

Female impoverishment in the democratic process: perspectives of decision-making power ¹

Empobrecimento feminino no processo democrático: perspectivas do poder decisório

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Resumo

O artigo apresenta como problemática central o impacto do empobrecimento feminino no processo democrático, analisando criticamente as relações de cuidado e o afastamento do poder decisório. Objetiva, por meio do método dedutivo, pesquisar o desequilíbrio de poder e a invisibilidade do trabalho doméstico não remunerado, bem como seu consequente não reconhecimento por parte do Direito, para tanto delimita o estudo na invisibilidade do trabalho doméstico feminino; as assimetrias do poder e a dificuldade de participação na vida democrática; o cuidado e o afastamento do poder decisório e, por fim a pobreza política das mulheres e necessidade de revisão do déficit de

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protagonismo democrático. O movimento de reflexão e denúncia sobre a desigualdade de gênero concentra-se na sobreposição das relações de trabalho remuneradas e as não assalariadas desenvolvidas pelas mulheres, sendo a conclusão inelutável é de que a manutenção do patriarcado e normalização do empobrecimento feminino se deve, em grande medida, a solidez do trabalho doméstico incessante, permanente, invisível e não remunerado. A indignidade da simultaneidade de jornadas de trabalho provoca a pobreza material, mas sobretudo política das mulheres e, portanto, seu afastamento das instâncias de poder e dos processos democráticos de discussão e deliberação.

Palavras-chave: Cuidado. Déficit democrático. Pobreza feminina. Poder decisório.

Abstract

This article analyses problem the impact of female impoverishment on the democratic process, critically analyzing care relationships and the removal of decision-making power. Using the deductive method, it aims to investigate the imbalance of power and the invisibility of unpaid domestic work, as well as its consequent non-recognition by the law. To this end, it delimits the study into the invisibility of women's domestic work; the asymmetries of power and the difficulty of participating in democratic life; care and removal from decision-making power and, finally, women's political poverty and the need to review the deficit of democratic protagonism. The movement to reflect on and denounce gender inequality focuses on the overlap between paid and unpaid work relationships developed by women, and the inescapable conclusion is that the maintenance of patriarchy and the normalization of female impoverishment is largely due to the solidity of incessant, permanent, invisible and unpaid domestic work. The indignity of simultaneous working hours leads to women's material and, above all, political poverty and, as a result, to their removal from power and from the democratic processes of discussion and deliberation.

Keywords: Care. Democratic deficit. Female poverty. Decision-making power.

Introduction

The article focuses on the relationship between women's impoverishment and the democratic process, comparing care relationships and the removal of women from decision-making power. The central objective is to research, using the deductive method, the imbalance in the dimensions of power in the face of the invisibility of unpaid domestic work, as well as the consequent lack of legal recognition.

Thus, by critically analyzing it, it is recognized that among the methodologies for the nationalization of heteropatriarchal power is the foundation of this unequal situation and lack of rights in the duty of care, sometimes based on the discourse of love and sometimes on women's natural instinct. It should be noted that when it comes to women in the labor market, in slow and costly steps, the recognition of the need for legal protection was driven by the Consolidation of Labor Laws itself, which earmarks a specific chapter to deal with the Protection of Women's Work. Therefore, socially visible and legally important.

However, the normalization of inequality and the endless accumulation of work is justified and convinced by strategies of need and care. However, this unpaid work does not generate direct financial resources, which justifies women's exclusion from choices and maintains the imbalance in power relations between the sexes. In this case, the Consolidation of Labor Laws is silent, i.e. the law does not regulate, consequently it does not discipline, it does not protect and it effectively contributes to invisibility and helplessness.

However, in today's socio-political climate, it is well known that women's work is essential to the family income in most families. However, even in these cases, responsibility for domestic work rests with women.

In this way, the growing need for income from women's paid work and their consequent purchasing power is leading to a historic moment of reflection on the legitimacy of care relationships from the point of view of decision-making power. The study proposed here is unavoidable, since it will analyze unpaid domestic work and its repercussions in terms of social structure and maintaining the imbalance in gender relations, as well as women's health and rights. At this point, the central objective is to critically reflect on the discourses that legitimize care, institutions and the order of power hierarchies.

1. The invisibility of women's domestic work: power asymmetries and difficulty in accessing democratic processes

To begin with, it is important to emphasize that the linguistic choice already reflects a change in social perception, since it was chosen to talk about

work and not domestic activities, housework or any other euphemism. When the terminology work is chosen, it immediately warns the most inattentive, whether culpably or maliciously, that it is something exhausting, with responsibilities, demands and burdens.

In the inhospitable scenario of overlapping inequalities that affect women, another choice made here is precisely to use the term women, in the plural, because there are many of them, each with their own stories of oppression and overcoming, since they occupy different positions on the scale of inequalities. Therefore, the myth of the universal woman who was relegated to domestic work in the confines of the home is unacceptable, while it was up to men to do external, recognized, regulated and paid work. This discourse falls to white and middle-class women, while bourgeois women were responsible for managing the paid domestic work carried out by socially and economically vulnerable women, especially black women, who, in addition to the incessant tasks of the home and family, performed the same duties in other people's homes.⁵

As a final point of clarification before going any further, it's worth noting that when we talk about women's domestic work, we'll simply use the term domestic work, because, as we know, domestic work is not identified as a social problem for men. In fact, taking out the garbage, washing and drying the dishes, correcting a school lesson are all said to be help by men themselves. It should be said that for many decades, with special reinforcement since the First World War, it has been established that women are born knowing how to take care of things, or even that it is an instinctive and natural condition, or that, in fact, women do it out of unconditional care and love.⁶ Finally, there is something that women are the best at, in the meritocratic race of patriarchal convenience. By instinct, nature and experience, women are the best servants and caretakers of the human species and should therefore continue to be so alone. But why is this social position not sought after and contested, why is it removed from the gender struggle?

⁵ DAVIS, Angela. **Mulheres, cultura e política**. Tradução de Heci Regina Candiani. São Paulo: Boitempo, 2017.

⁶ GÓLDMAN, Wendy. **Mulher, Estado e revolução**. Tradução de Natália Angyalonssy Alfonso. São Paulo: Boitempo, 2017.

1.1 The capitalist mode of production and domestic work

In this sense, one of the most persistent problems affecting women's access to democratic decisions is the fact that domestic work is not considered work, at least not with the legal requirements and consequences that the market determines, generating the well-known multiple working hours. Women in all times and places have contributed to the subsistence of their families and also to creating social wealth. However, the emergence of capitalism takes place under conditions that are adverse to women. In the complex process of individualization inaugurated by the capitalist mode of production, they (we) have absorbed social disadvantages of a double dimension, because at the superstructural level there was, and still is, an undervaluing of women's abilities, presented through myths such as male supremacy and female fragility. On the structural level, as the productive forces developed, women were progressively marginalized from productive and managerial functions, in other words, they were placed on the periphery of the production system.⁷

The transition from one system of production to another involves the unequal distribution of burdens between sectors of the population. However, the capitalist mode of production not only makes the social division and hierarchy of power explicit, it is also very successful in justifying the actual or potential marginalization of certain sectors of society. This has led to the formation of social markers of difference and exclusion, with gender being a factor that has long been selected as a source of women's socio-political inferiority, interfering in the established competitive mode. The social elaboration of the natural sex/gender factor by capitalism creates the heteropatriarchal pattern and with it an unprecedented success on the legitimacy scale, since it is apparently the biological deficiencies of the female being that determine the imperfection in productivity.⁸

⁷ SAFFIOTI, Heleieth. **A mulher na sociedade de classes**. São Paulo: Expressão Popular, 2013.

⁸ BUTLER, Judith. **Problemas de gênero: Feminismo e subversão da identidade**. Tradução de Renato Aguiar. Rio de Janeiro: Civilização Brasileira, 2018.

Women thus take on the role of an obstacle to economic development, when in fact it is the capitalist system itself that puts obstacles in the way of women's full realization. The discourse of women's inferiority was and still is based on unquestionable grounds, given that nature is seen as the first and last source of all marginalization, and in order to avoid the confrontations that science would inevitably bring to prove the natural inferiority discourse wrong, the title of male guardianship and protection is added, without which the feminine would not be able to resist. Heteropatriarchalism/heterocapitalism is therefore established⁹, which, based on the intersection between the social, the political and the economic, engenders the triad of male power that elides women from the processes of discussion and deliberation.¹⁰ This creates a feedback paradox, in which heteropatriarchalism constructs the false discourse of the inferior nature of women in order to legitimize its strategies of domination/submission, simultaneously placing itself in the position of protector, creating supply and demand like the market.

At this point, it is important to note that multiple working hours affect all women, regardless of their social class, but to varying degrees. Unpaid work is for everyone, disabling discourse is for everyone and so is the difficulty of accessing spaces of power. Thus, there are the so-called matrifocal households, which are run solely by women without partners or whose responsibility is placed exclusively on them; women who occupy the labor market (albeit under unequal conditions) and who take on domestic work at the same time, and even those who outsource this mission to domestic workers, the latter being the last category and the target of stark contradictions.¹¹ All three types of work have their main roles, and in all of them there is a combination of roles and responsibilities. However, domestic workers, who are the result of the needs of other working

⁹ It can be summarized that the terms heteropatriarchalism/heterocapitalism refer to the socio-political model of access to decision-making power and economic management, centered on the protagonism of heterosexual men, since women and the LGBTQIA+ population do not represent the capitalist production model, as shown above.

¹⁰ ZANATTA, Michele; FARIA, Josiane Petry. Violência contra a mulher e desigualdade de gênero na estrutura da sociedade: Da superação dos signos pela ótica das relações de poder. **Revista de gênero, sexualidade e direito**. Conpedi, n. 1, v. 4, p. 99-114, 2018.

¹¹ DEMO, Pedro. **Dureza: Pobreza política de mulheres pobres**. Campinas: Autores Associados, 2005.

women, who hire them to replace all or part of their domestic duties, represent the worst case scenario of overt capitalist plundering, as they are not yet recognized as a profession and do not receive the recognition they deserve.

The position of *queen of the home*¹² does not represent decision-making power or domination in the socio-economic structure. This queen is a translation of the eternal Cinderella, but with the demands of youth, beauty, affection, cheerfulness and contentment. Domestic work has the magic of perfect invisibility, in other words, it's only noticeable when it's not being done. Thus, absolute success is most often identified as nothing accomplished and, in this sense, how can the "*queen*" be tired, sad and unhappy if she doesn't work? As Silvia Federici says:¹³

It is precisely this particular combination of physical, emotional and sexual services that is involved in the role that women must play so that capital can create the specific character of the maid who is the housewife, making her work so heavy and, at the same time, so invisible.

Domestic work plays a fundamental role in the functioning of society, as well as guaranteeing the well-being of the family and sustaining and ensuring traditional economic development. It involves a wide and diverse range of functions, such as cleaning, cooking, caring for children, adults and the elderly, household administration and shopping, all of which are essential for the healthy development and emotional well-being of a family and society as a whole. This work requires particular skills, knowledge and means of production for the realization of each of its products. The mission of motherhood includes: giving birth, breastfeeding, preparing food for different times of the day and according to the possibilities and peculiarities of each, hygiene, health maintenance, encouragement and participation in the development of the body, intellect, socialization and quality time to formally educate, play, and establish bonds of affection and protection, in order to enable the future with emancipated and

¹² SAFFIOTI, Heleieth. **A mulher na sociedade de classes**. São Paulo: Expressão Popular, 2013.

¹³ FEDERICI, Silvia. **Revolución en punto cero: Trabajo doméstico, reproducción y luchas feministas**. Quito: Traficantes de sueños, 2018, p. 45.

secure adults.¹⁴ With such high social and market expectations, women develop performativities that subdivide them into different characters¹⁵, which are: the mother, the wife/partner, the daughter, the domestic worker, the market worker. All of them overlapping and with different demands and no breaks. These obligations can extend beyond regular working hours, without a clear break or adequate financial compensation. All of this is the responsibility of women. And why don't they denounce it? Why don't they object? Out of love, fear of blame and social criticism, fear of abandonment, but this reality is changing. Women have played a significant and challenging role at work throughout history.

1.2 The sexual and social division of labor and the imbalance in power relations

Women's efforts to enter the job market and gain financial independence mean that they have to take on a number of responsibilities. Hirata and Kergoat¹⁶ state that "*the sexual division of labor is the form of the social division of labor that stems from the social relations of sex; this form is modulated historically and socially*". It is important to note that there are inequalities in this division, both in relation to productive and domestic work. There is a hierarchy and valuation of each of these jobs, with domestic work being mostly carried out by women, which has been devalued and made invisible. However, without it, paid work would be impossible.

There is also the racial dimension of labour relations which cannot be overlooked, since slave labour was heavily used in Brazil, assigning unequal and racialized roles in the sphere of productive and reproductive work. In this context, the spheres of production and reproduction were differentiated, with the work of social reproduction being assigned to women, which involves a wide range of tasks in the domestic world, and paid work, in productive life, to men. Thus, caring

¹⁴ MARRADES PUIG, Ana. A universalização do cuidado como objetivo prioritário das novas políticas de igualdade no âmbito da Constituição espanhola. **Teoria Jurídica Contemporânea**. PPGD/UFRJ, n. 2, vol. 5, p. 288-295, 2020.

¹⁵ BUTLER, Judith. **Problemas de gênero**: Feminismo e subversão da identidade. Tradução de Renato Aguiar. Rio de Janeiro: Civilização Brasileira, 2018.

¹⁶ HIRATA, Helena; KERGOAT, Danièle. Novas configurações da divisão sexual do trabalho. **Cadernos de Pesquisa**. n. 132, v.37, , p. 595- 609, 2007.

for children, the sick and the elderly, cleaning the house, preparing food, shopping, washing and ironing clothes and many other domestic chores became purely a family responsibility, and were carried out mainly by women without pay¹⁷.

The sexual division of labour arose at the same time as capitalism and the organization of paid work would not have been possible without the existence of domestic work. Although there was a division of roles between the sexes before the emergence of the capitalist system, it was at the birth of capitalism that the productive and reproductive spheres were separated for the first time¹⁸.

The inequalities to which women are subjected, who have to work more, unpaid, significantly increase female poverty. Worldwide, women account for less than 40% of total employment, but make up 57% of people working part-time, which reveals the intermittency of women's work. In addition, they earn 77% of what men earn and are still subject to interruptions in the world of work due to maternity, which, due to the informality characteristic of their participation in the productive sphere, leaves them more vulnerable and poorer.¹⁹

The ILO states that in 2015, the gender gap in the employment rate reached 25.5 percentage points to the detriment of women, only 0.6 points less than in 1995 and that the percentage of opportunities for women to participate in the labor market in the world remains almost 27 points below the opportunities for men.²⁰

According to the Brazilian Institute of Geography and Statistics (IBGE), the occupation level of women in formal or informal employment, in the 25-49 age group, living with children up to 3 years old, was 54.6%, while that of men was 89.2%. Those without young children, on the other hand, had an employment

¹⁷ BARCELOS, Mariana Silveira. **A incorporação da família nos serviços de saúde**: um debate a partir das concepções dos profissionais num hospital de alta complexidade. 2011. 120 f. Dissertação (Mestrado em Serviço Social) – Universidade Federal de Santa Catarina, Florianópolis, 2011.

¹⁸ KERGOAT, Danièle. Percurso pessoal e problemática da divisão social e sexual do trabalho. In: HIRATA, Helena. **Nova divisão sexual do trabalho?** Um olhar voltado para empresa e a sociedade. São Paulo: Boitempo, 2002.

¹⁹ DE SOUSA, Heloisa. GEMES, Ivaldinete. Cadeias Reprodutivas do Trabalho. **Revista da Pós-graduação em Ciências Sociais**. UFRN, Natal, n. 2, v. 21, 2020.

²⁰ ORGANIZAÇÃO INTERNACIONAL DO TRABALHO (OIT). **Mulheres no Trabalho**: tendências 2016. Genebra: OIT, 2016.

level of 67.2% compared to 83.4% for men. When it comes to black and brown women, the level of occupation drops even further, reaching 49.7% in 2019. Another result worth highlighting, presented by the IBGE study, is the discrepancy in relation to caring for people and domestic work. Women spent almost twice as much time on these activities as men: 21.4 hours a week compared to 11 hours. Women also have more schooling: in the population aged 25 and over, 15.1% of men and 19.4% of women had completed higher education in 2019. However, it is perplexing to note that this majority is not seen in the staff of the country's Higher Education Institutions (HEIs), as only 46.8% of HEI professors are women. Furthermore, despite studying more, women occupied 37.4% of managerial positions and earned 77.7% of men's income. While the average monthly income for men was R\$2,555, the average monthly income for women was R\$1,985.²¹

It is important to consider that the Maria da Penha Law itself - Law No. 11.340/2006 - when providing instruments to protect women in situations of domestic and/or family violence, provides in article 9, second paragraph, item II, for the maintenance of the employment relationship of the victim of violence, and does so by guaranteeing the possibility of the worker's absence from her work environment for a period of up to six months. Although it does not clarify how this leave of absence will occur, or rather does not present the regulations for the effective exercise of this right, the provision does exist. However, women who make care and unpaid domestic work their main occupation are not included in the protection mechanisms. Therefore, the main Brazilian legislation, a legal framework for the protection of women, fails to identify and recognize such frequent characters in the country's reality.

In this context of unpaid domestic work, the patriarchy manifested in the capitalist structure has played a fundamental role in assigning and perpetuating domestic work to women, who have been socialized to take responsibility for maintaining the home and caring for the family, while men are encouraged to engage in lucrative and leadership activities in the external market environment.

²¹ IBGE. Pesquisa Nacional por Amostra de Domicílio – PNAD/2019. Síntese de Indicadores. Rio de Janeiro: IBGE, 2019.

This model of the sexual division of labor reinforced the gender hierarchy, assigning a lower and less valued status to domestic work.²²

This historical relationship between heteropatriarchy and domestic work has contributed to the invisibility and devaluation of women's work, which is understood and exposed by the market as an activity of lesser importance, often neglected and not recognized as legitimate work and, consequently, not recognized as an activity worthy of remuneration or social status. This has led to the invisibility and overburdening of women and, above all, to an asymmetry of power, perpetuating gender inequality and limiting women's opportunities in other spheres of life, such as the democratic process.

2. Care relationships and the removal of decision-making power: Women's political poverty and the urgent revision of the democratic deficit

The political and economic relationship between domestic work and women's work represents the traditional sexual division of labor, in which women take on the role of caretakers of the home, children, the elderly, dependents and partners. Over time, social movements and legal progress have sought to make women's demands for rights visible and recognized in the challenge of material survival.

All of the above demonstrates the many facets of the perversity of inequality. Devaluation and invisibility, the disproportionate overload of domestic work, the addition of paid work, as well as professional or academic responsibilities, result in an excessive workload, which can lead to stress, exhaustion and a lack of time for self-care. As a result, women are kept in the position of supporting actors in their own lives, but with the workload of protagonists and the social recognition of extras. The problem is of global magnitude and for this proportion to be transformed requires a joint commitment

²² FEDERICI, Silvia. **El patriarcado del salario**: Críticas feministas al marxismo. Ciudad de Mexico: Traficantes de sueños, 2018.

from women, social movements, governments and international organizations. The oppressed cannot be held solely responsible for oppression.

2.1 Care and decision-making power: women's political poverty and reversing the democratic déficit

The idea that women are naturally better suited to domestic work has been widely accepted and perpetuated over the centuries. However, the agenda of economic development, the goal of profit and the confusion between happiness and consumption, causes the fragility of social ties and the fluidity of relationships. This situation inaugurates and maintains the path of satisfaction until the next purchase and the programmed obsolescence to things and people.

The bourgeois revolution ushered in a new relationship between time and space, where organizations are increasingly demanding greater productivity from their employees, forcing them to work at an intolerant pace.²³ In order to achieve the growing goals of the market and make unattainable profits in the enslaving ring of competitiveness, workers are identified as collaborators, the same dynamic of holding the oppressed accountable that is adopted in domestic work.

As Federici points out:

This fraud that is hidden under the name of "love" and "marriage" affects all of us, even if we are not married, because once domestic work is totally naturalized and sexualized, once it becomes a female attribute, all of us, as women, are characterized by it (emphasis added).²⁴

The maintenance of multiple working hours is legitimized in the discourse of care and under this essentialist mantle, naturalized and personified in the figure of the woman, it spreads throughout society as a safe and immutable space. *"Nor can we deny the values that women have shown to make this care possible, but this must be recognized and universalized."*²⁵ In other words, the ethic of care is part of that set of values massacred by the goal of economic development, which

²³ GÓLDMAN, Wendy. **Mulher, Estado e revolução**. Tradução de Natália Angyalonssy Alfonso São Paulo: Boitempo, 2017.

²⁴ FEDERICI, Silvia. **Revolución en punto cero**: Trabajo doméstico, reproducción y luchas feministas. Quito: Traficantes de sueños, 2018, p. 46.

²⁵ MARRADES PUIG, Ana. A universalização do cuidado como objetivo prioritário das novas políticas de igualdade no âmbito da Constituição espanhola. **Teoria Jurídica Contemporânea**. PPGD/UFRJ, n. 2, v. 5, p. 288-295, 2020.

we must rescue and incorporate into social relations in every measure. However, we must reinterpret it in such a way that it becomes a model for relationships and the formation of bonds between human beings and between human beings and nature. It is not just a question of reclaiming the ethical value of care, but above all of recognizing the excessive demands that have fallen on women to date and better distributing this responsibility.

Care needs to be re-signified, because in the model of domination imposed by patriarchal power, it represents the massacre of women's citizenship, since the Federal Constitution expressly includes the principle of the dignity of the human person as the center of radiation of the normative system, a legal provision which is in line with the Universal Declaration of Human Rights of 1948 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979.

Thus, by assuming sole responsibility for multiple working hours, women are primarily fighting for survival in material terms, being forcibly deprived of political decision-making power, consigned to the status of a mass of maneuverers and living under layers of multiple dependencies and without building their own life project. This situation Demo²⁶ points to women's political poverty, since poverty is not only linked to the deprivation of material goods, but also to the deeper condition of the destruction of the subject of rights, i.e. the removal of decision-making power and thus the ability to participate in democratic processes, which leads over time to the permanence of the current conditions of submission and socio-political atomization. *"As people are unable to manage their own destiny, they are confined to the will of others, and this is all the harder as the final regulator of everything becomes the capitalist market."*²⁷

The phenomenon of material poverty does indeed fall more heavily on women. In addition to the reasons already given, it is well known that despite higher levels of schooling, women do not enjoy the same proportion of the best opportunities to enter, remain in and move up in the job market. This is due to the

²⁶ DEMO, Pedro. **Dureza:** Pobreza política de mulheres pobres. Campinas: Autores Associados, 2005.

²⁷ DEMO, Pedro. **Dureza:** Pobreza política de mulheres pobres. Campinas: Autores Associados, 2005, p. 3.

avalanche of responsibilities imposed on them, which make it difficult for them to access qualified time for dedication, mental and emotional health and also the lack of an equitable distribution of tasks and, above all, the power to decide their own destiny. Thus, when gender inequality and inequality of access to material goods and social rights overlap, there is the complexity of women's poverty, the direct result of the sum of political and economic deficiencies. As Demo says: "*Being a woman is a brutal 'hardship'*"²⁸.

The fact is that much progress has been made in uncovering domestic violence against women and the Maria da Penha Law has played a central role in recognizing gender inequality and not accepting the normalization of this type of aggression. However, structural violence against women is still maintained as normal and inevitable. In this sense, it is important to say that this violence is normalized in society due to the culture that for years held that men were superior to women. Given this context, it is necessary to understand what this violation of rights actually is.

The Federal Constitution, in its article 7, item XX²⁹, defines the "*protection of the through specific incentives, under the terms of the law*". In addition, as already mentioned, the Consolidation of Labor Laws, in chapter III, starting with article 372, regulates the protection of women's work in detail. It is important to note that article 373 defines that women's working hours are identical to men's, with a weekly limit on working hours, based on article 7, XIII, of the Constitution. In this regard, the labor reform prevented employers from removing the guarantee of higher pay for night work than for day work, in article 611-B, VI, of the CLT³⁰,

²⁸ DEMO, Pedro. **Dureza: Pobreza política de mulheres pobres**. Campinas: Autores Associados, 2005, p. 95.

²⁹ "Art. 7º The following are rights of urban and rural workers, in addition to others aimed at improving their social condition: XX - protection of the women's labor market, through specific incentives, under the terms of the law" BRASIL. **Constituição da República Federativa do Brasil de 1988**. Available at: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed in: 20 set. 2023.

³⁰ "Art. 611-B. Only the suppression or reduction of the following rights constitutes an unlawful object of a collective bargaining agreement or collective labor agreement: VI - remuneration for night work that is higher than that for day work". BRASIL. **Decreto-lei nº 5.452, de 1º de maio de 1943**. Aprova a Consolidação das Leis do Trabalho. Available at: https://www.planalto.gov.br/ccivil_03/decreto-lei/del5452.htm. Accessed in: 19 set. 2023.

preventing the customary practice and dictating that negotiation cannot be above legislation.

The legal basis described above reinforces the conclusion that paid work is the object of state protection, but it does not shed any light on the reproduction of concepts, conclusions and principles for unpaid work. Labor and constitutional legislation remains restricted to the labor market, failing to recognize the importance and necessity of domestic work, maintaining it as a territory of contemporary enslavement and violation of the precepts of the Democratic Rule of Law. It is clear that implementing public policies to redistribute income is fundamental to rebalancing power relations between the sexes. There can be no talk of political participation, decision-making power and social transformation without respect for fundamental social rights. However, economic balance is not enough when it comes to women. The intensity of inequality is much more serious, complex and sarcastic than that.

It necessarily involves social relations of care, which are a fundamental ingredient in the desired social transformation, paradigmatic in the task of building and strengthening bonds shaped by empathy, solidarity and balance in power relations. "It is essential to find new values, principles and legal elements to re-evaluate care, without essentialist connotations, and to place the person at the center of rights and policies."³¹

In no way are we trying to deny the values of care, but rather to universalize responsibility for it. It is impossible to deny the high social demand for care imposed on women and to recognize that this phenomenon implies reviewing the logic of the market and the distribution of power, especially the possibility of making decisions. There will necessarily be a reallocation of resources, because it is necessary to build and implement different public policies, especially in terms of rights and education, but not only that, it is also

³¹ MARRADES PUIG, Ana. A universalização do cuidado como objetivo prioritário das novas políticas de igualdade no âmbito da Constituição espanhola. **Teoria Jurídica Contemporânea**. PPGD/UFRJ, n. 2, v. 5, p. 288-295, 2020.

essential to incorporate a feminist perspective that values the importance of reproductive values.³²

Today we know that mere economic growth is not enough to combat poverty, as a lack of material resources,³³ the system of domination of capitalism, identified in the figure of the white, Western man, is restricted to organizing and reorganizing budget leftovers for policies that silence social struggles. The path to transforming power relations and changing women's democratic deficit, however, lies through truly redistributive public policies, which promote a reckoning in the social markers of inequality and allow women to be political and able to debate and discuss.

Political debate requires willingness and qualified time, and is necessary for the development of political awareness and the construction of decision-making power to move the paths of destiny. Reversing the democratic deficit is an indispensable strategic fact for equal rights, the real exercise of decision-making power and the transformation of society. It is therefore necessary to think systemically, making the construction of a new constitutional pact a priority, starting with the re-signification of care to enable participation in democratic processes in conditions that are feasible for exercising decision-making power.

Final considerations

To the extent that patriarchy alone regulates society, the socio-political impasse worsens and shows that the autophagic structure that remains regulates an impossible socio-political model, since exclusion and inequality become absolute rules.

Growing material poverty is real. However, the most acute problem lies in the feeling of powerlessness. A rebalancing of power relations, where the socio-political determines the economic and human rights takes precedence over

³² PUIG, Ana Marrades. **Retos para el estado constitucional del siglo XXI**: derechos, ética y políticas del cuidado. Valencia: Tirant. 2019.

³³ SEN, Amartya. **Desenvolvimento como liberdade**. Tradução de Laura Teixeira Motta. São Paulo: Companhia das Letras, 2020.

the market, seems impossible in the eyes of everyone, especially everyone. This feeling of atomization is due to the removal of democratic processes and, consequently, of decision-making power. The death of the political subject due to the asphyxiation of rights viscerally affects women, who are suffocated in the duties and responsibilities of care with perverse exclusivity.

The invisibility of the violence resulting from the omnipresence of the social markers of inequality as a structuring methodology of socio-political relations is striking and has long defined the structures of power and domination. The moment calls for reflection, the identification of the problem of women's material and consequently political poverty and the necessary and urgent denunciation. The unveiling of gender inequality comes in the concomitance of paid and unpaid work relationships developed by women and the inescapable conclusion is that the maintenance of heteropatriarchy is largely due to the naturalization of domestic work, which is always unfinished and invisible, as well as unpaid, clad in the ethical discourse of care.

The indignity of simultaneous working hours leads to women's material and political poverty, as well as their distancing from instances of power and democratic processes of discussion and deliberation. This absence of women's politicality is a successful strategy for maintaining the paradigms of inequality. Therefore, it is essential to reverse women's democratic deficit and build their political protagonism in order to create a new constitutional pact based on a new ethic of care.

It should be noted that the research does not deny the value of care, just the opposite, because in a society marked by the predominance of economic power, it is essential to strengthen the social bonds of solidarity and empathy. However, care also needs to be redistributed and recognized not as an instinct or determined by biology, but as something learned and developed socially and as something that can be reorganized.

Material poverty is a reality in the contemporary world, where the poor are exponentially more people than the rich, and economic and social inequality is a notorious fact. However, it is still worth noting that among the poor, women are the protagonists and therefore the supporting and peripheral actors in

democratic participation and political decision-making. This situation needs to be reversed so that democracy ceases to be a discourse and becomes a daily practice.

The path to be followed involves recognizing gender inequality as a preponderant factor for democratic transformation. In other words, it implies recognizing that women's political poverty stems from material poverty and social inequality. Next, the socio-political visibility of women's multiple working hours, the redistribution of responsibilities and, as a matter of urgency, the legal protection and regulation of unpaid domestic work.

Legislation does not have the power to automatically transform lives, but the visibility, regulation and legal protection of unpaid domestic work will be decisive in rebalancing power and breaking down the social model imposed on the basis of gender inequality. Standardization will therefore reveal that care is indispensable, as one of the core values of the Democratic Rule of Law, and as such needs to be exercised by all people and not just, or mainly, women. The re-signification of care will have repercussions on the quality and diversity of democratic participation and, consequently, better and more appropriate access to decision-making power, with easier identification of demands and redistribution of public policies.

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