

# Historical Overview of Women's Participation in Brazilian Politics and the Difficulties of Surpassing Patriarchy

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**Abstract:** *This research aims at analyzing women's participation in the Brazilian political scenario, especially under the historical bias, considering that suffrage, although currently universal, was not an inherent right of women. The great core of the issue lies in the disproportion of women acting in politics as representatives of the female public.*

**Keywords:** Women in Politics. Suffrage, Patriarchy, Conquest of women's rights, Gender equality, Partisan quotas

## 1. Introduction

The world has changed, evolved by force of nature itself, performing a kind of metamorphosis in the behavior of women, directly impacting their image in social, family and professional reality, each in quite divergent degrees from each other and between them.

The insertion of women in politics represents a vigorous way to combat gender inequalities, as it manages to expand women's participation in the decision-making process and increase public policies in a country that, unfortunately, is seen as sexist.

Already at the "bottom of the pit" and in much of modern society, the rise of women occurred with the fall of patriarchy, as a form of imperative regime of man, and this global and biased change occurred with the support of International Treaties, Constitutional advances, Laws and Norms that came, not to benefit or privilege women, but to give them equal treatment with their opposite-sex counterparts.

Brazil is not at the forefront of such procedures, however, it has been advancing in an attempt to put men and women on an "equal footing" in practically every field, be it family, social or professional.

### 1.1 The Concept of Suffrage

Initially, it should be emphasized that the theme is restricted to women's participation in politics and its consequent power of representation and "doing-value" what was entrusted to it regarding the application and planning of public policies that involve the female public.

Before that, it is necessary to understand suffrage, also called voting. In the words of the Electoral Law Doctor, José Jairo Gomes (2017, p. 75, e-book), popular sovereignty is exercised through universal suffrage. It teaches that, literally, suffrage means approval, favorable opinion, being, therefore, a manifestation of the people's will in the choice of political representatives.

Gomes points out that there are some hypotheses of suffrage and, among them, there is male suffrage. In view of this, José Jairo states:

Male is the suffrage that prohibits the participation of women in the political process. Exclusion is only done through sex. This understanding is based on an odious and unjustifiable prejudice against women, who for a long time were considered unfit, disinterested, and naturally insensitive to political life. It is important to point out that currently the thesis of female inferiority is unsustainable in any sector. Women hold a significant share of the labor market, being the main providers of many households, besides filling about half of the chairs in universities in various sectors of knowledge (GOMES, 2017, p. 77, e-book).

As the author pointed out, this is a very unjustifiable and prejudiced understanding. It cannot be labeled that the female sex has no aptitude to get involved in politics, a place that is often seen as suitable only for men.

Moreover, this is not only an understanding in the political field, but in the other powers as well, where Ministers of the Supreme Court do not even let women speak, as if the female gender were less "evolved" intellectually.

### 1.2 Women's quest for effective participation in Brazilian politics

Straighter lines must be drawn for women's participation in politics, with women themselves being responsible for enforcing their rights, not as a conquest, but as an imperative power of the State applied to citizens as a form of respect for citizenship, morality and ethics.

The courts, especially those specialized in elections, should adopt more effective and rapid procedures that allow for regular compliance with the law and effective punishment of those who walk with the electoral crime stemming from fraud in women's candidacies.

The strength of women has always transcended International Treaties, Constitutions, Laws, Norms, Rules of uses and customs; if you look in the farthest corners you can see the

existence of the woman of the home, mother woman, among so many other types of women.

This entity that exists inside women is blossoming and should take its place in brief times, even if the "hard feathers" and with the support of norms that allow its advance.

In the words of Elizete Lanzoni Alves, in her article "Women and their Effective Political Participation in the Democratic State of Law":

In a universe of predominance of male domination, hostility, marginalization and exclusion of women in many segments, any advance has a meaning that goes beyond the historical context to enter the field of recognition as a human being with the right to gender equality, and women's empowerment and emancipation by integrating politics and occupying decision-making spaces (2016, p. 154).

Everything that is forged by fire has more difficulty to be undone. This will be the evolution of women in the field of politics in Brazil. It will not be the frauds and electoral criminals that will prevent the rise of women to their rightful place.

As was said elsewhere, the patriarchal regime imposed total restrictions on women's rights, especially the right to vote.

### 1.3 The historical evolution of women's rights in the political arena

The struggle for women's rights, highlighting the right to vote in Brazil, has suffered great influences from European and North American countries, which were precursors in these struggles with initial results.

In his reports, José Jairo Gomes refers us to June 1776, when the Declaration of the Rights of the Good People of Virginia, to its article 6, written by George Mason (MASON apud GOMES, 2018, p. 37), showing that since that time there had been no more sex discrimination in the context of the elections, but a judgment of merit, knowledge, and capacity to follow the interest of the community, regardless of who it was, *in verbis*:

Elections of representatives of the people in assemblies must be free, and all those who are dedicated to the community and sufficiently aware of the permanent common interest have the right to vote, and may not be taxed or expropriated for public utility without their consent or that of their elected representatives, nor may they be subject to any law to which they have not likewise given their consent for the public good.

Brazilian historical reports present a divergence when it comes to women's right to vote, so many indicators point to the first woman with the right to vote Professor Celina Guimarães Viana.

The Superior Electoral Court itself, in the editorial *Série Inclusão: a conquista do voto feminino no Brasil* (2013) portrays the achievement, *in verbis*:

Since Professor Celina Guimarães Viana obtained her registration to vote 86 years ago, women's participation in the Brazilian electoral process has consolidated. Celina is pointed out as being the first female voter in Brazil. Born in Rio Grande do Norte, she required her inclusion in the list of voters in the municipality of Mossoró-RN, where she was born and lived, in November 1927. It was in that year that Rio Grande do Norte put into effect an electoral law that determined, in its article 17, that in the state all citizens who met the conditions required by law could "vote and be voted, without distinction of sexes. With this norm, women from the cities of Natal, Mossoró, Açari and Apodi enlisted as voters in 1928. Thus, Rio Grande do Norte entered the history of Brazil as the pioneer state in the recognition of women's voting. Also in Rio Grande do Norte was elected the first mayor of Brazil. In 1929, Alzira Soriano was elected in the city of Lages. It was only on May 3, 1933, in the election for the National Constituent Assembly, that for the first time the Brazilian woman could vote and be voted nationwide. Eighty years later, they became the majority in the universe of voters in the country. In 2008 there was already a female majority in the universe of 130 million voters. Of these, 51.7% were women. This majority has been consolidating over the years. In 2010, they totaled 51.82% of the 135 million voters. In the 2012 elections, women represented 51.9% of the 140 million voters (TSE, 2013).

However, there are reports of another Brazilian achieving the feat in a previous period. In the period of the Empire - Second Kingdom, the history of the feminine vote in Brazil starts when women start to claim more rights in the public sphere.

The first time a woman voted in Brazil was in 1880. The pioneer was the dentist Isabel de Mattos Dillon, who took advantage of the introductions promoted by the Saraiva Law in Brazilian legislation. This law, from 1880, said that every Brazilian with a scientific title could vote.

For this reason, Isabel Dillon used this loophole to exercise her right by requesting her inclusion on the list of voters in Rio Grande do Sul, in the teachings of the history teacher, Juliana Bezerra.

In this sense, Juliana Bezerra portrays with propriety the history of women in politics, see:

The Republic, however, has not extended the right to vote to women. It only said that "citizens over the age of 21" could vote. Of course, this excluded women at that time. The Constitution of 1891, however, said nothing about creating an exclusively female political party. Thus, in 1910, the Women's Republican Party was founded by Professor Leolinda de Figueiredo Daltro. Inspired by the English suffragettes, the PRF

organized marches, fought for work-focused education, and put pressure on the government to grant it the right to vote. In 1919, Senator Justo Chermont (PA) presented the first bill on women's voting. Through the Brazilian Federation for Women's Progress, led by Bertha Lutz, the women made a petition that collected two thousand signatures in order to pressure the Senate to pass the law. However, the bill has been forgotten for years in the drawers of parliamentarians. (BEZERRA, 2013)

It also complements your studies with property:

Also in Lages/RN, in 1929, she was elected with 60% of the votes, the first mayor of Brazil, Alzira Soriano Teixeira. If there was any law that prevented them from voting, there was no law that prevented them from running. Although she lost her mandate with the Revolution of 30, she would return to politics with the re-democratization of 1945 and be elected a councilwoman twice in a row (BEZERRA, 2013).

It is important to point out that the concrete form of women's right to vote occurred only in 1932 with Brazil's first Electoral Code - Decree No. 21,076, of February 24, 1932, which presented many innovations, such as secret and free voting, as well as the system of proportional representation, also presents references to political parties, containing, as a highlight to the topic of women, its article 2, which "the citizen over 21 years of age, without distinction of sex, is a voter enlisted in the form of this Code" (BRAZIL, 1932).

With the elaboration of the Electoral Code came the creation of the Electoral Justice, having, in the same year, the installation of the Superior Electoral Court - TSE, occurred in Rio de Janeiro.

The new code was drafted in the 1933 elections, these legislative ones, where women could vote and be voted. It is important to highlight in these elections the rise to the position of federal deputy of the first woman, medical doctor Carlota Pereira de Queirós.

It then presents the new Constitution of the Republic of the United States of Brazil, dated July 16, 1934, which in its article 109 established that "enrollment and voting are mandatory for men and women, when they exercise paid public service, under the sanctions and save the exceptions that the law determines" (UNITED STATES OF BRAZIL, 1934).

These developments have not yet effectively equaled the right to vote between men and women, since the following year, the Electoral Code of 1935 made it compulsory for women to vote in paid activities, while those without a salary were left to vote on a voluntary basis.

It should be noted that the code of 1935 already came under the format of federal law - Law No. 48 of May 4, 1935 - Modifies the Electoral Code. Article 4 portrays the right that "enrollment and voting are mandatory for men and, for women, when they exercise paid public service" (RIO DE JANEIRO, 1935).

Things were going well and it always seemed like a social evolution in a perfect state of citizenship, lived especially by women. However, the story goes back to a setback in the entire electoral system. Practically an unprecedented setback.

Under Getúlio Vargas' baton in the presidency of the country, with the 1937 Constitution there was the extinction of Electoral Justice, abolition of political parties, suspension of free elections, among many other legal aberrations, which can be seen in article 75 of that letter, *in verbis*:

- Art 75 - It is the prerogative of the President of the Republic
- Indicate one of the candidates for the Presidency of the Republic;
  - Dissolve the Chamber of Deputies in the case of sole paragraph art. 167;
  - Appoint the Ministers of State;
  - Appoint the members of the Federal Council reserved to their choice;
  - To postpone, extend, and convene Parliament;
  - Exercise the right of grace (UNITED STATES OF BRAZIL, 1937).

These acts also directly reflected on women's achievements, in particular.

Ousted in 1945, the country can reestablish some of the rights once won, with the new Electoral Code of 1945, also known as the Agamenon Law, deserving, once again, prominence to article 4, g, which established that "enrollment and voting are mandatory for Brazilians, of both sexes, except for women who do not exercise a lucrative profession (BRAZIL, 1945).

This time, in the form of Decree-Law No. 7,586 of May 28, 1945, many of the rights suppressed by the Vargas era were restored.

These rights were not restricted to the Decree-Law, but advanced to constitutional levels. The 1946 Magna Carta portrays them well in its articles 131, 133 and 134. Art. 131 established that voters were Brazilians over the age of eighteen who enlisted in the form of the law; art. 133 established that enlisting and voting were obligatory for Brazilians of both sexes, with the exceptions provided for by law; and art. 134 established that suffrage was universal and direct; voting was secret; and proportional representation of national political parties was assured, in the form established by law.

The new Constitution, in its Article 94, established that Electoral Justice was inserted as an organ belonging to the Judiciary.

One of the great female struggles resulted in 1962, just before the military dictatorship, because Law No. 4.121 of August 27, 1962, also known as the Married Woman's Statute, had been passed, from which, among other advances, the woman was no longer represented by her husband, going from being a submissive spouse to a collaborating spouse.

This moment was a great landmark for a greater and incessant struggle by women in search of their rights, once again a boost and advance in the evolution of women who once lived submissive to man.

Once again the women's struggle suffered a coup, this time because of the military regime that lasted from 1964 to 1985, a period that was marked by a regency of institutional acts, especially in the electoral field.

The 1967 Constitution, of January 24, brings new wording, stating in its art. 147 that Brazilian voters over eighteen years of age, enlisted in the form of the law. This wording was later changed by Constitutional Amendment no. 25, of May 15, 1985, prior to the Federal Constitution of 1988, stating that Brazilians who were eighteen years of age or older at the time of the election were eligible to vote under the law.

The EC 25/85 re-established direct elections for president and vice-president of the Republic and, in relation to women, had great prominence in the suppression of the constitutional text the prohibition of illiterate people from voting; according to the TSE, about 28% of adult women in that decade were illiterate. Another female victory in politics.

The advance in women's rights, especially in politics, made it possible for 26 (twenty-six) women to hold the position of federal deputies, who, together, formed the so-called "women's bench" or as some identified them, "lipstick bench.

Finally there was the change of values, in which the woman was prepared to be a mother, a caretaker, a husband and children and became able to face competitions in the most varied careers, to compete for public positions in all spheres, to fight for management positions in the private world, in short, a real turn that took almost 100 years.

The 1988 Political Charter, in its Article 14, presents a more realistic format after decades of women's struggle, establishing that popular sovereignty should be exercised by universal suffrage and by direct and secret vote, with equal value for all. Thus, electoral enrollment and voting became mandatory for those over eighteen and optional for the illiterate, those over seventy and those over sixteen and under eighteen.

Law No. 9,504, of September 30, 1997, which establishes rules for elections, in its Article 10, § 3, that of the number of vacancies resulting from the rules set forth in this article, each party or coalition shall reserve a minimum of thirty percent and a maximum of seventy percent for candidacies of each sex.

In 2009, the above-mentioned paragraph was amended by Law No. 12,034, of September 29, to read as follows in paragraph 3: "the number of vacancies resulting from the rules set forth in this article, each party or coalition shall fill a minimum of thirty percent (30%) and a maximum of seventy percent (70%) for applications of each sex" (BRAZIL, 2009).

This reserve of a percentage of the number of vacancies is recognized as a gender quota, and José Jairo Gomes explains:

By gender electoral quota is understood the affirmative action that aims to guarantee a minimum space of participation of men and women in the political life of the country. Its foundation is found in the values related to citizenship, human dignity and political pluralism that underpin the Brazilian Democratic State (CF, art. 1, II, III and V).

[...]

The first affirmative action aimed at increasing women's participation in politics was set forth in Law No. 9,100/95, article 11, paragraph 3 of which determined that "Twenty percent, at least, of the vacancies of each party or coalition must be filled by women candidates. This minimum percentage was raised to 30% by Law n° 9.504/97, which also stopped indicating the sex benefited with the quota. Thus, in proportional elections, each party will fill the minimum of 30% and maximum of 70% "for candidacies of each sex" (LE, art. 10, § 3 - wording given by Law No. 12,034/2009). So, in view of the number of candidates that the association may register, at least 30% of the total must be occupied by one of the sexes. (GOMES, 2018, p. 397/399)

This evolution was an achievement, however, it did not force a minimum of 30% of women's candidacy nomination to occur for each party, regardless of coalition.

Some distortions regarding the application of electoral legislation, specifically regarding women's rights, were addressed by the STF in ADI 5617, originating in the Federal District and under the report of Minister Edson Fachin, leaving the following position:

The Federal Supreme Court (STF) decided, by majority vote, that the distribution of resources from the Partisan Fund for financing electoral campaigns aimed at women candidacies should be made in the exact proportion of candidacies of both sexes, respecting the minimum level of 30% of women candidates provided for in article 10, paragraph 3 of Law 9,504/1997 (Election Law). In the judgment of Direct Unconstitutionality Action (DUA) 5617, on Thursday (15), the Plenary also decided that it is unconstitutional to set a deadline for this rule, as determined by law, and that the non-discriminatory distribution should last as long as the need for a minimum composition of female applications is justified (STF, 2019).

A Supreme Court decision impacting on the political scenario and the position of women in this scenario.

Likewise, the Superior Electoral Court, on account of a consultation presented by the PDT, confirmed the existence of the obligation of the party directories to invest, at least, 5% of the total resources of the Party Fund in women's candidacies.

As usual, victories are preceded by more struggle.

There was much questioning about the unconstitutionality of gender quotas, especially because they understood that state power was hurting the party autonomy provided for in article 17, paragraph 1 of the Federal Constitution. Under this approach, Maria Cláudia Bucchianeri Pinheiro points out:

[...] although the autonomy clause is inherent in the constitutional status of political parties themselves, giving them a sphere of privacy and dogmatic and institutional/organizational intimacy that is infensive to state intervention, this does not mean that such intermediary bodies are fully immune from the rules and fundamental principles contained in the Political Charter, as is the principle of equal dignity for all and non-discrimination between the sexes [...]. Therefore, there is no question of party sovereignty, but only of autonomy, which does not override the constitutional duty to respect fundamental rights (art. 17, caput) and which authorizes, under such a perspective, not only the corrective action by the Judiciary, but also certain impositions derived from the law, as occurs in the hypothesis of minimum parity between the sexes, on the subject of political candidacies (PINHEIRO, 2010, p. 215).

In the face of this scenario, it can be seen that this is not just a "feminist" struggle with no real purpose, but a fundamental principle provided for in the Federal Constitution. It would not make sense to exclude it from the political sphere.

One more action to be faced by women, in the legal world, looks like Bill no. 1256 of 2017, under the authorship of Senator Angelo Coronel (PSD/BA) with a view to revoking paragraph 3 of art. 10 of Law no. 9.504, of September 30, 1997, which provides for a minimum percentage of vacancies for candidates of each sex, it is worth highlighting, sought to amend the General Election Law, to revoke the minimum and maximum percentages of candidates of each sex to be registered by the party or coalition for the House of Representatives, the Legislative Assemblies and the Municipal Houses.

In the same direction, Bill no. 2996, of 2019, under the authorship of Federal Deputy Renata Abreu (PODE/SP), which aims to amend paragraph 3 of art. 10 of Law no. 9,504, of September 30, 1997, which provides for a minimum percentage of vacancies for candidates of each sex, and adds art. 16-E, to give proportional allocation to campaign expenses with resources from the Party Fund.

The proposed PL 1256 was rejected by the Senate Constitution and Justice Committee and PL 2996 was withdrawn by the author.

The advances did not stop there. The electoral reform sanctioned under Law No. 13.877, of September 27, 2019, deserves to be highlighted in the insertion of item V, Article 44, with new wording:

[...]in the creation and maintenance of programs to promote and disseminate women's political participation, created and executed by the Women's Secretariat or, at the discretion of the association, by an institute with its own legal personality presided over by the Women's Secretariat, at the national level, according to a percentage that shall be fixed by the national body of party leadership, observing a minimum of 5% (five percent) of the total (BRAZIL, 2019).

Thus, it is clear that women's struggle in the electoral field, more precisely in the Brazilian political world, has been costly for over a century and, despite its ups and downs, victories and defeats, it seems that evolution towards full and effective equality for men's rights is inevitable.

## 2. Conclusion

Gender inequality in politics is a problem that has been catching attention for decades.

In Brazil, however, sexism in the political milieu is still reigning, but it has deserved a legislative confrontation. Unfortunately, the application was reduced only to the provision of proportional lists of at least 30% of each gender, without any reinforcement or detailed inspection.

It can be seen that currently the legislation has been designed to encourage women to apply for legislative houses, because the history of the country, widely treated in this survey, shows a low number of female candidates and, as noted, an even smaller number of elected.

It is also noted that the difficulty of including women in politics has a cultural dimension. Many women still have difficulties in holding positions of power, being elected or having an active voice. This is due to the historical exclusion of women, which has had repercussions until today, with the low representation of women in government.

Although Brazil is behind countries with rather rigid customs, especially when it comes to women, we can see that we are evolving. Proof of this is the performance of the courts in favor of women. Therefore, little by little we will not need to justify the need of women in politics. However, it takes a daily struggle on the part of women to obtain recognition of their rights and their capacity to act in the same function, in the same position, at last, on the same level as men.

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