

Women political spaces: permanent state of exception in Brazilian case

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Abstract:

The state of exception coexists with Rule of Law and this is a fact, as Walter Benjamin had enunciated it. One of the reflections about this strong statement is how political women rights are treated even in developed democracies. Their recognition of normative text is not - or not entirely - reproduced in reality by political and legal forms of selective application. This situation becomes too sharp in asymmetrical societies that experiment with a process of democratic consolidation. The Brazilian brings a good example of this. In 2016's the Brazilian first female president was impeached in a controversial process. In 2018's one of two councilwomen of Rio de Janeiro city was assassinated after reporting abusive actions from local police in a poor community. In addition, only 10% of the Brazilian Congress is women. Unfortunately, Brazil is not alone in the world. Urges to ask then: why women are in that vulnerable situation within society? Why political power is effectively denied to them? Aware of this problem one of the hypotheses proposed is: because the patriarchal standards cannot conceive women as authorities or in command positions, basing on the idea that the women nature or their biological status are not properly prepared to make decisions: or they are too fragile or too hysterical or both at the same time to act "as a man". The gendering aspect through which the sovereign is conceived repeals women from political spaces and who achieve some space have a long and lonely journey. So, the right to be voted only exists in the paper and this is how the exception works in the shadow (or lights) of Rule of Law. Giving rights but putting away their fruition.

Keywords: State of Exception. Democracy. Political Rights. Brazilian Context. Gender Studies.

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INTRODUCTION

This study aims to analyze how political women rights are treated even in developed democracies because the recognition of the political women rights on normative text is not - or not entirely – reproduced in reality by political and legal forms of selective application. This situation becomes too sharp in asymmetrical societies that experiment with a process of democratic consolidation.

The Brazilian brings a good example of this. In 2016's the Brazilian first female president was impeached in a controversial process. In 2018's one of two councilwomen of Rio de Janeiro city were assassinated after reporting abusive actions from local police in a poor community. This reality existent in Brazil nowadays made the Walter Benjamin philosophy clearer, when he enunciated that the state of exception coexists with the Rule of Law. Because now it's possible to see how the constitutional political right to be voted it's suspended when women are elected.

In addition to the recent examples, only 10% of the Brazilian Congress is women and the gender quota created with the purpose to reduce this difference between female and male representation produced in Brazil a phenomenal named as "ghost candidatures", which is when women are candidates in a political party only to fill in the gender quota. Sometimes, even the candidate didn't vote in herself. Unfortunately, Brazil is not alone in the world, I lot of Latin American countries has difficult to insert women in political spaces and urges to demonstrate why this happens. Why women are in that vulnerable situation within society? Why political power is effectively denied to them?

The Constitutions express that all people are equal under the law and after the suffragists conquer, women have the same political rights than men. But, to answer these questions, one of the hypotheses proposed in this study, it's that the patriarchal standards cannot conceive women as authorities or allocated in command positions and this occurs because remain in the society the base idea that the women nature or their biological status are not properly prepared to make decisions: or they are too fragile or too hysterical or both at the same time to act "as a man".

Using the Brazilian examples, the study intends to show how the gendering aspect through which the sovereign is conceived repeals women from political spaces and how is treated who achieve some political space and their long and lonely journey through political and public recognition.

In conclusion, this study demonstrated that the right to be voted, achieved by

suffragists, only exists in the paper and this is how the exception works in the shadow (or lights) of Rule of Law: giving rights but putting away their fruition.

THE STATE OF EXCEPTION COEXIST WITH THE RULE OF LAW

According to Walter Benjamin (2005) the state of exception becomes the rule, which means that both coexist, making possible that a lot of fundamental rights declared in the Constitution stay suspended even that not exist a declare state of exception. Even in moments of constitutional normality, it's possible that specific rights have been suspended; existing without effectiveness. And the decision about what rights will be suspended it's given by the sovereign (SCHMITT, 2006).

In this scenario, the women rights are chosen to be suspended because women are *homo sacer*, the sacred man, "who may be killed and yet not sacrificed" (AGAMBEN, 1998, p. 12). A life that the body it's more important than the rights, which the biological life it's preserved but the real life with your fundamental rights doesn't matter. The main reason for these conclusions remains because women's reality it's always surrounding by a patriarchal culture that imposes to women a lot of rules - social, economic, political and biological that controls every single aspect of their lives.

One example of this control reflects in the women under-representation in political spaces, because "the severe under-representation of one-half of the population not only limits the diversity of parliaments but also contradicts one of the central tenets of representative democracy." (CAUL, 1999, p. 80). This is the same idea expressed by Shedova (2005):

The exclusion of women from decision-making bodies limits the possibilities for entrenching the principles of democracy in a society, hindering economic development and discouraging the attainment of gender equality. If men monopolize the political process, passing laws which affect society at large, the decision-making process does not always balance the interests of the male and female populations. As noted in the Millennium Development Goals, women's equal participation with men in power and decision making is part of their fundamental right to participate in political life, and at the core of gender equality and women's empowerment. Women have to be active participants in determining development agendas. (SHVEDOVA, 2005, p. 33)

Through this mechanism – under-representation - which putting women away from political spaces it's how the patriarchal standards preserved their "sacred" status. Doing this, the way through where the state of exception coexists with the Rule of Law it's exposed (AGAMBEN, 1998; 2005).

WOMEN POLITICAL RIGHTS

The first country to recognize the women's suffrage was New Zealand in 1893. After this, the period of the 1940s until 1960s the world has a boom in the number of the country that recognizes this right. The last country to do this was Saudi Arabia in 2011, but only in December 2015 that they had the opportunity to vote. Brazil recognizes this right in 1932, which is the same year that Maldives, Uruguay, and Thailand approved its law. One of the last European countries to recognize this right was Switzerland which law was made in 1971. (CROWNE, 2018).

Besides this right exists for decades the gender equality on political and decision-making spaces still far from the ideal. Women are half of the world's population, but the political places remain to be largely occupied by men. This scenario has been debated for decades by the United Nations, which has been searching a way to balance it and promoted real women's representation. One of the mechanisms created after the UN Fourth World Conference on Women held in Beijing, in 1995, was the gender quota (SHVEDOVA, 2005). A system largely used around the world. In Brazil, this quota was introduced in the legal system in 1995, but only for municipal legislative elections. In 1997 the gender quota was used in federal legislative elections, which requires that the parties nominate women to 30 percent of their lists of candidates. Unfortunately, in Brazil, this mandatory rule created a unique phenomenal named as "ghost candidatures", which happens when women appear in a party candidate list only to fill in the gender quota and even the candidate vote in herself.

In theory, the right to stand for election, to become a candidate and to get elected is based on the right to vote. The reality is, however, that women's right to vote remains restricted, principally because the candidates are mostly male. This is true not only for partial and developing democracies but for established democracies as well. The low level of women's representation in some European parliaments should be considered a violation of women's fundamental democratic right and, as such, a violation of their basic human rights. This unequal rate of representation in legislative bodies signifies that women's representation, rather than being a consequence of democratization, is more a reflection of a status quo. (SHVEDOVA, 2005, p.34)

According to this, accomplish this right it's far from the ideal and to add some reflections about what the academics already said the focus of this study goes through the reasons of, why women can't stay in political spaces. Because, at this time, the main question it's not anymore how to access, because the gender quota was created, even that it in some countries this is not enough. The new concern is how to guarantees that the few women that achieve this objective stay in there. The Brazilian recent examples indicated that there is another obstacle: even women that pass through the election challenge, still need to fight to

remain in that place that they were elected for.

The conclusion based on these events it's that ensure the right to be a vote, or try to, is no longer enough to ensure political representation and this is a new tool through where the patriarchal standard in the lights of the Rule of Law repeals women from decision-making spaces.

To demonstrate how this has been happening, let's see the Brazilian recent political context.

BRAZILIAN CONTEXT: PATRIARCHAL SELECTIVITY

In 2010, Brazil elected the first female President. During her first mandate, a magazine covers produce by *Veja*, questioned if Brazil lost in the World Cup 2014 will impact in Dilma's reelection. The headline question was: "Is it going to be left for her?" – *VEJA*, July 2014, indicated that the soccer play failure could impact on her government even she was not responsible for selected the soccer players or another soccer strategies.

After this, the second mandate was agitated and the Brazilian economic disasters were put in her account, creating a political division that making people going to streets protests. The most commons words said by the "paneleiros" to her were sexism and misogyny, such as "bitch". The main aspect exposed of protest wasn't a professional one, but a gendered one.

The events before her impeachment increased and naturalized so much the misogyny behavior that an important magazine feels free to produce a magazine covers with this headline: "the nervous explosions of the President" - *ISTOÉ*, April 2016. Talking about how the emotional status of the President during her impeachment was. She was impeached for a crime that a few months later wasn't a crime anymore, when her vice President take on her place, but the main concerned of the press was how she react and reflecting that her reactions was hysterical one.

In the other hand, when her Vice-President assumes the presidency, the *Veja* magazine produces this headline: "Beautiful, maiden like and housewife" – *VEJA*, April 2016, referring about the lifestyle of the new first lady. These statements present by the press and supported by part of the population exposed a gender aspect through where women are repealed by decision-making spaces, because their prefer that they stay in a housewife lifestyle. A part of Brazilian society doesn't overcome the fact that the first female President

drove by the Presidential Rolls Royce with her daughter by her side and now are capable to rule the country.

Another recent Brazilian example that expresses the misogyny and patriarchal behavior that the political space it's conceived, it's the Marielle Franco's case. Marielle was one of the two councilwomen in the Rio de Janeiro city. Marielle was also a black and LGBTQ voice which was silenced in a brutal homicide a few days later that she denounced police abuses in a poor community. Those are investigated for her death it's a militiaman.

This case it's relevant because at this moment one of the few political women which achieve a meaningful political space was brutally assassinated. This only fact it's substantial to show how the political spaces it's denied to women. But with the purpose to demonstrate how this occurs - in the lights of the Rule of Law -, it's important to show what was said by relevant and influential people when her assassination happens.

At the same week, a lot of fake news invades the Social Media with the purpose to damage her political achievements correlating her assassination with a supposed involvement with the drug traffic and organized crime in Brazil. A Congresses man says in his Twitter account that she pregnant with 16 years, was ex-wife to a drug dealer and this is the reason for her death. The main focus was not about the attack under the democracy when a parliament was killed but how or why she - a black, poor and lesbian woman - was in the political space. The horrible conclusion that the patriarchal bases can conceive it's because someone - in this case, the drug traffic - "put" her in there. (LINS; LOPES, 2018).

Marielle, after her assassination - and before for who already knew her history -, became a symbol, she was no more a councilwoman in Rio de Janeiro, but a woman that achieve political space and was brutally withdrawal from there. They don't want more Marielles, so they need to attack the symbol, damage her history, attacking her - female - moral, spreading out conservatory standards.

With these examples, it's possible to support that the patriarchal model of State doesn't need to create any law to prohibit women from political participation, because there are a lot of other elements to do this.

These two recent examples can expose how the patriarchal standard that conceive the State avoid that women occupied political spaces. Create rules that prohibit women to be voted it's not a possible way, because it'll take away the democratic mask behind where the Rule of Law hides its real face and if this happens all the modern structure will collapse. And this isn't an option.

CONCLUSION

What it's happening in Brazil, with women political rights it's, in fact, a mechanism from the Rule of Law that permits that the state of exception coexists with it. Women are *home sacer* and this is the reason why political participation it's denied to them. Because effectiveness political participation implies that important discussions such as abortion legalization need to be properly debated and when this happens, the State lose the biopolitical power that holds women submit.

Effectiveness political participation represents more than the right to vote achieved in the 20th century but also the right to be voted. Exercise this right in your whole dimension implies in rethinking the patriarchal standards which the Rule of Law was wrought. Because for the first time the women voice will participate in the construction of the society and this it'll change a lot of things that created the State as we know.

So, this study aims to demonstrate that the only difference between the state of exception which suspends women rights and a declare one, it's that the last one it's announced and permitted by Constitution whereas the first one, that denied women access of political spaces, doesn't exist in the paper. Instead, it's created a lot of laws, quotas and public policies that aims to promote women political rights, but in the real life created, "ghost candidatures", such as Brazilian example.

In conclusion, the meaningful thought of this study it's that rights without effectiveness it's the same that exception living free in the Rule of Law. And we urgently need to recognize this.

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