

*FROM WITCHES TO REVOLUTIONARY WOMEN - THE
RIGHT AS ARTIFICE OF ASSISTANCE OR HARNESS
OF WOMEN WHO FIGHT AGAINST THE SYSTEM*

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INTRODUCTION

In the book “Caliban and the Witch” Silvia Federici (2017) clearly outlines two medieval classifications for witches. The first one drew the old witch, surly and almost caricatured who would bring bad fortune to those who crossed her life. The second, highlighted by this work, is the young witch. From these magical and mythical women came the fear of the cleric and, consequently, his hunting and death. However, this fear of revolutionary women has not ceased to exist throughout history. Even women with a voice and playing prominent roles throughout revolutions and social changes, radical women have always been seen as a threat to be neutralized. The research is structured through a bibliographical survey and the reading of essays that focus on the views of revolutionary women throughout history and their impacts on society - sometimes transformed like witches to explain their militancy - and primarily on how the Law was facilitating or not the erasure of these voices or their expansion. On the one hand, the Law guarantees that rights are enforced, on the other hand, it can also be the facilitator for them to be violated. Patricia Galvão, poet, journalist and big name in the week of 22, was the first woman to be arrested as a political activist in Brazil; Bertha Lutz, biologist, feminist and big name in the struggle for women’s suffrage in the Old Republic; Ana Montenegro, journalist and communist activist, fought for the rights of female workers and was the first woman to be exiled in the Military Dictatorship, in which she was fiercely persecuted; Marielle Franco, a human rights activist, was killed in her car in 2018. These are

some of the countless examples of how the Law was a repressive instrument of the female sex in the emancipatory struggle. These women who were once labeled witches, now pejoratively communists and feminists, hunted and killed for their struggle.

Thus, it is necessary to discuss how modern law can be a tool not for the neutralization of revolutionary women, but a guarantor of their basic rights and, more than that, a basis for echoing the necessary voice of emancipatory movements. Although Law is promoted as the basis of the capitalist bourgeois State, it can, and should, be a protector of women's rights, even if it does not complete them in their entirety, and a guarantee of the non-repetition of the repressive history of the past. This text aims exactly that, how the aura of the Law, here as the sense of justice among society and its actions against or for woman.

JUSTICE AND GENDER: FEMALE LIBERATION

There is then a great abyss between the mystic woman of the 15th and 16th century and the woman of the 20th century. Caught in the conditions imposed on her by capitalism in its early stages, the revolutionary woman has been dormant for nearly 200 years. It was only during the 20th century that this woman resumed the sociopolitical field, in search of better working conditions and an actively political life, finding her greatest foundation in feminism. In the view of Vanessa Cavalcanti (2005), this century that begins is considered the century of women, as there was a rapid and significant evolution in the female condition at the end of the last decades, since combat, in the author's view, is no longer specific and gender-linked, and becomes a factor of general concern.

The struggle becomes primarily public, leaving the private sphere and catching a historical process paced by the confrontation and search of women to acquire rights not contemplated and build an exclusive praxis and counting on hidden minorities (CAVALCANTI, 2005). The "politicization of the private", as Cavalcanti puts it, becomes the agenda and agenda in this period, and abandons the domestic silence that hovered at the end of the 19th century and beginning of the 20th century. In following the process of insertion of women in social experiences, which until then were not part of their social function, the first feminist wave consisted of demonstrations in favor of women's rights and political participation in the 19th century. The first half of the 20th century followed extremely turbulent, due to two World Wars, ideological movements that shook the European continent and the Russian Revolution in 1917 that changed the historical course of an entire century.

In Brazil, since the mid-nineteenth century, women have tried to break the blockade that involved the conquest of political rights. Although the movements have slightly different contours, they were still heavily influenced by the colors of the European feminist waves.

The female vote was a theme based on the 1st Republican Constitution, in 1891, although it was not, in the final text, clearly incorporated a female political situation. Due to this lack of clarity, most legislators and judges left interpretation free and of their own volition, which ended up reflecting what the social body - cemented in patriarchy - thought (BUONICORE, 2009 apud NAZARIO, 2005). But for the feminist movement, even the lack of constitutional clarity was used as an opening to break the glass ceiling. If the text cited those excluded from political rights (beggars, illiterate, Indians, etc.), for not explicitly mentioning women, it was possible to fight for change.

In 1910, the Republican Women's Party was then founded, after countless refusals to enlist the vote. In 1917, led by Leonlinda Daltro, a teacher, and Gilka Machado, a writer, 100 women marched in a march in downtown Rio de Janeiro. At that moment, Bertha Lutz, a biologist trained in the Sorbonne and a voracious activist for the female vote, enters the scene. In 1919, appointed by the Brazilian government, she participated in the meeting of the Women's Council of the International Labor Organization, which approved equal pay for equal work, without distinction of sex; and in 1922 she represented the country at the I Pan-American Women's Conference (BUONICORE, 2009 apud NAZARIO, 2005).

Another iconic figure of the period, Patrícia Galvão, or Pagu, as she was known, featured in the 1922 Modern Art Week, was arrested in 1930 as an agitator in the Santos dockers' strike. Married to Oswald de Andrade, the writer and poet was a member of the PCB in Rio de Janeiro and was arrested 5 more times, 3 abroad and once more in 1935 on charges of involvement in the armed uprising in Rio promoted by the Aliança Nacional Libertadora (ANL).). She tried to be elected by the Brazilian Socialist Party (PSB) to a seat in the Legislative Assembly of the state of São Paulo in 1950, after the rights to the female vote were granted by Getúlio Vargas in 1930, without restrictions or ambiguities in 1934, with the help of Bertha and Natércia Silveira as female representatives.

In the 50's, 60's and 70's, after the intense female participation in productive circles – mainly in terms of arms – during the World Wars, the world began to see first-hand the significant changes in female autonomy. With the rebellion and the counterculture and anti-Vietnam war movements in the United States, they culminated in the second wave of feminists, which, unlike the first one focused on the suffrage movement, invested in cultural changes, fought against social and gender inequality and women's empowerment . This feminism had great repercussions in 1968, with the manifestation “Burning Bras”, exposing the movement in the media in the Miss America contest (SOTTO E ZAPPA, 2011).

In Brazil, however, it was going through the toughest lines of the military dictatorship, with the decree of AI-5, also in 1968, by Costa e Silva. But, even in her darkest historical period, Brazilian women did not stop acting. Ana Montenegro, journalist, poet and lawyer, was the

first woman exiled after the 1964 coup, living in Mexico and later Cuba. But even in exile, she did not stop claiming the rights of women, and, as a communist and militant of the Brazilian Communist Party (PCB), she worked very well on class and race, in addition to gender, to fully achieve a right that cover all minorities. Right after the amnesty, in 1979, Montenegro was invited to participate in the Management of the National Council for Women's Rights. She wrote incessantly about women's health, the legal and cultural issue of black people against racism and the struggle of workers to have their constitutional rights fulfilled.

In the current Democratic Rule of Law, a form of political arrangement in almost all of the West, it brings in its speech and content a fundamental concept of inclusion, in which the main concern is the minimum guarantee of participation of the most diverse social agents. For Streck (2006), democracy is only effectively incorporated as an inseparable goal of its action, aiming to legally guarantee minimum conditions for individual and social life. The 1988 Magna Carta, in Brazil, in its making, was involved in this mantle of social restructuring aiming at an egalitarian transformation. Thus, article 5, item first, states that the State must guarantee that men and women are equal in rights and obligations. This equality is also exposed in the sixth article, which highlights education, health, food, work, housing, security, maternity and childhood protection and assistance to the helpless (OLIVEIRA, GERMINIANI, 2016).

But the real interest in incorporating the gender issue into social policies in Brazil was only really considered after the movements in 1980. It is important to emphasize that the option for exclusive identity agendas, in the view of Oliveira and Germiniani (2016), is very fragmented and sparse they end up demobilizing the struggle, which in the end is that of all the oppressed against all the oppressors, characterized in material – excluding – relations at the heart of the socio-political system. Marielle Franco, for example, in Rio de Janeiro, drafted and signed more than sixteen bills, all based on the triad of race, class and gender, and even so, it was executed on a street in Estácio de Sá in 2018. This demonstrates that , even with all the gender advances based on law and constitutions, the fight against capitalist oppression is still excessive for the control agencies and for the capitalist system as a whole.

It is important to point out that the elementary problem of the oppression of minorities - gender, class and race - is based on the oppression and economic exclusion that capitalism brings, which prevents the individual from fundamental goods, the construction of their dignity and the recognition of their subjectivity , basic points for access to the construction of your citizenship. The Democratic State promised an illusory equality in the Constitution and in scattered Laws, as it is a “teleological commitment of the State, which must think of the legal system itself - which can be understood as a kind of script for the ideal life in the polis - as an instrument of transformation Social.” (OLIVEIRA, GERMINIANI, p.86, 2016). The

oppression of women occurs in various forms and, in modern society, it occurs under the sign of commodification and alienation (Viana, 2006), so the liberation of isolated social groups, without a change in social relations, will never walk, as a social body, to a total emancipation of women (VIANA, 2010).

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