The Economist*, from London, clarifies its editorial philosophy with values such as independence and integrity. It has opened sections dedicated exclusively to the United States since the Second World War, and strangely enough to China since 2012. The enunciator recognizes the growing Chinese interference nowadays. For the Spaniard Borrell (2020), the rivalry between North Americans and Chinese will determine world politics, as “given everything that’s happening in the world and the rise in authoritarian powers, it is important to have strong cooperation with like-minded democracies.” However, another emerging power in European territory maintains

diplomatic relations with 184 countries, the last three established in 2023 with Kazakhstan, Oman, and Vietnam. The Italian daily *Corriere della Sera* (2023) reports the possibility of the Vatican and the Chinese re-establishing relations after seventy years, trusting in the intermediation of Cardinal Matteo Zuppi between the United States and China, the latter being a supposed decisive interlocutor to balance the geopolitical

and try to stop Russian aggression against Ukraine (Figure 7). In *Brasil de Fato* (2023), the enunciator echoes the Russian desire to dialogue with the Vatican. However, Metropolitan Svyatoslav Shevchuk, of the Ukrainian Greek-Catholic Church, in an interview with Roman Kravets (2023), guarantees that Russian diplomacy is in full swing aligning itself with pope Francis.



Figure 7: Catholic Christianity extends its hands to anyone willing to dialogue.

Although the United States represents a Protestant society in its twilight, China is the standard bearer of communism and exacerbated authoritarianism. The Vatican carries the banner of the Christianity in international political ascendancy and moral decline, the discourses demonstrate boundary lines that still have deep roots. The media enunciators do not deny the existence of these powers in the journalistic making. Instead, they would consent to and support his interference through a global government, a cosmocracy. Even the Brazilian

president defends global governance, as stated by *Correio Braziliense* (2023).

V. CONCLUSION

Suddenly, magistrates, professors, journalists, and parliamentarians became “democracy experts.” It's laughable to see amateurs trying so hard to explain the indefinable. It sounds like American diplomacy, which claims to promote democracy worldwide. Or even more pathetic, the former East Germany, which called itself a “Democratic Republic” within a communist



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# Feminist Criminology and Criminal Law in Brazil

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## ABSTRACT

This article presents, based on the debate between important Brazilian jurists, the interesting and problematic relationship between critical criminology and feminist criminology, as well as the ambiguous relationship between feminism and its struggle for the affirmation of women's rights and Criminal Law: can criminal law play an important role in this fight or is it yet another fallacious and phallogocentric mechanism that, despite the apparent protection of women, reinforces the structure of oppression that sustains them and keeps them in a condition of hyposufficiency (social, economic, cultural, legal)? As an emblematic example of this clash, the discussion on the Maria da Penha Law, enacted in Brazil in 2006, with the aim of meeting the demands of feminism in its fight against violence against women, is brought to the table.

**Keywords:** critical criminology; feminist criminology; feminism; penal law; maria da penha law.

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# Feminist Criminology and Criminal Law in Brazil

Criminologia Feminista e Direito Penal no Brasil

Rebeca Fernandes Dias

## ABSTRACT

*This article presents, based on the debate between important Brazilian jurists, the interesting and problematic relationship between critical criminology and feminist criminology, as well as the ambiguous relationship between feminism and its struggle for the affirmation of women's rights and Criminal Law: can criminal law play an important role in this fight or is it yet another fallacious and phallocentric mechanism that, despite the apparent protection of women, reinforces the structure of oppression that sustains them and keeps them in a condition of hyposufficiency (social, economic, cultural, legal)? As an emblematic example of this clash, the discussion on the Maria da Penha Law, enacted in Brazil in 2006, with the aim of meeting the demands of feminism in its fight against violence against women, is brought to the table.*

**Keywords:** critical criminology; feminist criminology; feminism; penal law; maria da penha law.

**Author:** Doutora em Direito pela Universidade Federal do Paraná (UFPR) e pela Università degli Studi di Firenze (Unifi).

## RESUMO

*O presente artigo apresenta a partir do debate entre importantes juristas brasileiros a interessante e problemática relação entre criminologia crítica e criminologia feminista, bem como a relação ambígua entre o feminismo e sua luta pela afirmação dos direitos das mulheres e o Direito Penal: pode o direito penal exercer um papel de destaque na luta ou é mais um mecanismo falacioso e falocêntrico que a despeito da aparente proteção da mulher reforça*

*a estrutura de opressão que a sustenta e a mantém em uma condição de hiposuficiência (social, econômica, cultural, jurídica)? Como exemplo emblemático desse embate é trazida para a trabalho a discussão sobre a Lei Maria da Penha, promulgada no Brasil em 2006, com o objetivo de atender às demandas do feminismo em sua luta em relação à violência contra a mulher.*

**Palavras-chave:** criminologia crítica; criminologia feminista; feminismo; direito penal; lei maria da penha.

## I. INTRODUÇÃO

O presente artigo apresenta a partir do debate entre importantes juristas brasileiros a interessante e problemática relação entre criminologia crítica e criminologia feminista, bem como a relação ambígua entre o feminismo e sua luta pela afirmação dos direitos das mulheres e o Direito Penal: pode o direito penal exercer um papel importante nessa luta ou é mais um mecanismo falacioso e falocêntrico que a despeito da aparente proteção da mulher reforça a estrutura de opressão que a sustenta e a mantém em uma condição de hiposuficiência (social, econômica, cultural, jurídica)?

Inicialmente indica-se a premissa da qual se parte nesse trabalho: o direito é andocêntrico e funciona como uma tecnologia de gênero. Para tanto, apresentou-se a pensadora Carol Smart, que analisa no contexto inglês como o direito por meio de suas leis forja categorias jurídicas de mulheres e o faz a partir de uma classificação hierarquizante, em que algumas mulheres são objeto de punição/exclusão e outras tidas como modelos a serem protegidos desde que sigam as normas de gênero – ou seja, para serem sujeitas

de direito, antes devem atender às regras sociais que estabelecem os papéis de gênero (de acordo com os interesses dos homens) e caso se desvie destes padrões, expectativas, essas mulheres são imediatamente alvo justamente do direito penal – marginalizadas da sociedade e penalizadas pelo direito, que não as protege como sujeitos, mas protege/sustenta sim a sociedade e sua estrutura sexista.

Em um segundo momento indica-se como o feminismo coloca em cheque a criminologia crítica denunciando justamente que, apesar de ser um movimento crítico e de desconstrução da estrutura desigual da sociedade, esta crítica limitava-se à classe, ignorando outros marcadores de diferença e produtores de desigualdades - entre eles, o gênero.

Com a emergência da criminologia feminista surgem novas perspectivas sobre o fenômeno criminal e o sistema penal que atendem às demandas, necessidades e questões que atingem mais profundamente as mulheres.

Mas tal emergência da criminologia feminista não significou apenas uma complementação da criminologia crítica por ter colocado um foco onde esta antes ignorava, mas fez surgirem algumas tensões. Dentre elas o conflito entre as demandas por menos Direito Penal, próprio da Criminologia Crítica versos a demanda por mais Direito Penal por parte do movimento feminista e da criminologia feminista. Essas tensões são apresentadas sobretudo a partir dos juristas brasileiros Salo de Carvalho, Mariana de Assis Brasil e Weigert, Carmen Hein Campos, Vera Regina Pereira de Araújo e Vera Lúcia Karam.

Ainda, para elucidar ainda mais essa questão/tensão apresenta-se o debate sobre a Lei brasileira Maria da Penha<sup>1</sup>, de 2006, a qual é tida

como uma grande conquista na trajetória de lutas do movimento feminista, considerada pelas Nações Unidas como exemplo de legislação para o tratamento da violência doméstica contra mulheres, inclusive trazendo no corpo da própria lei o conceito de violência de gênero, como violência contra os direitos humanos das mulheres, dispondo ainda sobre suas diferentes formas (artigos 5º, 6º, 7º).<sup>2</sup>

o Código Penal e a Lei de Execução Penal; e dá outras providências.” (BRASIL, 2006).

<sup>2</sup> Art. 5º Para os efeitos desta Lei, configura violência doméstica e familiar contra a mulher qualquer ação ou omissão baseada no gênero que lhe cause morte, lesão, sofrimento físico, sexual ou psicológico e dano moral ou patrimonial:

I - no âmbito da unidade doméstica, compreendida como o espaço de convívio permanente de pessoas, com ou sem vínculo familiar, inclusive as esporadicamente agregadas;

II - no âmbito da família, compreendida como a comunidade formada por indivíduos que são ou se consideram aparentados, unidos por laços naturais, por afinidade ou por vontade expressa;

III - em qualquer relação íntima de afeto, na qual o agressor conviva ou tenha convivido com a ofendida, independentemente de coabitação.

Parágrafo único. As relações pessoais enunciadas neste artigo independem de orientação sexual.

Art. 6º A violência doméstica e familiar contra a mulher constitui uma das formas de violação dos direitos humanos.

Art. 7º São formas de violência doméstica e familiar contra a mulher, entre outras:

I - a violência física, entendida como qualquer conduta que ofenda sua integridade ou saúde corporal;

II - a violência psicológica, entendida como qualquer conduta que lhe cause dano emocional e diminuição da auto-estima ou que lhe prejudique e perturbe o pleno desenvolvimento ou que vise degradar ou controlar suas ações, comportamentos, crenças e decisões, mediante ameaça, constrangimento, humilhação, manipulação, isolamento, vigilância constante, perseguição contumaz, insulto, chantagem, ridicularização, exploração e limitação do direito de ir e vir ou qualquer outro meio que lhe cause prejuízo à saúde psicológica e à autodeterminação;

II - a violência psicológica, entendida como qualquer conduta que lhe cause dano emocional e diminuição da autoestima ou que lhe prejudique e perturbe o pleno desenvolvimento ou que vise degradar ou controlar suas ações, comportamentos, crenças e decisões, mediante ameaça, constrangimento, humilhação, manipulação, isolamento, vigilância constante, perseguição contumaz, insulto, chantagem, violação de sua intimidade, ridicularização, exploração e limitação do direito de ir e vir ou qualquer outro meio que lhe cause prejuízo à saúde psicológica e à autodeterminação; (Redação dada pela Lei nº 13.772, de 2018)

III - a violência sexual, entendida como qualquer conduta que a constranja a presenciar, a manter ou a participar de

<sup>1</sup> Lei nº 11.340, de 07.08.2006, “cria mecanismos para coibir a violência doméstica e familiar contra a mulher, nos termos do § 8º do art. 226 da Constituição Federal, da Convenção sobre a Eliminação de Todas as Formas de Discriminação contra as Mulheres e da Convenção Interamericana para Prevenir, Punir e Erradicar a Violência contra a Mulher; dispõe sobre a criação dos Juizados de Violência Doméstica e Familiar contra a Mulher; altera o Código de Processo Penal,

Sem a pretensão de encerrar o debate e apresentar soluções, o presente trabalho busca simplesmente apresentar uma parte do debate no Brasil e instigar mais questionamentos sobre as tão complexas relações entre Direito Penal e Feminismo e a Criminologia Crítica e a Feminista.

## II. DIREITO ANDROCÊNTRICO: UMA TECNOLOGIA DE GÊNERO

Sobretudo desde a década de 70, o direito é alvo de crítica das feministas, que denunciaram seu caráter eminentemente androcêntrico. A partir de suas análises é possível perguntar: as mulheres têm sido desconsideradas pela lei? De que modo e como esta omissão pode ser corrigida e que diferença isso faria? A proposta então é revelar a exclusão das mulheres e denunciar a falaciosa neutralidade de gênero da lei (BARLETT, 1990, p. 371-375 *apud* CAMPOS, 2011, p. 07).

Carol Smart trabalha com uma interessante abordagem, segundo a qual o direito é gendrado, ou seja, investiga as maneiras pelas quais o direito insiste/trabalha/função na diferenciação por gênero. Essa perspectiva permite perceber como o direito acaba operando como uma “tecnologia de gênero”, ou seja, como uma verdadeira estratégia criadora de gênero – traduzindo-se na expressão “o direito é gendrado” (SMART, 2020, p. 1426).

Pensar dessa forma permite mudarmos a pergunta de investigação: ao invés de perguntar, “Como o direito pode transcender o gênero?”, pergunta-se “Como o gênero opera no direito e como o direito opera para produzir o gênero?”, a

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relação sexual não desejada, mediante intimidação, ameaça, coação ou uso da força; que a induza a comercializar ou a utilizar, de qualquer modo, a sua sexualidade, que a impeça de usar qualquer método contraceptivo ou que a force ao matrimônio, à gravidez, ao aborto ou à prostituição, mediante coação, chantagem, suborno ou manipulação; ou que limite ou anule o exercício de seus direitos sexuais e reprodutivos;

IV - a violência patrimonial, entendida como qualquer conduta que configure retenção, subtração, destruição parcial ou total de seus objetos, instrumentos de trabalho, documentos pessoais, bens, valores e direitos ou recursos econômicos, incluindo os destinados a satisfazer suas necessidades;

V - a violência moral, entendida como qualquer conduta que configure calúnia, difamação ou injúria. (BRASIL, 2006).

qual permite perceber o direito como um dos sistemas/discursos produtores de gêneros e de diferenças bastante polarizadas.

Se admitimos que a mulher ou as mulheres não são categorias biológicas, mas que existem estratégias que as produzem, ou nas palavras de Smart, as trazem à existência, que variam de acordo com a história e cultura, então podemos perceber o próprio direito como uma dessas estratégias.

Se não, vejamos: a criminosa, a prostituta, a mãe infanticida, a mulher honesta. Na verdade, o direito parte da diferenciação “originária” da biologia e do sexo – Homem X Mulher – e constrói novas que se ancoram nesta. A mulher delinquente ou a prostituta é um tipo de mulher que se diferencia das demais, mas que de toda forma pressupõe esta diferença fundacional entre Homem e Mulher.

Outros discursos, além do jurídico, no século XIX, como o médico e o psiquiátrico e psicanalítico vão operar para criar diferenças de gênero que absorvemos como naturais. Um exemplo bem emblemático de tipo/categoria de mulher criado no século XIX é o da histérica (pelo discurso psicanalítico).

Aliás, como Smart também indica, o século XIX foi um período em que este viés classificatório e gendrado se intensificou. Não por acaso, neste século, a lei definirá de maneira mais clara e detalhada, como expõe a autora, as incapacidades jurídicas da Mulher, tornando a diferença de gênero ainda mais rígida e polarizada. Como expõe, “o século XIX sinaliza um momento no qual ocorre um maior refinamento e uma classificação pormenorizada das categorias relevantes e dos sujeitos jurídicos” (SMART, 2020, p. 1433).

Para exemplificar como o direito produz sujeitos, identidades e subjetividades e nesse sentido funciona como tecnologia de gênero, Carol Smart (2020, p. 1434/1435) traz uma análise do percurso histórico de leis na Inglaterra que construíram a categoria da “mãe perigosa”: 1623 – uma lei definia que as mães não casadas, caso o bebê morresse, seriam responsabilizadas e

condenadas à morte, cabendo a elas o ônus de provar que o bebê teria morrido de causas naturais. A mãe não casada foi enquadrada na categoria de “homicida presumida”, portanto. Em 1753, a Lei do Casamento regulamentou o casamento eliminando estados indeterminados de semimatrimônio – as mulheres então seriam casadas ou solteiras. Em 1803 é promulgada a primeira lei penal sobre aborto, sendo então criminalizada a interrupção da gravidez em qualquer estágio. Em 1882 a idade para consentimento para casamento subiu para treze anos e em 1885 para dezesseis, não podendo o casamento ser realizado antes dessas idades. Em 1913, promulga-se a Lei sobre Deficiência Mental que facilitou o encarceramento de mães não casadas com fundamento em estados de imbecilidade moral ou fragilidade mental.

Mulheres não casadas que engravidassem eram alvo muito fácil do direito penal ou do discurso médico: homicidas, infanticidas (caso recorressem ao aborto ou o bebê morresse) ou loucas. Segundo Smart, a mãe não casada serve para reforçar o entendimento cultural que temos sobre o que significa “maternidade adequada”. A mãe perigosa é um *tipo* de mulher, e vista justamente como um problema porque não tem um homem, o qual significa estabilidade, legitimidade e domínio. Conclui então Smart:

Assim como Foucault mostrou que categorias como criminoso ou homossexual não são entidades pré-existentes a serem investigadas e entendidas pela ciência, também podemos ver que a mãe não casada surge como consequência de estratégias e saberes específicos. (SMART, 2020, p. 1436).

No direito brasileiro, categorias como mulher honesta, legítima defesa da honra nos assassinatos de mulheres pelos companheiros (ambas já eliminadas da Lei Penal, mas muito recentemente), a expressão crimes contra os costumes... entre tantas outras mostram como o Direito constrói um significado de Mulher e seus tipos desviantes. Contra este discurso jurídico deve o feminismo levantar a sua voz e desconstruir esta Mulher normativa que oprime pela homogeneidade que impõe.

Como denuncia Carol Smart (2020, p. 1437/1438), o direito é poder não só porque pune, mas porque cria identidades e diferenças de gênero.

Podemos então dialogar e completar essa assertiva de Smart com a reflexão de Facio e Camacho:

Há uma grande diferença entre considerar que um determinado problema social é causado por crenças, condutas, atitudes e modelos culturais (informais) dificilmente modificáveis, e considerar que esse mesmo problema é causado pelas mesmas estruturas políticas (formais) da sociedade (FACIO CAMACHO, 1995, p.71).

### III. CRIMINOLOGIA CRÍTICA E O FEMINISMO: CRIMINOLOGIA FEMINISTA

Nesse mesmo século temos justamente a emergência da Criminologia como ciência, a qual surge marcada por toda a especificidade do século XIX e sua própria epistemologia.

A criminologia surge como uma ciência sobre o Homem Delinquente (androcêntrica), que buscava pela observação dos fatos (empirismo) detectar as causas da criminalidade (explicação causal dos fenômenos) no próprio indivíduo, partindo da premissa de que a criminalidade é um fenômeno social e natural, ou seja, o crime é um sintoma de anormalidade do indivíduo que se manifesta de diferentes formas (gerando uma tipologia de criminosos – obsessão classificatória) e que deve ser detido por mecanismos de cura e/ou eliminação (dependendo do grau de periculosidade, sendo que esta era medida pelo grau de anormalidade).

Esse discurso não padecia apenas de vícios em relação à sua cientificidade, mas partindo de uma análise politicamente situada, pode-se dizer que se tratava de um discurso estigmatizante, normalizador, excludente e opressor, sustentado por uma visão hierarquizante da humanidade, em que alguns humanos têm direitos e merecem proteção e outros, “menos humanos”, devem ser “corrigidos” ou eliminados.

O século XX é marcado por uma série de correntes que gradativamente vão ofuscando a criminologia positivista, até chegar na definitiva ruptura, realizada pela Criminologia Crítica na década de 70 (um momento de superação microsociológica para uma compreensão macrosociológica no interior das ciências sociais).

Na visão da criminologia crítica, a criminalidade não é mais um dado ontológico, mas um status atribuído a determinados indivíduos; o desvio não é a qualidade de um ato ou de uma pessoa que o pratica (o que era pressuposto como neutro na criminologia positivista), mas a consequência de um rótulo aplicado a alguém e a determinado comportamento (BARATTA, 2002).

Desconstrói-se o mito de igualdade do direito penal que se manifesta na ideia de que o direito penal protege igualmente a todos os cidadãos, contra ofensas aos bens essenciais, nos quais todos os cidadãos estão igualmente interessados; e ainda na ideia de que a lei penal é igual para todos, ou seja, todos têm as mesmas chances de serem sujeitos do processo de criminalização.

Segundo a criminologia crítica, o direito penal é seletivo: não defende todos e os bens essenciais a todos, mas seletivo e pune de maneira desigual e de modo fragmentário as ofensas aos bens essenciais; ainda, o status de criminoso é distribuído de maneira desigual entre os indivíduos.

O direito penal tende a privilegiar os interesses das classes dominantes e a imunizar os processos de criminalização dos comportamentos danosos realizados pelos pertencentes a estas classes. O Direito Penal dirige os processos de criminalização para as classes subalternas e isso ocorre em vários momentos: na escolha dos comportamentos descritos na lei e a diversa intensidade de ameaça penal, chamada criminalização primária; e nos mecanismos de criminalização secundária, que são os mecanismos de aplicação das normas, a ação dos órgãos de investigação culminando com um juízo. Estes acentuam ainda mais o caráter seletivo do direito penal, na medida em que aqueles que pertencem às camadas mais baixas de fato apresentam

maiores chances de serem selecionados pelo direito/sistema penal e suas agências (BARATTA, 2002).

Parte de sua agenda positiva está justamente na demanda pela descriminalização, despenalização, e superação do modelo carcerário de pena. Nela podemos encontrar correntes mais radicais, que clamam pela própria abolição não só do sistema carcerário, mas do próprio direito penal, e perspectivas (menos radicais) ligadas ao garantismo penal, Direito Penal Mínimo.

Inegáveis os méritos da Criminologia Crítica ao desconstruir as falácias do direito penal moderno e da criminologia positivista etiológica, a qual se fundava em uma humanidade cindida e reforçava estereótipos e preconceitos com um selo de “verdade científica”. Mérito por ter colocado um foco nos oprimidos e por denunciar que o sistema penal trabalha por meio de uma lógica em que a opressão se perpetua e se reproduz, impedindo a emancipação de grupos que estão excluídos e à margem da sociedade capitalista – sobretudo a classe pobre e trabalhadora. Mas não teriam esquecido ninguém? Ao dar voz para estes oprimidos, não teriam silenciado outras vozes? Se a classe trabalhadora é oprimida pelo capital, o que falar das mulheres, cuja opressão é diferente e mesmo anterior ao sistema capitalista, pois produto da estrutura patriarcal da sociedade? Como denunciou Larrauri (1999), não vivemos apenas em uma sociedade capitalista, mas também em uma sociedade patriarcal, e a criminologia crítica teria se esquecido deste “detalhe”, representado pela metade do gênero humano.

O feminismo se fortalece como movimento e teoria no mesmo período em que se desenvolve a criminologia crítica, todavia, ambas correntes não se penetraram como deveriam. Assim como as feministas socialistas denunciaram a perspectiva marxista por desconsiderar a questão de gênero, as criminólogas fizeram o mesmo no que se refere à criminologia crítica.

Questões como divisão de gêneros, distinções entre esferas público e privada, formas específicas de controle destinado a mulheres, pressupostos

relativos ao discurso do crime e da vítima, ligados a uma estrutura patriarcal de sociedade, foram ignorados pela criminologia crítica (LARRAURI, 1991).

Era urgente, então, buscar as mulheres perdidas nos textos criminológicos (FACIO, CAMACHO, 1995, p. 40), as quais neles permaneceram ausentes ou periféricas.

As criminólogas (CAMPOS, 2020, p. 219), então, introduziram o gênero como *guiding question* na investigação criminológica, causando sua segunda virada paradigmática (a primeira foi com o paradigma da reação social) e mostraram como as pesquisas na área omitiam as mulheres, seja como criminosas ou como vítimas, de seus estudos e problematizações, o que comprova seu caráter androcêntrico (talvez uma das mais androcêntricas disciplinas no direito).

A denúncia do caráter androcêntrico (partia-se do pressuposto de que delinquir é um fenômeno masculino) permitiu perguntar: onde estão as mulheres e o gênero nas teorias do crime, da vitimização e da justiça? (DALY, 2008).

As teorias feministas provocando o estudo de questões que até então a criminologia ignorava, mesmo a crítica, como violência contra as mulheres, abalou as bases da criminologia e pode-se dizer que teria mesmo provocado sua crise (CAMPOS, 2020, p. 217). Ampliou seu objeto, incluindo em sua agenda temas como abuso infantil, violência doméstica, crimes de sexo e gênero, medo do crime, o papel da vitimização anterior no crime.

As feministas então formularam o que seria uma Criminologia Feminista – tratar-se-ia de “um corpo de pesquisa e da teoria criminológica que situa o estudo do crime e da justiça criminal dentro de um complexo entendimento de que o corpo social é sistematicamente formado pelas relações de sexo/gênero” (CAMPOS, 2020, p. 271). Inclui-se na pesquisa criminológica a perspectiva de gênero (ponto de partida) e da desigualdade de gênero além de outros indicadores como raça, classe, sexualidade, etc. Assim, para entender e teorizar sobre o crime, o sistema de justiça, o processo de encarceramento,

a vitimização das mulheres, a categoria gênero torna-se primordial, combinada, certamente, com suas interseccionalidades como raça, classe, sexualidade, idade... (CAMPOS, 2020, p. 272).

Além de partir da perspectiva de gênero, deve-se entendê-lo como atuando em diferentes níveis: em nível macro, no sentido de que estrutura as formas de vidas e legitima as normas culturais sobre desigualdade e diferença; em nível intermediário, no sentido de que faz as instituições funcionarem de determinadas maneiras e no nível micro, ou seja, no âmbito das relações interindividuais (CAMPOS, 2020, 275).

Hoje a Criminologia Crítica e a Criminologia Feminista apresentam pontos de conflito e zonas de convergência. Salo de Carvalho e Mariana Weigert (2020, p. 1784) são exemplo de quem procura sobretudo encontrar uma identidade compartilhada entre a criminologia crítica e as criminologias feministas.

Um ponto de convergência entre ambas, segundo o autor é, sem dúvida, a crítica ao positivismo criminológico e ao paradigma etiológico.

Este tipo de estudo, como já mencionado, marcou a análise da criminalidade no século XIX, vista como um fenômeno essencialmente masculino. E a partir dessa premissa, analisou-se, embora e obviamente de modo periférico, a criminalidade feminina, ou seja, as mulheres criminosas. Assim, partindo da inquestionável, à época, a distinção biológica e natural (e hierarquizante) entre homens e mulheres, entendia-se as mulheres como seres mais emocionais, passivos e menos inteligentes, e que portanto, estariam ligadas a determinados tipos de crimes, sobretudo àqueles associados às suas circunstâncias específicas como menstruação, puerpério, menopausa (infanticídio e aborto) e assim por diante; ou crimes não violentos (por sua maior passividade), ou, ainda, crimes que reforçavam o mito da mulher diabólica, ligados à sua capacidade de manipular e enganar. Emblemática é a obra de Lombroso sobre a mulher delinquente, em que compara a mulher normal e a prostituta (categorias construídas pelo discurso médico e jurídico). Seria ainda acrescentada, pelo discurso

médico e psicanalítico, à tipologia, as históricas. Trata-se pois de uma perspectiva determinista (biológica e psicológica), segundo a qual se analisa a criminalidade, como um todo e também da mulher, consequentemente.

Mais do que a mulher criminosa, a mulher-vítima ocupa um lugar de destaque nesta linha de pesquisas científicas. Na década de cinquenta, os estudos de Von Henting contribuem para se construir uma concepção estereotipada também da vítima, gozando inclusive de uma classificação/tipologia – vítimas natas e produzidas pela sociedade – guiada pela questão: quais são as causas produtoras das vítimas? e que acabou sendo conduzida de forma a pensar a vítima a partir de sua culpabilidade pelo delito contra ela cometido, linha que foi reforçada pelo vitimólogo Mendelson, que criou inclusive uma graduação entre a vítima completamente inocente e a vítima culpada, a partir de critérios altamente moralistas – o que nos remete imediatamente à abordagem da vítima mulher nos casos de estupro (CARVALHO; WEIGERT, 2020, p. 1790).

Segundo Salo de Carvalho e Mariana Weigert (2020, p. 1792), a criminologia feminista consegue justamente aprofundar a crítica ao positivismo e seu paradigma etiológico, inaugurada pela criminologia crítica. A convergência então se dá justamente na agenda negativa, de desconstrução dos fundamentos do positivismo: nega-se a essencialização dos sujeitos envolvidos (o homem delinquente, a mulher prostituta, a mulher honesta) e compreende-se a criminalidade para além da microcriminologia.

Os processos de essencialização funcionam a partir da marcação de identidades, lugares/representações sociais que naturalizam a desigualdade e legitimam e perpetuam uma lógica hierarquizante na sociedade – superiores X inferiores.

O feminismo radical avança na crítica à essencialização dos autores e vítimas de crimes e consolidam essa visão macrosociológica, buscando entender os mecanismos institucionais e estruturais da inferiorização das mulheres. E assim vai além da crítica ao capitalismo,

apontando sua mira para a lógica do patriarcado e o funcionamento sexista das instituições.

O feminismo radical (diferentemente do liberal<sup>3</sup>, reformista, que pretende a emancipação das mulheres por meio da afirmação da igualdade nas instituições do Estado de Direito, e cujas ações estão cetradas na alteração legislativa e sua efetividade) entende que a discriminação contra a mulher se dá por conta da dominação e não da distinção (diferença) – assim, apenas afirmar/conquistar a igualdade não seria suficiente. O feminismo radical parte da ideia de que a subordinação das mulheres é efeito da naturalização de estruturas e processos institucionais construídos na violência e não apenas pela diferença (CARVALHO; WEIGERT, 2020, p. 1797).

Assim, seu foco são justamente as dimensões institucionais e estruturais da violência, o qual, proporcionado pelo feminismo radical e articulado pelas criminologias feministas (acúmulo crítico macro criminológico) ligadas a ele, propicia a elaboração de novas perguntas na direção dos estudos penais e criminais, como: por que certas condutas femininas são criminalizadas? (aborto, por exemplo). Por que algumas mulheres são mais vulneráveis à criminalização (negras, pobres, faveladas)? Por que algumas causas de justificação são aplicáveis aos homens, mas não para as mulheres? (legítima defesa da honra)? Por que a conduta da vítima de violência sexual, quando mulher, é valorada negativamente podendo acarretar a exclusão da ilicitude do fato? Por que as penas aplicadas às mulheres são mais altas do que quando aplicadas aos homens mesmo em face de situações semelhantes? (CARVALHO, WEIGERT, 2020, p. 1796 e 1800/1801).

<sup>3</sup> Conquistas importantes do feminismo liberal: reivindicação pela reforma e adaptação dos presídios femininos, garantindo às mulheres os mesmos direitos e direitos que lhes são próprios (exemplo, amamentação nas dependências dos presídios); criação de juizados específicos para lidar com a violência doméstica com a Lei Maria da Penha; novas formas de realização de depoimentos, preservação da intimidade das mulheres (...). (CARVALHO; WEIGERT, 2020, p. 1798).

A criminologia feminista radical denuncia a maior vulnerabilidade à criminalização e reprovabilidade da conduta das mulheres e entende que isso ocorre porque as mulheres que cometem crimes na verdade infringiram duas normas: a lei penal e o papel de gênero. A aplicação das penas de forma mais severa ocorre sobretudo em relação aos crimes que destoam dos comportamentos que se espera da mulher e em que ela assumiu um papel que não corresponde ao da imagem da mulher convencional – esposa, mãe, respeitável... “honesta” (CARVALHO; WEIGERT, 2020, p. 1802). As mulheres criminosas são não apenas delinquentes, mas também pecadoras – em relação a elas nunca ocorreu a secularização do direito criminal.

Há, portanto, como denuncia Elena Larrauri (1996, p. 13-26), uma dupla violência punitiva contra as mulheres (no papel de vítimas ou criminosas) e em todos os âmbitos do controle penal (criação e aplicação de leis e execução de penas).

Como afirmam Salo de Carvalho e Mariana Weigert (2020, p. 1804), podemos então encontrar como ponto de convergência entre a criminologia crítica e a criminologia feminista o projeto de desconstrução da criminologia positivista e seu fundamento essencialista e que funciona a partir de uma lógica excludente, legitimando a dominação de classe, raça e gênero. Ambas estão inseridas, como afirma o autor, num campo de denúncia de teorias e práticas positivistas que justificam o injustificável e legitimam o ilegítimo, materializando-se na exploração de classe, dominação da mulher e anulação do negro.

#### IV. QUAL O PAPEL DO DIREITO PENAL PARA AS FEMINISTAS?

Um dos aspectos mais polêmicos de um suposto desencontro e desacordo entre as duas correntes seria a ligada à centralidade e papel do direito e do sistema penal na luta pela afirmação de direitos das mulheres. Na medida em que um dos objetivos da Criminologia Crítica é a descriminalização e despenalização, como conciliar tais pautas com as reivindicações do movimento das mulheres demandando uma

maior intervenção do direito penal com a criação de crimes específicos como feminicídio, assédio, violência doméstica, enfim criminalização de condutas que violam a integridade física das mulheres?

Esse é um grande campo de debate, dentro mesmo do feminismo, em que algumas feministas, ao reivindicar a proteção do Estado e do direito penal, sobretudo seu papel simbólico, são rotuladas com feministas punitivistas (feminismo punitivista) e nesse sentido acusadas de padecerem de uma contradição performativa, pois ao demandarem a proteção de instituições e sistemas violentos e androcêntricos (Estado e direito penal) não superam a lógica da dominação e da subordinação da mulher.

Nessa linha argumentativa, podemos citar Vera Regina Pereira de Andrade para quem o sistema penal não é apenas ineficiente para a proteção das mulheres, como duplica a violência exercida contra elas. Ao recorrerem ao sistema penal as mulheres relegitimam um sistema que é estruturalmente excludente e machista.

Ele próprio é um sistema de violência (institucional), que exerce seu poder e impacto sobre as vítimas. O sistema duplica a vitimização feminina, pois, por exemplo, além da violência sexual, a mulher torna-se vítima da violência institucional (sobretudo a partir do discurso da culpabilidade da vítima guiado por padrões moralistas construídos pelas categorias mulher honesta X mulher desviante) (ANDRADE, 2003, p. 86 e 103).

A autora destaca que ao se tornar um problema privado em uma questão pública, não necessariamente e automaticamente deve-se torná-lo um problema penal, ou seja, um crime.

Para a autora, a criminalização de novas condutas sexuais não representa um avanço para o movimento feminista. Para ela, o discurso feminista da neocriminalização acaba reproduzindo a dependência masculina que a princípio é seu alvo de crítica. Paradoxalmente, o movimento feminista busca-se libertar da opressão masculina recorrendo a um sistema

demonstradamente classista e sexista (ANDRADE, 2003, p. 86).

Até que ponto é um avanço para o movimento reproduzir a imagem da mulher como vítima e merecedora da proteção masculina?

Para a autora (ANDRADE, 2003, p. 89), o próprio direito/sistema penal padece de uma imensa crise de legitimidade, que também decorre de uma crise mais ampla que afeta o modelo de Direito que emerge na Modernidade – monismo jurídico (relação reducionista entre direito e Lei, Direito e Estado).

O direito penal moderno foi construído sobre alguns pilares fundamentais como a secularização (separação entre crime e pecado), racionalização (proporção entre crimes e penas), igualdade de todos perante a lei (proteção de bens jurídicos que interessam a todos, legalidade, imparcialidade, aplicação igualitária da pena, devido processo legal, contraditório). Esses pilares podem ser entendidos também como promessas que, na verdade, na opinião da autora e de tantos outros críticos do sistema penal, não foram cumpridas.

O sistema penal não julga igualitariamente as pessoas, mas seleciona autores e vítimas de acordo com sua reputação pessoal. No caso das mulheres tende a se formar uma linha divisória entre mulheres honestas e desonestas, as quais o sistema abandona caso não se enquadrem nos padrões da moralidade sexual impostas pelo patriarcalismo. Portanto, o sistema penal reproduz e fortalece esta divisão discriminatória entre as mulheres.

Assim, o sistema penal não pode ser visto como fator de unidade porque atua dispersando e de modo excludente, recriando as desigualdades e preconceitos sociais.

Uma das respostas à crise do Direito/sistema penal é a proposta do Direito Penal mínimo e abertura do controle penal para a sociedade e democratização do controle. Este movimento se expressa por meio de processos como a descriminalização, despenalização, descaracterização e informalização da Justiça Penal (exemplo, criação dos Juizados Especiais). Por

outro lado, há um movimento de fortalecimento e expansão do sistema que inclui diferentes demandas: a demanda criminalizadora contra a criminalidade do colarinho branco (punição dos ricos), a demanda dos novos movimentos sociais, nos quais se insere o feminismo (Lei do feminicídio, Lei Maria da Penha) e a demanda dos movimentos de Lei e Ordem, que tem na mídia seu mais poderoso instrumento de difusão (lei dos crimes hediondos, do crime organizado).

A reforma da parte especial do Código brasileiro, segundo a autora, atendeu a estes dois movimentos ao mesmo tempo. No Brasil, observa, há a convivência contraditória da minimização e da maximização do sistema, uma tensão entre mais Estado e sistema e menos Estado e sistema (ANDRADE, 2003, p. 110).

E o movimento feminista, segundo a autora, se insere perfeitamente nesta ambiguidade, pois ao mesmo tempo em que reivindica a descriminalização de determinadas condutas, como o aborto, o adultério, pugna pela criminalização de outras, como a violência doméstica e o assédio sexual (ANDRADE, 2003, p. 110).

Esta ambiguidade a autora entende estar marcada por um duplo condicionamento: um condicionamento de ordem histórica e um condicionamento de ordem teórica (ANDRADE, 2003, p. 112).

O movimento feminista no Brasil, que emerge na década de 70 trouxe à tona questões como a discussão do aborto, a violência doméstica, o assassinato de mulheres, a violência e discriminação no trabalho. A visualização destes problemas, tornados mais evidentes com a criação das delegacias das mulheres, fez com que problemas que antes eram vistos como de natureza privada se tornassem públicos e penais. A violência contra a mulher e a impunidade masculina tornou-se central na agenda do movimento feminista. E este, segundo a autora foi o condicionamento histórico que provocou no movimento este viés de demanda pela ação do sistema penal. Um processo que a autora chama de publicização-penalização do privado.

No que se refere ao condicionamento teórico, na opinião da autora, há no Brasil um profundo déficit de recepção e produção da criminologia crítica e da criminologia feminista. Há ainda um déficit no diálogo entre a academia e a militância feminista e as diferentes teorias críticas do Direito. Este déficit provoca uma falta de clareza a respeito da especificidade de uma política criminal feminista no Brasil, o que fica claro quando se questiona sobre o sentido da proteção que as mulheres buscam por meio do sistema penal. O que se busca, parece, aponta a autora, é o castigo, ou seja, permanece-se na lógica retributivista.

O que do ponto de vista da autora leva a um grande paradoxo que é a associação entre um dos movimentos mais progressistas, que é o movimento das mulheres, com o mais conservador, que é o movimento da Lei e Ordem. Ambos se unem em um elo reivindicando mais punição, mais repressão, fortalecendo a crise da política criminal e do sistema carcerário.

Outra autora radicalmente crítica no que se refere a este movimento de se recorrer ao Direito Penal e, sobretudo, seu poder simbólico, para proteger e afirmar os direitos fundamentais das mulheres, é Vera Lúcia Karam. Para ela a intervenção do sistema penal para combater a discriminação e as relações de dominação do homem e subordinação das mulheres é “enganosa, danosa e dolorosa” (KARAM, 2006, p. 6). Ela critica não apenas o movimento feminista, como também outros movimentos sociais pela atual expansão do poder punitivo, o que vai na contramão da criminologia crítica e radical, a qual, dentre as reivindicações de sua agenda positiva, estão a descriminalização e despenalização, ou seja, enxugamento do sistema penal. Como exprime a autora,

Mulheres e homens entusiastas do rigor penal como pretensa solução para a violência de gênero acenam com a finalidade de superação de práticas diferenciadas, arbitrárias ou discriminatórias (...) Mas, para atender seus desejos punitivos, não hesitam em, paradoxalmente, aplaudir as próprias práticas diferenciadas, arbitrárias e discriminatórias

que suprimem direitos fundamentais (KARAM, 2006, p. 6).

Na opinião da autora, deve-se buscar instrumentos mais eficazes e menos nocivos que o sistema penal, justamente porque este, e neste ponto coadunando-se com o posicionamento de Vera de Andrade, o direito penal não apenas não cumpre suas promessas declaradas, como é um instrumento de perpetuação de injustiças e práticas seletivas; um sistema que produz dor, sofrimento e violência.

Para superarmos a desigualdade, a dominação e a exclusão, segundo a autora, devemos abrir mão desta tendência criminalizadora – para ela, a repressão penal não é o caminho para o reconhecimento e garantia de direitos fundamentais, pois preconceitos e discriminações estão justamente na base da ideia de punição exemplificativa (KARAM, 2006, p. 07).

Todavia, são inegáveis alguns progressos nas demandas das mulheres quanto à proteção de seus direitos, incluindo algumas mudanças no âmbito do próprio direito e sistema penal: a criação de Delegacias Especializadas no Atendimento a Mulheres; mudanças na interpretação doutrinária e jurisprudencial dos crimes praticados com violência doméstica e sobre a tese da legítima defesa da honra nos crimes de adultério; revogação de tipos penais discriminatórios (atentado ao pudor, sedução, adultério); modificação na redação do crime de estupro; revogação do dispositivo que permitia a extinção da punibilidade com o casamento da vítima com seu ofensor nos crimes sexuais e do dispositivo que considerava crime somente rapto de mulher honesta (CARVALHO; CAMPOS, 2011, p. 143).

Muitos consideram que a grande conquista na trajetória de lutas se deu com a publicação da Lei Maria da Penha em 2006<sup>4</sup>, sendo considerada

<sup>4</sup> A produção da lei contou com um contexto favorável por conta da recomendação ao Brasil, por parte do Comitê da Convenção para a Eliminação de todas as formas de Discriminação contra as Mulheres, da elaboração de uma lei que tratasse sobre violência doméstica, o que ratificou as demandas do movimento de mulheres. Várias alterações no Código Penal.

inclusive pelas Nações Unidas como exemplo de legislação para o tratamento da violência doméstica contra mulheres, inclusive trazendo no corpo da própria lei o conceito de violência de gênero, como violência contra os direitos humanos das mulheres, dispondo inclusive sobre suas diferentes formas (artigos 5º, 6º, 7º) (CARVALHO; CAMPOS, 2011, p. 144).

Um dos grandes méritos da Lei foi justamente ter previsto uma série de medidas protetivas que extrapolam a perspectiva penal, dentre elas: planejamento de políticas públicas, promoção de pesquisas e estatísticas, controle da publicidade sexista; criação de cadastro de programas assistenciais governamentais e que as mulheres em situação de violência tenham prioridade de assistência; criação de programas de atendimento ou proteção da violência; fornecimento de assistência judiciária gratuita, com atendimento por equipe multidisciplinar... (CARVALHO; CAMPOS, 2011, p. 144).

Ainda, a lei substitui o termo “vítima” pela expressão “mulheres em situação de violência”, justamente para, por meio de um recurso linguístico, minimizar a condição de passividade/objeto, reforçando a afirmação de sua autonomia como sujeito. Previu uma série de medidas protetivas tendo em vista a situação de vulnerabilidade da mulher em situação de violência, como o encaminhamento da ofendida e dependentes a programa oficial ou comunitário de proteção ou atendimento; afastamento da ofendida do lar sem prejuízo dos direitos relativos a bens, guarda dos filhos ou alimentos. As medidas de proteção são na verdade os procedimentos mais requeridos pelas mulheres, o que segundo Salo de Carvalho e Carmen Hein de Campos, demonstra o acerto da lei.

Criou também Juizados de Violência Doméstica e Familiar com competência civil e penal. Esta composição de competências também demonstra um avanço da lei, pois rompe com as dicotomias da dogmática tradicional, e atende a uma condição específica do fenômeno que é abarcado pelo direito – a violência contra as mulheres é um problema complexo que o direito cinde artificialmente nos campos cível e penal. Todavia,

a resolução destas questões de maneira uniforme é mais efetiva, satisfatória e coerente. Como afirmam Salo de Carvalho e Carmen Hein de Campos:

Especificamente em relação à violência contra as mulheres, a possibilidade de que, na mesma esfera jurisdicional, de forma concentrada e com economia de atos, possam ser resolvidas questões penais e de família representa importante inovação e, em termos pragmáticos, significa efetividade dos direitos (CARVALHO; CAMPOS, 2011, p. 149).

A Lei Maria da Penha, segundo os autores, então, não pode ser analisada como um instrumento de natureza exclusivamente penal. Por combinar medidas penais e extrapenais apresenta uma proposta que extrapola o âmbito da política criminal (CARVALHO; CAMPOS, 2011, p. 145).

Com essa visão, Salo de Carvalho e Carmen Hein de Campos respondem diretamente àqueles que percebem na lei um movimento político-criminal maximalista, como Maria Lúcia Karam ou Nilo Batista. Para Salo de Carvalho e Carmem de Campos essa linha de argumentação não procede: primeiro porque a lei não cria tipo penal novo; ainda, os atos de violência contra a mulher são aqueles que mesmo os discursos que defendem políticas criminais alternativas entendem como legítima a criminalização, pois afetam bens jurídicos tangíveis. Ainda, a especificação da violência de gênero não implica necessariamente maior repressão penal, mas permite colocar em evidência um problema que existe, sempre existiu e padecia de uma cruel naturalização ou restava ofuscado em um conceito genérico em que não se permitia tornar visível uma relação de violência e dominação específica, que é a dos homens contra as mulheres em sociedades estruturalmente patriarcais (CARVALHO; CAMPOS, 2011, p. 150).

Como afirma Campos, tratar a violência doméstica por meio de uma legislação específica significa a conquista de um lugar de fala pelo feminismo, algo que até então não teria sido reconhecido pelos juristas tradicionais (CAMPOS, 2011, p. 07). Essa lei, como constata a autora,

“reflete a sensibilidade feminista no tratamento da violência doméstica” (CAMPOS, 2011, p. 09).

Já na opinião de Vera Lúcia Karam, a Lei 11340/2006 – Maria da Penha considerada como uma grande conquista dos movimentos feministas no combate à violência contra a mulher, pode ser tida como um exemplo em que na busca pela afirmação e efetividade dos direitos fundamentais das mulheres, tantos outros direitos fundamentais são suprimidos e princípios como o da isonomia (também objeto de luta das mulheres que reivindicam um tratamento igualitário pelo direito) são violados.

A autora faz referência justamente à previsão neste documento legal quanto à exclusão da incidência da Lei 9099/95 que previa que em crimes de menor potencial ofensivo são cabíveis a transação penal e a suspensão condicional do processo e na vedação da substituição de pena privativa de liberdade por penas pecuniárias ou prestação de serviços comunitários. Na visão da autora, estas exceções previstas na lei infringem o princípio da isonomia – para ela, a particularidade da infração, por tratar-se de violência de gênero, não é diferencial que justifique a desigualdade no tratamento. Se a uma infração, como a lesão corporal, comina-se uma pena de dois anos, não importa ser ou não violência de gênero, trata-se de uma infração de menor potencial ofensivo, segundo a autora, cujas consequências devem ser as mesmas, pelo menos a priori, ou seja, não se deve antecipar legalmente exclusões.

Salo de Carvalho e Carmen Hein de Campos, ainda, diferentemente de Karam, entendem que a previsão na Lei da não aplicação da 9099/95, foi uma conquista e não um retrocesso, pois além de responder a uma demanda das feministas contra a impunidade (uma violência compensada com uma cesta básica) e conferir a devida relevância aos crimes de violência contra a mulher (não podem ser considerados como crimes de menor potencial ofensivo), como afirma Lênio Streck, trata-se de uma questão simples de equidade – tratar desigualmente os desiguais – discriminações positivas, ou seja, por meio de um tratamento desigual, buscar igualar aquilo que sempre foi

desigual (o mesmo raciocínio que se aplica às cotas raciais, declaradamente, inclusive já pelo STF, constitucionais) (STRECK, 2011, p. 98).

Outro ponto criticado por Karam previsto na lei é a medida protetiva que determina a restrição ou a suspensão de visitas a dependentes menores – para ela, a lei estaria, então, violando o direito fundamental de crianças e adolescentes à convivência familiar (assegurado pela Constituição Federal, artigo 227).

Para Karam, ainda, a lei, ao condicionar a renúncia da representação (que só pode ser realizada perante o juiz, em audiência designada para tal e na presença do Ministério Público) reforça a inferiorização da mulher, recolocando-a em uma posição de passividade e de vítima, tratada como alguém incapaz de decidir por si mesma (KARAM, 2006, p. 07).

De fato, a discussão sobre a lei traz à tona os principais embates entre a Criminologia Crítica – antipunitivista e a Criminologia Feminista, e sua luta pela erradicação da violência contra a mulher.<sup>5</sup>

Esse embate não está encerrado, mas já podemos indicar que uma das possíveis contradições expostas, qual seja, a demanda pela criminalização de determinados atos e a descriminalização de outros na verdade, é na verdade meramente aparente, pois o que se busca criminalizar são práticas de violência contra os direitos da mulher (sua liberdade sexual, integridade física...) e o que se busca descriminalizar também são atos de violência contra a mulher, embora uma violência tornada “legítima” porque institucionalizada.

Como bem concluem Salo de Carvalho e Carmen Hein de Campos, a despeito de toda a polêmica:

<sup>5</sup> No Brasil, uma em cada cinco mulheres já sofreu algum tipo de violência de parte de algum homem, conhecido ou desconhecido (pesquisa de opinião pública Mulheres Brasileiras e Gênero no Espaço Público e Privado, 2010), uma em cada dez teria sido espancada pelo menos uma vez na vida; a cada 24 segundos uma mulher é agredida (pesquisa da Fundação Perseu Abramo, 2010) (CARVALHO, CAMPOS, 2011, p. 162).

a lei Maria da Penha pode proporcionar uma importante agenda para a superação e o enfrentamento aberto das tensões apresentadas, sobretudo porque sua proposta ultrapassa o campo meramente repressivo e os maniqueísmos determinados pela lógica binária das jurisdições cíveis ou criminais (...) estamos perante um novo modelo, regido por uma lógica diversa da forma mentis misógina que vem regendo o Direito na Modernidade. (CARVALHO, CAMPOS, 2011, p. 166)

Ainda, como bem pondera Lênio Streck (2011, p. 100), na contemporaneidade, para além do princípio da proibição de excesso, que proíbe o Estado de punir com exageros, há o princípio da proibição de proteção insuficiente. O Estado tem obrigação de proteger os direitos fundamentais e a elaboração de uma lei para combater a violência contra a mulher atende a este princípio, sendo, portanto, uma exigência constitucional.

## V. CONSIDERAÇÕES FINAIS

Um fortíssimo canal na busca por relações mais iguais e livres entre os gêneros tem sido o direito – novas leis, novas práticas interpretativas, novas estruturas de justiça. Como isso é processado, a demanda no campo do direito, tem gerado tensões entre as duas correntes, a Criminologia Feminista e a Criminologia Crítica.

Algumas teóricas como Carol Smart e Vera Regina de Andrade veem com bastante reserva o recurso ao direito como instrumento emancipatório (a primeira o direito como um todo e a segunda, especificamente o direito penal).

Mas sabemos que o direito pode ser um instrumento tanto de emancipação quanto de dominação. Como fenômeno humano, não deixa de carregar o caráter paradoxal que é uma das marcas do ser humano.

O fato de ainda hoje ser androcêntrico não deve inibir o movimento das mulheres de buscar nele uma via de luta e de emancipação.

Por certo que o direito não é o único canal - o direito penal certamente não o é. Nesse sentido, concordo com Vera Regina de Andrade que outros

campos do direito, como o Direito Constitucional, Civil, do Trabalho, são espaços de luta jurídica legítima e talvez mais efetivas que o Direito Penal.

De qualquer forma, como afirma Mario Alves da Fonseca (2002), o direito somente pode exercer seu papel no jogo da regulamentação social se for objeto de uma inquietação permanente.

Assim como Sandra Harding (1986) afirma que as categorias analíticas feministas são instáveis e isso faz sentido em um mundo instável, o direito deve assumir esta mesma instabilidade. Suas categorias devem ser flexíveis e moldarem-se às vicissitudes dos sujeitos e não forjar subjetividades.

Se o moderno (ciência e direito) soava rigidez, dicotomias e dualidades e abstração, na lógica classificatória de categorias que traduziam discursos normalizadores e opressores, o contemporâneo deve soar como elasticidade, factualidade, carnalidade do direito e da ciência.

Se as emoções e sentimentos foram historicamente atribuídas ao feminino, devemos então, feminilizar o direito e assim torná-lo mais empático e mais do que um espaço de luta, em um espaço de libertação, por meio do qual se garanta às pessoas o direito de serem iguais quando a diferença inferioriza e o direito de serem diferentes quando a igualdade descaracteriza, conforme enfatizado por pesquisadores do Sul Global.

Não creio que este processo de luta por direitos, dentro do próprio direito, que busca eliminar as mais diferentes formas de discriminação seja irrelevante e esteja jogando o jogo dos vencedores. Afinal, podemos jogar este jogo, criando, todavia, novas regras.

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