

# Economic Violence and Marital Rape in *Querer* (Alauda Ruiz de Azúa, 2024)

## Violencia económica y violación conyugal en *Querer* (Alauda Ruiz de Azúa, 2024)

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### Abstract

This article argues that the series *Querer* (Alauda Ruiz de Azúa, 2024) shows an innovative representation of gender-based violence in Spanish documentary fiction. This new approach is achieved by focusing the plot on two aspects that have hitherto been absent from audiovisual productions: marital rape and economic violence. The relationships between the four main characters in the series are pivotal to understanding the message addressed to the audience, which is why the qualitative content analysis focuses on the characters and the different manifestations of violence against women. The general objective of this article is to examine which elements distinguish this series from the treatment given by Spanish cinema to gender-based violence. In this regard, studies on the stereotypical representation of victims and aggressors and the classification of the main strategies of audiovisual representation of violence theorised by Zecchi have been considered. The findings substantiate that *Querer* introduces a novel

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approach and execution in addressing the interconnectedness of the various manifestations of gender-based violence and the repercussions that result for each member of the family. It also focuses, in an unprecedented way, on the difficulties of proof, the wear and tear and the uncertainty that victims face in these legal proceedings when it comes to invisible violence. The article also addresses the discursive position that the series takes on the notion of sexual consent: it criticises the neutrality that the law tends to give to this concept and defends the need to link it to the context of unequal power relations in which it is negotiated.

**Keywords:** *Querer*; feminist cinema; gender-based violence; fiction; series; stereotypes; economic violence; marital rape; sexual consent.

### Resumen

Este artículo sostiene que la serie *Querer* (Alauda Ruiz de Azúa, 2024) constituye una representación innovadora de la violencia de género en el ámbito de la ficción documental española. Esta propuesta renovadora se articula en torno a dos dimensiones hasta ahora escasamente abordadas en las producciones audiovisuales: la violación dentro del matrimonio y la violencia económica. Las relaciones que se establecen entre los cuatro personajes principales resultan fundamentales para la comprensión del mensaje que la obra transmite al espectador, razón por la cual el análisis de contenido cualitativo se centra en el estudio de los personajes y en las diversas manifestaciones de violencia ejercida contra las mujeres. El objetivo general de este trabajo es examinar los elementos que distinguen a esta serie respecto al tratamiento tradicional que el cine español ha otorgado a la violencia de género. En este marco, se consideran los estudios sobre la representación estereotipada de víctimas y agresores, así como la clasificación de las principales estrategias de representación audiovisual de la violencia formulada por Zecchi. Los resultados confirman que *Querer* introduce un enfoque novedoso tanto en el planteamiento como en la ejecución, al abordar la interrelación entre las distintas formas de violencia de género y las consecuencias que estas generan para cada integrante del núcleo familiar. Asimismo, la serie pone el foco —de manera inédita— en las dificultades probatorias, el desgaste emocional y la incertidumbre a que se enfrentan las víctimas en los procesos judiciales, especialmente cuando se trata de formas de violencia invisibles. Finalmente, el artículo examina la postura discursiva que adopta la serie en relación con la noción de consentimiento sexual. En este sentido, se critica la neutralidad con la que la legislación suele abordar dicho concepto, y se defiende la necesidad de contextualizarlo en el marco de relaciones de poder desiguales en las que dicho consentimiento se negocia.

**Palabras clave:** *Querer*; cine feminista; violencia de género; ficción; series; estereotipos; violencia económica; violación marital; consentimiento sexual.

## 1. INTRODUCTION

*Querer*, the series created by Alauda Ruiz de Azúa for Movistar+, which premiered out of competition at the 72nd edition of the San Sebastian International Film Festival and has been awarded the most important prizes in different competitions, such as the Forqué and Feroz Awards, has quickly been described as a work that gets it right, in both form and substance, in its reconstruction of gender-based violence (Herrera Sánchez, 2024). Through four episodes, the series unravels the multiple manifestations of gender-based violence and the complex ways in which they are intertwined within a long-lasting marriage with two adult sons. In line with what feminist film theory has established regarding the representation of violence, this paper analyses two dimensions of gender-based violence that have not been previously included in fictional productions: marital rape and economic violence. It also pays particular attention to the episode dedicated to the trial, examines the role of the main characters and the way in which this violence affects them. By drawing specific comparisons with other fictions, it also determines which aspects make it a proposal that complexifies and enriches the audiovisual treatment of this subject. In addition, the article considers the director's own statements on the strategic choices made in the development of the series, which are the result of a long process of research and exchange between the scriptwriters, a trio formed by the director herself, Eduard Solá and Júlia de Paz.

### 1.1. The dimensions of gender-based violence and its representation in fiction

Violence against women (VAW) has been part of cinema since its origins; it has also been present in Spanish cinema, but «in a naturalised way and without political questioning, justifying and naturalising a reality that is all too present in the life of Spanish society»<sup>2</sup> (Castejón Leorza & Herrera Sánchez, 2015). It is also noted that physical, psychological and sexual

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2. The translation is included in the text to facilitate the reading and the original is maintained in the footnotes. All translations are by the author of the article. «De una manera naturalizada y sin un cuestionamiento político, justificando y naturalizando una realidad demasiado presente en la vida de la sociedad española».

violence is common in fiction (Bernárdez Rodal, 2015, p. 265), and that rape predominates over other forms of sexual aggression (Guarinos & Sánchez-Labela Martín, 2021), although its representation in relation to marriage is practically non-existent. However, the absence of sexual violence in Spanish fiction «as a degrading element for women»<sup>3</sup> is striking, only appearing as part of the plot in films that deal specifically with gender-based violence (Bernárdez et al., 2008, p. 91).

It was not until the beginning of the 21st century that the first films that dealt with the subject were produced in Spain, placing it as a narrative axis and from a denunciatory perspective. In *Solas* (Benito Zambrano, 1999) physical violence is not visually represented, although it is verbalised; the film depicts a macho society in which men show total contempt for women. *Solo mía* (Javier Balaguer, 2001) is the first feature film to closely dissect abuse: beatings and psychological violence are privileged as the main manifestations for the development of the plot, although one scene will also hint at marital rape. *Te doy mis ojos* (Icíar Bollaín, 2003) is arguably the film that most rigorously makes explicit the link between gender violence and patriarchal ideology (Guillamón Carrasco & Belmonte Arocha, 2017) in an exercise of «truthful fiction» (Calvo García, 2019, p. 72). As Zecchi (2022, p. 139) observes, from this pivotal moment onward, the depiction of VAW has become a recurring theme in the production of women filmmakers in recent decades. However, it is crucial to note that these are all approaches in which there is no margin of doubt regarding the reality of the violence taking place: irrespective of their treatment, these films are unambiguous cases that force the audience to perceive the woman as the victim of an indisputably violent behaviour perpetrated by the aggressor. Consequently, the most egregious aspect of the situation is reduced to the very act of aggression itself. As Ruiz de Azúa elucidates, we are used to positioning ourselves in clear cases where physical aggression is involved (Ceberio Belaza, 2024).

The capacity of commercial fiction to shape our understanding of violence, particularly sexual violence, has been widely discussed. More specifically, de Lauretis (1987, p. 38) advanced the concept of cinema to act as a

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3. Como elemento degradante para las mujeres

«technology of gender» which she defined as a set of discursive techniques and strategies that «en-gender» violence. In particular, works that include scenes of sexual violence often reproduce the so-called ‘rape myths’, that is, those stereotypical ideas about its causes, consequences, context, perpetrators and victims, which serve to deny, downplay or justify sexual aggressions by men against women and which, despite being false, are persistently maintained (Brandariz Portela, 2021; Hine & Murphy, 2019). Although stereotypes are necessary in fiction for sheer communicative economy (Bernárdez Rodal et al., 2008, p.123), the recurrence of these myths means that in the collective imagination there is an archetype of the «real rape» (Estrich, 1986) and the «perfect victim» (Canyelles i Gamundí, 2023, p. 245; Tuerkheimer, 2024, p. 62), whereby the aggression is committed by a stranger and in a violent manner, while the victim must be able to offer a consistent and detailed account, put up resistance, be physically injured and emotionally traumatised. As a result of such a dreadful act, she must also immediately denounce. In this context, *Querer* arises with the purpose of transforming this narrative, as the director argues:

The producers [...] wanted to work on sexual consent but within the terrain of marriage. It seemed to them a topic to explore, very interesting, but at the same time quite swampy. That’s when the idea came up to make a story about a woman who reports her husband for rape [...] it breaks with the cliché we have assumed about sexual violence, which is summarised in the image of the stranger who attacks you in an alley<sup>4</sup>. (Albero, 2024)

*Querer* revolves around four characters: Miren (Nagore Aramburu), Iñigo (Pedro Casablanc) and their two adult sons, Aitor (Miguel Bernardeau) and Jon (Iván Pellicer): after more than 30 years of marriage, Miren files a complaint of continuous rape against her husband, whom she holds responsible for forcing her to have sex for years, without respecting her will and even causing her injuries, although without using physical force. In addition to

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4. Los productores [...] querían trabajar sobre el consentimiento sexual pero dentro del terreno del matrimonio. Les parecía un tema por explorar, muy interesante, pero a la vez bastante pantanoso. Ahí surgió la idea de hacer una historia sobre una mujer que denuncia a su marido por violación. [...] se rompe con el cliché que hemos asumido a propósito de la violencia sexual, que se resume en esa imagen del desconocido que te ataca en un callejón.

recognising the novelty of this approach, it is important to remember that, as Joanna Bourke observes, sexual violence perpetrated by husbands has historically been part of social customs and conventions, so «by definition, a husband could not rape his wife»<sup>5</sup> (Bourke, 2009, p. 373). Although the impunity or leniency with which marital rape was punished in many countries has been gradually eradicated (Tamarit Sumalla et al., 2023), the echoes of that ‘conjugal duty’ still resonate today, including in Spain: a survey on sexual violence against women conducted in 2023 revealed that 20.3% of Spaniards believe that forcing one’s partner to have unwanted sex is unacceptable, although it should not be punished by law (CIS, 2023). At the same time, the belief of many women that they cannot refuse such relationships even if they do not want them is precisely one of the reasons that, even today, continues to hinder the identification of sexual violence in a couple (Martínez Sanz, 2015, p. 129). In fact, only with the recent reform of the Spanish Penal Code implemented by Organic Law 10/2022 (*Ley Orgánica de Garantía Integral de la Libertad Sexual*), a specific aggravating circumstance was introduced for sexual assaults when the victim is –or has been– the wife or partner of the aggressor.

In addition to breaking with clichés, Ruiz de Azúa sought to «explore violence that leaves no traces and economic violence»<sup>6</sup> (La estrategia del caracol, 2024). Economic violence consists of making a person financially dependent by maintaining total control over economic resources (Ministerio de Igualdad, 2022), and encompasses behaviours that can be classified into three groups: economic control, economic exploitation and economic sabotage (EIGE, 2023). Moreover, economic violence in itself constitutes a barrier to reporting the aggressor and causes the aggravation and chronification of gender-based violence. However, its autonomy is still unclear: the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the «Istanbul Convention» (2011), and the Directive 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence (2024) distinguish between physical, sexual,

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5. Por definición, un marido no podía violar a su mujer.

6. Explorar sobre las violencias que no dejan huellas y las económicas.

psychological and economic harm and violence; but the macro-survey on gender violence conducted at the European level (European Union Agency for Fundamental Rights, 2014) considered economic violence as a component of psychological violence, and recent research (González-Guridi, 2024) also considers economic violence to be part of the mesh of psychological violence. In Spain, Organic Law 1/2004 against gender-based violence applies to marriages or analogous relationships only, and it is restricted to physical, sexual and psychological violence. Nevertheless, in recent years a section of the judiciary has been calling for its explicit regulation (Vega, 2024), and the Judgment of 22/07/2021 (Appeal 44/2020, Criminal Court No. 2 of Mataró), sets out in a reasoned manner the 16 reasons why the Spanish Criminal Code should contemplate economic violence as a specific form of gender-based violence. Despite its transcendental nature, this issue has hardly been investigated and has not been specifically dealt with in Spanish fiction until now.

## 1.2. Strategies for representing violence against women

According to the classification proposed by Zecchi (2014b, 2022), there are four main ways in which cinema represents violence: exhibiting it, naturalising it, transvestising it and omitting it.

### 1.2.1. Exhibiting violence

This strategy explicitly can «stimulate the sadism of the voyeuristic gaze of the spectator» (Zecchi, 2014b, p.298). This is the case of ‘rape & revenge’ films, a genre that spectacularises violence by showing brutal rapes, reifying women’s bodies and making the survivor’s credibility depend on her degree of suffering (Gracia Lara, 2019). Although this strategy may also aim to provoke the audience’s rejection, it runs the risk of falling into what Projansky (2001, p. 19) called the «representational paradox», to refer to the contradiction of wanting to visually represent violence (sexual violence in particular) in order to combat it, because doing so only perpetuates it discursively. In their eagerness to denounce, films such as *L’amour violé* (Yannick Bellon, 1978), *The Accused* (Jonathan Kaplan, 1988) or *Irreversible* (Gaspar Noé, 2002), recreate rape so explicitly that it is not only worth

questioning the representation of violence, but the violence of representation (Zecchi, 2014b, p. 299), or, as de Lauretis theorises (1987, p. 32), the connection between violence and rhetoric.

### 1.2.2. *Naturalising violence*

The Spanish audiovisual scene has been particularly prolific in naturalising violence: macho attitudes, abuse and rape have been represented in anecdotal and inconsequential ways, ambiguously or by diluting them in the very keys of the film genre (often comedy); they have also been justified, either through an aggressor portrayed as a victim of a pathology, or with a female character who, despite suffering an aggression, does not experience it as such (Bernárdez et al., 2008, pp. 93-95; Bernárdez Rodal, 2015, pp.256-266). This treatment has an impact on the collective imaginary by trivialising the violence, as it makes the aggressions go unnoticed, both for the plot and for the audience, in addition to not implying any consequences for the perpetrator or offering any reparation to the victim (Aguado-Peláez & Martínez-García, 2024, p. 59).

### 1.2.3. *Transvestising violence:*

As a consequence, there is a role reversal that can be temporary or permanent (Zecchi, 2014b, p. 316). This resource is especially evident in 'rape & revenge' films, whose narratives are characterised precisely by situating sexual trauma as a trigger for the transformation of the victim-survivor into avenger. But it also manifests itself in melodramas such as *Solo mía*, for example, which has nevertheless been criticised precisely for suggesting that the exchange of roles is a «logical and easily assumed outcome on the part of the victim» (Burgos Hernández, 2017, p. 143), which is not at all the usual outcome of these situations in reality.

### 1.2.4. *Omitting violence*

The elision of violence implies articulating it as a constant threat or focusing on the consequences: this strategy was already used effectively by Iciar Bollaín in *Te doy mis ojos*, which does not completely avoid the representation of physical violence, but gives priority to making visible the fear with

which the protagonist lives. As Herrera Sánchez (2024) explains: «we do not need to see the umpteenth fictionalised rape [...], to know what we are talking about, to empathise, to remember the disciplinary power that these representations and discourses have over our bodies»<sup>7</sup>. A recent example of this is *Promising Young Woman* (Emerald Fennell, 2020), a film that omits the reenactment of the rape around which the plot revolves, but depicts the blame of the victims of sexual assault, the silence that surrounds them and how they are the ones who bear the consequences (Medina-Vicent, 2022, p. 23).

As previously explained, audiovisual productions in Spain have frequently shown a tendency towards the exhibition and naturalisation of violence, which resulted in a stereotyped representation of both victim and aggressor. In such context, it is important to pay attention to those works that seek innovative ways of representing VAW in order to enable a better understanding of its magnitude and complexity by the audience. Hence, the general objective of this article is to examine the elements that distinguish *Querer* from the treatment of gender-based violence in Spanish cinema, and that make it a novel proposal that distinguishes it from approaches that trivialise it or that, from a more feminist and critical approach, denounce undoubted cases of abuse by focusing almost exclusively on physical and/or psychological violence and give prominence to the antagonistic dialectic of victim and abuser. To this end, this article focuses on two manifestations of gender violence that are virtually unexplored in audiovisual fiction (economic violence and marital rape), as well as on the trial episode and the roles of four characters: the protagonist couple formed by Miren and Iñigo and their sons Aitor and Jon, who have a decisive weight in the development of the plot and break with the usual socio-familial environment portrayed in other fictions. This article seeks to answer the following research questions:

A) What dimensions of gender violence are included in the narrative? What strategies are employed for its representation?

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7. No necesitamos ver la enésima violación ficcionada [...], para saber de qué estamos hablando, para que empaticemos, para que recordemos el poder disciplinador que esas representaciones y discursos tienen sobre nuestros cuerpos.

B) Who are the protagonists and what are their roles? Is their representation stereotypical? What are the consequences for the characters?

## 2. METHODOLOGY

To answer these questions, a qualitative methodology based on content analysis was used drawing from studies that: i) analyse the audiovisual representation of gender violence in the Spanish (Aguilar Carrasco, 2021; Andrés Lacasta, 2019; Bernárdez et al., 2008; Bernárdez Rodal, 2015) and international contexts (Aguado-Peláez & Martínez-García, 2024; González-Fernández, 2023; Medina-Vicent, 2022); and ii) examine character roles, characterisation and stereotypes in fiction (Arranz Lozano, 2020; Galán Fajardo, 2006, 2007; Garrido & Zapsi, 2021). The analysis involved several steps, starting with a detailed viewing of all the episodes to allow an initial classification of the different dimensions of violence; a second examination was carried to focus on the strategies employed for their representation according to the categorisation proposed by Zecchi (2014b). The following step involved the study of the four main characters (gender; age; physical, psychological and sociological characterisation) in order to decode how they are related to the forms of violence and the consequences for each character, both in the personal-family sphere and in the judicial sphere.

The analysis also considers other fictions that allow comparisons to be made on the strategies used and the roles of the characters in order to draw conclusions on the evolution of their treatment. In order to find commonalities and differences, the author proceeded to list the films mentioned in the literature review process and relevant to the analysis at hand, and watch them. The fact that *Querer* is a miniseries of only four chapters with a closed ending and a total duration of 212 minutes, and that, as the director explains, it has been «written, shot and produced as a film» (Cabrera, 2024), determines the appropriateness of framing this analysis considering previous filmography that deals with this subject, rather than other series. Furthermore, the recent proliferation of series created for SVOD platforms makes studies such as Hogan's (2022), which combines the study of two feature films and a series, suitable for the current audiovisual landscape.

### 3. ANALYSIS

#### 3.1. Marital rape

The research carried out by the *Querer* team disclosed how difficult it is to recognise sexual violence within marriage because the perpetrator is a person with whom there is an affective bond (Cabrera, 2024); but also how difficult it is to report it, because the process is «diffuse and complex», not the result of «some kind of epiphany», which is «a somewhat cinematic version of the matter» (Zurro, 2024). In fact, it is a slow process that is easily chronicled and, the further one moves away from the cliché, the more complicated it is to accept (oneself) and demonstrate (to others) that it is an aggression (Aguado-Peláez & Martínez-García, 2024, p. 26). The director explains how she felt the need to leave out the explicit representation of aggressions:

If I shot rape, following the inertia of morbidity or cliché, I perpetuated the power dynamics that are so common in cinema. If I moved away from clichés and got closer to reality, I would probably have ended up with a scene in which a dissociated woman, absent or paralysed by fear, wished for it to end as soon as possible. I felt that this image of a more real pain needed a prior and a context in order to be understood in all its dimension<sup>8</sup> (Ruiz de Azúa, 2024).

In other words, she sought not only to avoid the ‘representational paradox’, but also to go deeper into its configuration beyond the act itself. That is why in *Querer* rape is neither hinted nor confirmed with flashbacks, a mean often used in films to confirm that it actually happened. This is something that *The Accused* does in a paradigmatic way when, in the trial, the testimony of a witness is fused with a flashback that takes the audience back to the moment of the gang-rape. So, how to make visible what is decided not to show? Sexual violence is narrated verbally in different conversations and

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8. Si rodaba la violación, siguiendo las inercias del morbo o del cliché, perpetuaba las dinámicas de poder tan habituales en el cine. Si me alejaba de los clichés y me acercaba a la realidad, lo más probable es que hubiera terminado rodando una escena donde una mujer disociada, ausente o paralizada por el miedo, deseaba que aquello terminara cuanto antes. Sentía que esa imagen de un dolor más real, necesitaba de un previo y de un contexto para entenderse en toda su dimensión.

situations. In the first episode, Miren explains to Aitor how these non-consensual but not forced relations took place, which leads her eldest son to question the lack of consent if she did not explicitly express her refusal. She explains that «he knew that I didn't want to», thus advancing the idea that the responsibility should not lie solely with her, and even less so when fear prevented her from saying no to her husband. Gradually, details are added to the description of the facts, allowing the audience to understand the nature of those relationships, the way and the context in which they developed: the harsh reading– aloud of the complaint against Iñigo and the hostile discussion between Aitor and Miren in the kitchen of her late mother's house in the second episode will be complemented by the incisive interrogations of the lawyers in the third episode.

*Querer* places the audience in a position similar to that of Aitor and Jon in the family setting, and that of the court in the trial: it is presented with conflicting accounts from Miren and Iñigo, with no corroborating evidence to substantiate the facts. And the skill with which Ruiz de Azúa balances the characters' perspectives leads the audience to oscillate between opposing interpretations. This approach was previously used by Yvan Attal in *Les Choses Humaines* (2021), a film that devotes a substantial portion of its runtime to a rape trial: despite the inclusion of flashbacks at the end that return to the moment of the events, the scene in question is omitted by focusing on the closed door of the shed while the voice-over of the jury declares the young man guilty. In contrast to the series, in this film, the family members align seamlessly on the corresponding side; the uncertainty and grey areas created by the director through the portrayal of ambiguous protagonists and the omission of the sexual relationship scene are completely absent in the roles of the secondary characters, who close ranks respectively with the accused and the complainant.

Throughout the episodes of the series, these sexual relations within the marriage are reconceptualised as a continuous violence and are placed in its structural dimension, following the director's conviction that something like this can be «told from a political place» (Zurro, 2024): Iñigo's sister, after confirming her adherence to the 'real rape' myths, states: «In a marriage nobody wants sex all the time. Sometimes you give in, as you give in on other things. Maybe you don't feel like it, but well... What are

you going to do, put all 60-year-old men in jail?». Without being aware of what her words imply, she reveals that such facts are silenced and naturalised by society despite their omnipresence and systemic nature. In addition, the reality of the violence described is confirmed by Miren's almost palpable physical tension, externalised in the rigidity of her gestures and gaze, her body in a state of constant alert and a way of speaking with dry and cutting sentences that show the consequences of having spent so much time in a state of submission. The resources of the audiovisual language are used to accentuate the uneasiness in which Miren lives: the absence of extradiegetic music, a photography that recreates a leaden city, as well as narrow and dark interiors, heighten the sense of claustrophobia she feels. The houses and the courthouse are reduced to cramped landings, enclosed rooms and corridors; in the courtroom, despite its size, Miren is confined by the dividing screen. On the other hand, safe spaces for her, such as her lawyer's office, will be spacious and bright.

### 3.2. Economic violence

In *Querer* economic violence is mainly manifested in the economic control exercised by Iñigo, who manages the family accounts and properties. This prevents Miren from having her own resources, since she has no independent access to money nor does she have a job that provides her with a salary. As soon as Miren gets married, she fulfils the role that traditional marriages assign to wives: when their children are born, she stops working to look after them and to take care of household chores. This situation will lead to profound economic violence, as Miren will be dependent on her husband's monthly allowance, and this lack of resources will in turn contribute to perpetuating the situation. Likewise, Miren's search for a job after her divorce will expose the toll that this pattern takes on women: the difficulties of re-entering a market that rejects a profile like hers (a mature woman with little experience) will lead to her only getting a job as a stock clerk in a supermarket despite having a university education. *Querer* thus offers a more realistic portrait, distancing from proposals such as *Te doy mis ojos*, in which the protagonist's narrative development depends largely on the job she gets at the museum thanks to her sister: despite earning little, this job

will provide her with promising work opportunities and friendships that will support and help her, facilitating the hopeful and optimistic ending that fictions usually offer.

Ruiz de Azúa's decision not to treat the different manifestations of violence in isolation is key: in their research, they found that sexual violence in long-term relationships is accompanied by other forms of violence, such as economic, psychological or even violence against children, but not necessarily physical violence (Fernández Atienza, 2024). From this perspective, economic violence will converge with sexual violence in the series, since, as described in the third episode, her refusal to have sexual relations could mean that Iñigo would stop paying money into the account Miren had access to. In the last episode, he corners his ex-wife in the corridors of the hospital, threatens her with a clenched fist and humiliates her, thus confirming the reason for the permanent fear that has conditioned Miren's life. In this way, a spider's web of almost invisible but extremely resistant threads was built around her, which ultimately responds to the inequality of power in their relationship.

### 3.3. The trial and the discursive position on sexual consent

Mirroring the reality of the alarming under-reporting and attrition rates in sexual assaults (García Jaén, 2025), rape trials are not abundant in fiction, which is significant given the number of films that include sexual abuse in their plots. Nor is it surprising, therefore, that there are few studies on the representation of these trials in cinema: noteworthy is that by Hogan (2022), who, based on the analysis of the feature films *Anatomy of a Murder* (Otto Preminger, 1959) and *The Accused* (Jonathan Kaplan, 1988), and the Netflix series *Unbelievable* (2019), detects an evolution in the narratives towards a progressive problematisation of the processes of secondary victimisation and of the structural dimension of the aggression itself. In line with Hogan's conclusions, the third episode of *Querer* illustrates how revictimisation takes place in these trials, deepening the ordeal for the victims who have to face this process: the defendant will attack Miren's credibility, portraying her as a liar, emotionally and psychologically unstable and with spurious intentions.

This episode is relevant because it demonstrates the functioning of the law also as a ‘technology of gender’, since «law redefines the experience of women and establishes categories that create gender. The criminal process demands from the assaulted woman a certain position in the process and assumes certain attitudes or characteristics in the victim»<sup>9</sup> (Bodelón, 2008, p. 296). In fact, the series offers a preeminent example of how society understands «who counts as a victim and what constitutes rape» (Tuerkheimer 2024, p. 55). In this sense, the realistic recreation of the trial in *Querer* allows it to be read in line with *Anatomie d'une chute* (Justine Triet, 2023). This courtroom drama differs in many ways from the series analysed here (it is about a murder trial, and the protagonist, a successful, bisexual, independent and strong-willed writer, has nothing to do with Miren), but it is similar in that it shows how, in court, a woman's life is examined in an incriminating way because of her gender: she is punished for being ambitious, her sexuality is criticised, and her role as a mother is questioned.

Moreover, the series as a whole, and this episode in particular, maintain a discursive position on the notion of sexual consent that should not be overlooked. Consent, which is currently hailed as the tool that will provide a definitive solution to the problem of sexual violence (as evidenced by the legal reforms carried out in most European countries to adopt the affirmative paradigm, or «only yes means yes»), is at the same time being questioned (but not invalidated) from various fields such as law, philosophy and sociology because of its apparent neutrality. And the fact is that, in the legal field, consent is considered «an individual and rational decision completely detached from the context of power relations» (Altuzarra Alonso, 2023, p. 337): this «places total responsibility on the one who ‘authorises’ –without considering the actions of the one who receives, requests or violates consent–, presenting the phenomenon as if it were neutral and based on individual characteristics»<sup>10</sup>, without taking into account neither the

9. El derecho redefine la experiencia de la mujer y fija unas categorías que crean género.

El proceso penal reclama de la mujer agredida una determinada posición en el proceso y supone en la víctima determinadas actitudes o características.

10. Descarga la total responsabilidad en quien ‘autoriza’ –sin considerar las acciones de quien recibe, pide o vulnera el consentimiento–, presentando el fenómeno como si fuera neutral y se basara en atributos individuales.

socio-cultural context nor the subjective experiences of people (Pérez, 2016, p. 751). And this is precisely what *Querer* highlights when Miren's lawyer says: «let's not put the focus on the victim's desire or will, but on the aggressor's behaviour». In other words, sexual consent is not «something that women should make clear, but something men should be clear about» (SEXVIOL, 2022, p. 17). But this requires opening a necessary public discussion about the content and limits of sexual consent itself. And for this it is necessary to reflect on how 'sexual scripts' operate, that is, how the social and cultural environment «nurtures the roles – and stereotypes – of men and women in their sexual interactions»<sup>11</sup> (Álvarez Medina 2023, p. 351).

The realistic recreation of the trial is also relevant: the monochrome furniture and artificial light, the almost empty courtroom, the prominence of diegetic sound, the protagonists' statements and interrogations of the lawyers in an agile game of reverse-shots, counteract the stereotypical image of trials to which mainstream cinema has accustomed us: solemn, crowded courtrooms and judges who use their gavel to restore order and dictate a verdict in favour of the victim, suggesting not only that justice is efficient and infallible, but also that only it can repair the damage. Here, on the other hand, there are abundant sustained close-ups focusing on glances, pauses and silences, showing the emotional wear and tear that the judicial process provokes. Ruiz de Azúa also carries out an important pedagogical exercise towards the audience (respecting procedural phases, explaining deadlines and costs), culminating with the acquittal of Iñigo in the fourth episode, three years after the trial. The lawyer's explanation, arguing that it is very common in this type of trial for the facts not to be considered proven, but that this does not mean that they did not happen, will not prevent Miren's frustration and anger at the verdict. However, with the final scene in which Aitor silently asks his mother for forgiveness, *Querer* underlines the importance of a reparation which is complementary to the one that the judicial process can offer and that is equally necessary for the victim.

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11. Nutre los roles –y los estereotipos– de varones y mujeres en sus interacciones sexuales.

### 3.4. The characters

The series includes the perspectives of four main characters to tell this story: the four points of view give shape to a conflict that unfolds its effects on the whole family structure, thus offering a more complex approach that breaks with reductionist dichotomies. In *Querer* the marriage is that of a mature couple, and neither the wife is a martyr nor the husband a monster. Miren's character, in fact, does not represent the stereotype of the submissive victim or the exemplary mother. On the one hand, the director has sought to distance her from the archetype «of the weeping victim, the mourning woman, the *pietà*» (Albero, 2024). To this end, Miren displays a complex range of emotions, dominated by fear and guilt, but gradually mutating into frustration and rage; not only does she denounce her husband, but she is finally able to confront him when he threatens her. The slow evolution from dependence to emancipation will show that, for this transformation to happen, practical issues (having a trusted lawyer and an alternative home) are as important as the process of becoming aware of the violence she has suffered. On the other hand, she will not always act correctly with her sons either, and this ambivalence will only offer a more realistic portrait of the complexity of the consequences suffered by the victims of gender-based violence.

Iñigo represents the traditional, conservative masculinity. Corpulent, in his 60s and self-confident, he plays with authority both the role of a husband and father, although he is also a likeable and affectionate man. Faced with his wife's complaint, he is completely perplexed, breaking with the stereotype of the aggressor who is aware of his behaviour because Iñigo does not identify himself as such. He is a complex character, as he is apparently respectful with Miren and his sons, but he will also pressure them: to Miren he apologises «for whatever he may have done» and insists that she come home because he loves her, but in the fourth episode he threatens and despises her. He also forces his sons to read the complaint in its entirety in order to discredit Miren and make them take his side, and later he tells them «what there is between the three of us cannot be lost, no matter what happens». His profile thus moves away from the characters that fiction has favoured as perpetrators, such as the prototypes of the Iberian macho who

abuses physically and/or psychologically on a regular basis, the psychopath with mental problems or the innocent disabled or carrying a trauma, as Caballero Gálvez and Zurián Hernández (2016, p. 868) extract from their analysis of Almodovarian filmography.

The sons offer two antagonistic responses to the family conflict. Aitor, the eldest, admires his father and, faced with the denunciation, sides with him. However, his character undergoes an evolution when he realises that he has been reproducing his father's way of being with his son and his wife, Izaskun, from whom he will separate as a result of his parents' crisis: Aitor will be able to question his father's story, assume the reality that hid his parents' marriage, ask his mother for forgiveness and reconcile with his brother. In other words, he will prove that the internalisation of these attitudes can be unlearned, that he can choose not to perpetuate them and decide what kind of masculinity he wants to exercise. Jon, the younger son, on the other hand, has a role opposite to that of his brother, representing a model of masculinity that escapes the patriarchal gender mandates. He is a student in his twenties, sociable and bisexual, with a more rebellious character but also sensitive and empathetic: he welcomes his mother and helps her when she tells him why she has filed a complaint against his father. Despite his doubts and moments of ambivalence, Jon gives credibility to his mother, which will lead him to break the relationship with his paternal family.

## 4. RESULTS

### 4.1. Dimensions of gender-based violence

It is a novelty in the panorama of fiction dealing with gender-based violence to tackle a subject considered taboo, such as marital rape, and to include the dimension of economic violence. It is also innovative to devote an entire chapter to the trial, showing how the different manifestations are intertwined making it so difficult to break out of this spiral; and how difficult it is to prove a violence whose consequences have been internalised and concealed by the victim herself for decades. Weaving this web with the invisible thread of fear, Ruiz de Azúa undoes the usual association of gender-based violence with blows and bruises and highlights the gender

stereotypes and sexist discourses that endure in the judicial sphere. The judicial outcome confirms that there is no crime more difficult to prove than rape, nor an aggrieved party more distrusted than the victim (Bourke, 2009, p. 34). The series, thus, echoes the feminist critiques of the patriarchal view of legal practice and shows how immovable these institutions are, as evidenced by the fact that Spanish courts punish marital rape less than rape committed by strangers (Tamarit Sumalla et al., 2023).

As for the representation of sexual violence, the decision of not showing it corresponds to the director's idea that «we have to talk about what happens outside the bedroom to understand what happens inside it»<sup>12</sup> (Movistar Plus+, 2024). A cursory glance at the reactions on social networks after the premiere of the series shows how right her intuition was. And also that the series has achieved its main objective: «that it generates a conversation about this issue and that we ask ourselves good and constructive questions because there is a lot of margin to talk about consent»<sup>13</sup> (Monjas, 2024). Because, as Popova (2019) warns, popular culture plays a major role in the transmission and learning of 'dominant sex scripts', but the negotiation of consent is rarely shown explicitly in film and television. One example is the «becoming consensual trope,» whereby cinema has transformed rape into passionate, consensual sex (Patrick & Rajiva, 2022, p. 9). But something is changing with recent productions such as the series *I may destroy you* (Michaela Coel, 2020) or the feature film *How to have sex* (Molly Manning Walker, 2023), which explicitly focus on the consequences of this lack of negotiation. *Querer* joins them, although, unlike these two proposals, it detaches from the scheme of sporadic relationships/assaults to enter the terrain of marriage.

#### 4.2. Characters

Miren's evolution from submission to autonomy will be subtle, and its outcome will not be as powerful or liberating as fiction has usually allowed.

12. Tenemos que hablar de lo que pasa fuera del dormitorio para entender lo que pasa en el dormitorio.

13. Que genere conversación sobre este asunto y que nos hagamos buenas y constructivas preguntas porque hay mucho margen para hablar sobre el consentimiento.

But in her eagerness for justice, Miren will appeal the sentence, and she will also get her two sons to believe her, which will mean an important reparation for her. Iñigo also offers nuances that make him a more complex character, rendering his normality disturbing. At the same time, his perplexity (because he never considers himself an aggressor) is essential to illustrate how VAW continues to be reproduced because it is naturalised. In this sense, it is key the character's socialisation in an environment that legitimises this belief that he has never acted badly; *Querer* shows how gender-based violence is perpetuated not only in social silence, but also in fraternal pacts of complicity between men (Aguado-Peláez & Martínez-García, 2024, 13), as shown in several moments: Iñigo's conversation with his lawyer, how his friend Ramón accepts to testify in his favour and justifies in the trial Iñigo's aggressiveness that he witnessed one New Year's Eve, or the meal among friends to celebrate the acquittal. Iñigo's socio-economic profile also refutes the myth, as widespread as it is false, that associates the aggressors with limited education and resources.

Aitor and Jon, both men and adults, break the pattern of the usual family and friends who quickly identify the violence and either minimise it by encouraging the victim to keep quiet, or encourage her to separate and report it, which is a simplified and biased version of the rhythms and complexity of these processes. Ruiz de Azúa provides a novel approach by distancing from «a mainstream narrative in which people make decisions and are always convinced of what they do», to focus on «the greys, the confusion of knowing that you will have to make a decision without being totally convinced and that you will have to assume the consequences»<sup>14</sup> (Albero, 2024). Her determination not to divide the characters into good and evil, but to focus on the contradictions, doubts and transformations that characterise human beings, allows this series to offer a much closer portrait to reality than has hitherto been the case in fiction. In the family sphere, an intersectional perspective that breaks through the traditional

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14. Una narrativa mainstream en la que la gente toma decisiones y está siempre convencida de lo que hace [...] los grises, la confusión de saber que vas a tener que tomar una decisión sin estar totalmente convencido y que te va a tocar asumir las consecuencias.

heteronormative core opens up, in contrast to the judicial outcome. With the character of Miren, who refuses to accept her physical, psychological and economic submission to her husband, and Jon, who openly identifies as bisexual and takes his mother's side, the institution of the family will break down in its most traditional aspect. When Aitor finally wakes up to reality and joins his mother and brother, a new family model emerges; one from which Iñigo is excluded.

## 5. CONCLUSIONS

*Querer* reveals that it is possible to tell a story of gender-based violence from a clearly feminist perspective and with the victim as the protagonist, but without necessarily making the synchronous development of the victim-aggressor relationship its narrative axis, nor accompanying the protagonist with eminently female secondary characters helping her out of the situation. Because the drama of gender-based violence does not end when she leaves, nor is there always safety-net available to her. Besides, by placing three men from different generations around Miren's experience and representing different types of masculinity, it is possible to address the problem in its true structural dimension in a more effective way. Making visible how the social silence and the power of the phratry influence the perpetuation of unequal power relations that are the basis of VAW is a worthwhile approach. So too is the warning that the solution will also depend on how men themselves, when challenged, decide to confront this situation and take their share of responsibility.

The series thus demonstrates the potential of feminist cinema to give room to new discourses and to subvert traditional approaches, as de Lauretis pointed out, and confirms the relevance of the audiovisual as a tool capable of offering perspectives that contribute to raising awareness and opening a necessary dialogue on issues such as consent and sexual violence, which are highly topical from both socio-legal and cinematographic perspectives. Understanding how the mechanisms of violence operate requires going beyond Manichean and simplistic scenarios, because this is where the difficulty lies in overcoming prejudices. If myths and stereotypes persist, it is precisely because in situations such as those raised by *Querer*, doubts

arise that are difficult to confront, because the consequences of doing so are profound.

Lastly, it is important to place this series in the context of the proliferation of works dealing with VAW in the Spanish audiovisual, in different genres and formats, often based on real events: documentaries such as *Nevenka* (Maribel Sánchez-Maroto, 2021) or *No estás sola: La lucha contra La Manada* (Almudena Carracedo and Robert Bahar, 2024) and fictions such as *Soy Nevenka* (Icía Bollaín, 2024), *Nina* (Andrea Jaurrieta, 2024) or *Las chicas de la estación* (Juana Macías, 2024) prove it. The evolution that Zecchi (2014a) described a decade ago as a transition from a stage of «generic unconsciousness» –to refer to the unintentionally feminist discourse of the authors–, to «a gradual gender awareness» (p. 115), is becoming an indisputable feminist reappropriation of narratives that aim to combat the myths around VAW and appeal to the need to break the social pact of silence around it. It would not be surprising if future works were to vindicate the figure of Gisèle Pelicot and her revolutionary way of facing the judicial process of rape. This line of research, including series, documentaries, short films and feature films that will foreseeably continue to be produced on this subject, will provide valuable insights into the evolution of representation strategies, as well as the different manifestations of VAW, including those that artificial intelligence is already promoting.

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