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**LIVING AS AN OUTCAST OR NOT LIVING AT ALL: ON
INVISIBILITY AND SEXUAL CONTRACT OF LABOR
IN *LES MISÉRABLES*, BY VICTOR HUGO**

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ABSTRACT: This paper analyzes the lingering hierarchies and subordinations of gender, in the social, political, and legal spheres, especially in discourses of supposed fights for rights and freedom. To do so, the novel *Les Misérables*, by Victor Hugo, is a starting point. The character development of Fantine is focused here, with the *Law in Literature* theoretical and methodological approach. From the character in the narrative, two lines of thought are made. The first one analyzes women's work in itself, with labor relations acknowledged socially and legally as such – at home and in factories, for instance. The second one attempts to demonstrate the marginalization of other activities not socially recognized as working areas, which are stigmatized and stigmatizing, such as prostitution. Thus, it is possible to discuss a traditional philosophical matter regarding labor and the law: the selling of one's body.

KEYWORDS: *Les Misérables*; prostitution; contract of labor; women's work; sexual contract.

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1 INTRODUCTION

The Rule of Law, said to follow the revolutionary tradition of the nineteenth century, should be read as a specific moment of the history of citizenship. It is a strategy developed from the relationship between the State and the individual, of imposing a (legal) limitation to sovereign power.

Either for the French or the North-American / English conceptions, “theoretical-social models are spread, assuming freedom and property of the subjects as the fundamental element of order, and granting the sovereigns with the duty to respect and protect these foundational structures” (Costa, 2006, p. 112). Law and freedom, thus, are at the core of representation and foundation of political order.

On the other hand, this context does not exempt the law from needing the existence of sovereigns and coercion to keep order. “The law is a normative template, concretized in itself, and the order of liberties depends on it, however, only the coercive intervention of the State can effectively make it real” (Costa, 2006, p. 116).

Although this liberal discourse has reached wider conceptions of what today is called the “principle of equality”, it was never able to abandon the prominence of hierarchy and subordination ideas from times prior to the Revolution. In their place, it only reinterpreted these ideas, legally placing them together with the social realities of the current context.

Simply conceiving equality was not enough to bring consequences in order to undo any of the inequalities so deeply latent at that time, such as those related to virtue, age, birth, political feelings (such as gratitude). Thus, pre-political hierarchies from the domestic world were preserved.

Hence, certain subjectivities and their recognition are excluded from the legal language of the citizenship discourse. In the legal fiction, which traps the present times and concretizes projections based on a frozen timing, the problem is the same. The role of women, for example, is

blatantly visible as an example, be it within the family household, or within society, as a real subject of rights.

Considering the interlocution between the Law and Literature, several methodological approaches surface, and the most prominent ones are *Law in Literature*, *Law as Literature*, and *Law of Literature*. This paper is in the *Law in Literature* branch, to investigate the "literary representations of justice and the law, while encompassing its institutions, proceedings and practitioners, as well as aspects of the legal universe" (Karam, 2017, p. 834).

To do so, this paper starts from analyzing the novel *Les Misérables*, by Victor Hugo – especially the first part, *Fantine*. The purpose is to understand how the social maintenance of subordination happens in the society represented in the novel, with its plural, polysemic, connotative nature, about the French Revolution period, when social rights falsely seemed granted and celebrated. Thus, it is possible to, through Literature, deny a conception of Law reduced to conventionalism or "legal pragmatism, since an ethical-legal dimension should be fundamental, understanding the social-historical community as a legal-ethical-political community in practice, integrated and integrating" (Espindola, 2018, p. 597). It is the same as saying, thus, that "literature helps to existentialize the law" (Streck; Karam, 2018, p. 617).

This paper is based on two approaches. The first one is the analysis of female labor itself, women's work acknowledged socially and legally as such – domestic and in factories (surrounded by gender violence). The second one seeks to demonstrate the marginalization of other activities not acknowledged as labor or work, prejudiced and prejudicing, such as prostitution, which imply financial exchanges, nonetheless. These workers demonstrate nowadays the intention of having their function acknowledged as labor, with formalization and regulation.

Through the mercantile operations of the novel, and through Hugo's language, which overflows with "the language of conventional philosophical prose, a style that is markedly monotonous and lacking in

imagination” (Nussbaum, 1990, p. 3), it is possible to situate a traditional philosophical question posed to Labor Law: the selling of one’s body.

Also from this dualistic baseline, the paper attempts to develop an analysis that goes beyond the habitual legal theory – which is extremely connected to coercion and order –, by abandoning the regular rationality of hermetic and autopoietic nature. Thus, the practical contribution is the – very feasible – possibility of the law, by means of a certain “literary rationality”, to start seeing the subjects “not only as ‘members of an anonymous and undifferentiated mass’”, but through legal science, by means of a literary bridge to the subjects endowed with concreteness and with material justice (Fachin, 2005).

2 THE PLACE OF WOMEN IN RELATION TO THE CAPITAL, AND THE REPRESENTATION BY VICTOR HUGO

The nineteenth century watched, alongside the emergence of capitalism, the appearance of new political subjects, especially due to the development of an industrial labor class, the movements of struggle and resistance against slavery, and the creation and growth of women’s movements.

The state of bourgeois mercantile production was based on the introduction of the metallic coin, capital in form of money, taxes, interest, usury, traders as an intermediate class among capitalists, private land ownership, and labor as the predominant form of production. It all set the monogamic family model as the standard social organization, in which “men have supremacy over women, and the individual family is the economical unit of society” (Engels, 2009, p. 80).

At this point, views about sexuality in the new European urban life directly impacted the transformation of the family and the deepening of the sexual division of labor. Property, then, has its first nucleus in the family, where the wife and children are slaves to the husband. “This latent slavery in the family, though still very crude, is the first property, but even at this early stage it corresponds perfectly to the definition of modern economists who call it the power of disposing of the labour-power of others” (Marx, 1986, p. 46).

Reinforcing moralism, the constitution of bourgeois marriage became, above all, the community of married women (Marx; Engels, 2010, p. 56). The monogamic family is imposed over women but not over men. Contextually, thus, prostitution is a form of regularization of heterosexual relations, since “out of prudence, the man forces his wife to chastity, but is not satisfied with the regime imposed on himself” (Beauvoir, 1967, p. 323).

On the other hand, as men are not submitted to the model he imposed himself in order to maintain his property, prostitution flourishes as a shadow cast by this family model, in terms of capitalist production. If economically speaking, family women are useful for the monogamic model as wives and mothers, the prostitute is useful for satiating masculine desires beyond the limits of the instituted family regime.

More than that, – even though people commonly state that prostitution is the oldest profession, oldest than capitalism itself – in capitalism, prostitution gains a striking characteristic: the profit obtained by the summation of sexual arrangements in which the domination of women was central.

Sexuality was overlaid by disputing narratives. The discourse of the left wings was accused by conservatives of defending an immoral and mischievous society, as some approaches deeply considered free love and criticism to traditional marriage as manifestations of opposition to capitalism. However, “there was a certain consensus among utopian socialists, Marxists and anarchists regarding a strong condemnation of prostitution, seen not as a strictly moral degradation of society”, but as the purest expression of women’s economic dependence, contradicting the social position of women workers, due to a hypocritical bourgeois morality about the expected relationship between men and women (Paradis, 2017, p. 208).

Although Marx and Engels did not fully theorize the oppression imposed on women, classical Marxism contributes greatly to critical thinking about the role of the family and the role that women played inside (and outside) of that institution. Based on such criticism and

certain specific conceptions of freedom, equality, and sexuality, Marxism contributed to pointing out problems on how women workers were explored, including, especially for this paper, the case of prostitution.

This is also visible when analyzing the literature by Victor Hugo. Amidst the dreams and promises of the Bourgeois Revolution, *Les Misérables* introduces the character Fantine with a dual aspect. Hugo points out to what extent can the logic of capital use gender inequalities in order to profit more. Fantine, throughout the narrative, is gradually frowned upon by society, due to the obstacles of not having a civil existence, together with her struggles to survive and provide for her daughter.

The plot of *Les Misérables* is a good illustration of what the left wings of the period considered about the capitalist society. Later on, Simone de Beauvoir would consolidate these ideas. When it comes to male domination in capitalism, from an economical point of view, female bodies are limited by competition. On one side, the husband is silently menacing, since he could abandon his wife at any moment in search of a better woman to fulfill “conjugal duties” – which are not a gift, but a restraining contract. On the other side, the occurrence of prostitution, which serves to fulfill males’ bodily desires – with no individualization whatsoever, this masculine domination is defined by its fungibility. It is a commercial operation, in which “both wives and hetaerae can only explore a man when inspiring a particular ascendancy over him” (Beauvoir, 1967, p. 324), which never really happens.

However, oppression over women in these cases is as opposed as it is close. “The legitimate woman, oppressed as a married woman, is respected as a human person. Whereas the prostitute does not have the rights of a person; she summarizes, at the same time, all the aspects of female slavery” (Beauvoir, 1967, p. 324). A woman in prostitution, then, is a scapegoat. “Man frees himself from his depravity with her, and denies her. With a legal status to place her under police supervision, to work in hiding, she is always treated as an outcast” (Beauvoir, 1967, p. 323).

An outcast status is related to “servitude, subordination, the idea of a very objective situation – an economical exploration system of political exclusion –, which includes a strong aspect of subjectivity and intersubjectivity related to what society perceives” (Varikas, 2016, p.13). According to this logic, some women are wanted for matrimony, while others serve to fulfill male sexual desires. Both play essential social roles in capitalism, both are torn of relevant social roles by the system and by capital itself. And, regarding work, “the tone of the debate was placed within the scope of resistance through the tutelage of the worker and the affirmation of their subjectivity” (Vargas; Opuszka, 2018).

Here dwells the importance of *Fantine* and the novel in illustrating this situation. Although some critics claim that there is a profound harmony between employers and employees through Hugo’s story³, it is a consensus that “the novel protests in ardent terms against the abuse suffered by women, which it describes as slaves of Western life” (Vargas Llosa, 2012).

Victor Hugo manages to denounce the State’s pandering in the mediations and controls exercised over the activity, but not only that. It also denounces the dehumanization through prostitution. Even grammatically, Hugo demonstrates how *Fantine* is objectified after prostitution. After all, “what is this story of *Fantine*? It is society buying a slave. From who? From misery. Hunger, cold, isolation, abandonment, deprivation. Painful negotiation. A soul for a piece of bread. What misery offers society accepts” (Hugo, 2014, p. 229).

3 FANTINE AND MORALITY

Fantine from *Les Misérables* is the depiction of social invisibility. A peasant girl, born in Montreuil-sur-mer, these are the only facts we get to know about her past. Throughout the plot it is clear she is another

³ As is the case with Vargas Llosa’s analysis. A position with which one does not agree, but the analysis carried out in this sense escapes the objectives and the object of this study.

marginalized girl, with no family, no baptism name, people called her Fantine. When she turned ten, she went to Paris, searching for fortune. “No surname, just Fantine, a name given to her by a passer-by who found her on the streets. It is visible the neglect with which the society of the time treats those who have no ties – just a name, just one more in the crowd” (GOMIDE, 2014, p. 61).

When she is introduced, two traits are emphasized: she is a working woman, and she is the personification of the purest femininity. These two characteristics are crucial throughout her degradation process in the novel. Before discussing these attributes properly, it is necessary to emphasize the place and the scenario where she dwells.

In the nineteenth century, Quartier Latin was the place for bourgeois young students, on one side, and young working women, on the other side. These are the types of women who lived in the place: *grisettes*, *lorettes*, *étudiantes*, *latines*, *lionnes* and *lolottes* (Oliveira, 2015). For this analysis, the first two groups are important.

Though writers such as Victor Hugo, Louis Huart, Jules Janin, and Daniel Sterne, a woman writer, considered the grisette problematic in some ways, namely in terms of her renowned infidelity and her lack of intelligence, which in turn served to reinforce misogynistic belief in woman’s inferior status, on the whole, they generally depicted her as a positive figure. Given the political, social, and economic turmoil of the period, these writers extolled the grisette because she emblemized the static status quo. In sum, writers represented her as simple-minded, childlike, easily seduced, reliable and therefore predictable, set in her ways, self-sacrificing, phlegmatically accepting of her working-class origin, and completely devoid of any urge to protest her miserable, poverty-ridden lot in life. In contrast, the lorette is characterized as shrewd, enterprising, manipulative, unpredictable, dynamic, self-interested, and ambitious enough to want to move up the social ladder in order to acquire greater wealth and a higher status (Sullivan, 2003, p. 89).

The lorette is, therefore, a woman who attempts to escape her social position, even if by prostitution. As for the angelic – and not problematic at all – grisette, she is never going to become a prostitute. She is usually a peasant girl, single, working in factories. “She usually has one partner only and lives as his lover for a certain period (almost always until he finishes his studies and returns to his city)” (Oliveira, 2015, p. 140). At first,

Fantine was a grisette: “She used to work to live; then, she started spending all the time to live, because the heart also has its hunger, so she loved. She loved Tholomyès. For him, a hobby; for her, passion” (Hugo, 2014, p. 163).

As Courtney Sullivan (2003) points out when describing the grisette, Fantine is described as “the personification of purity” (Hugo, 2014, p. 167), “she was beautiful and she kept herself as pure as she could. She was a beautiful blonde girl with beautiful teeth. Gold and pearls were her dowry, but her gold was in her hair and her pearls in her mouth” (Hugo, 2014, p. 163).

For an observer who studied her carefully, what came from her, through all the drunkenness of age, season and courtship, was an irresistible expression of restraint and modesty. She was always a little surprised. And the innocence of this surprise is the nuance that separates Psyche from Venus (Hugo, 2014, p. 167).

The spiraling fall of Fantine, however, begins when Tholomyès, the one she had loved, abandons her pregnant. As a mother, Fantine feeds Cosette until the last minute they are together. In order to fulfill her duties as a young single mother, she never abandons her daughter, but leaves her with Mr. and Ms. Thénardier (a couple of deceitful tavern owners) to look for a job.

After leaving Paris, Fantine returns to her home town, where she works in the factory of Monsieur Madeleine (who is Jean Valjean in disguise). The years go by and the girl sends money monthly to the Thénardiens, who always explore her and demand higher amounts to raise her child, while they treat the young girl as a servant.

Fantine is part of the hostile historical context from the beginning of women inclusion in the job market. The inversion of gender roles, the long hours women had to spend at work, the neglect of domestic work and children, demoralization, the growing indifference towards family life, the inability of men to find jobs, all of that created an environment of resistance to the figure of the proletarian woman. The factory work, unnatural, was seen as having only one result: “babies got sick and starved

at home while their mothers' swollen breasts were dripping milk on the factory machines" (Goldman, 2014):

The new phenomenon of female work outside the domestic sphere caused tremendous despair and confusion in all trades, as it turned the world of workers inside out. Men and women competed fiercely for jobs as women replaced men for lower wages. Women abandoned their traditional family chores for wage labor, often leaving a nervous and unemployed husband at home to care for the baby and stir the soup. As salaries fell, even women with employed husbands were forced to find work. Men began to organize against women and to raise the demand for a "family wage". Their reactions, later called "sexual Toryism" or "proletarian anti-feminism", considered the advent of women into the labor force an "inversion of the natural order". Although many women responded that they had had no choice but to work, others defended the demand for a family salary, breaking away from the prospect of combining full-time wage work with domestic work. Craftsmen unions fought a series of losing battles in attempt to go back in time, and demands for family wages could be heard across Europe up until World War I (Goldman, 2014).

This is the prime aspect of the novel in order to analyze labor relations. At that time, factories did not get along with wives/mothers. Fantine may be seen as the stereotype of what her society was trying to purge. The proletarian girl, the single woman, the mother who abandons her offspring. Fantine is then fired of her factory specifically for being a "single mother": "It soon became known that Fantine had a child. 'She must be some lady of easy virtue'" (Hugo, 2014, p. 220) and from then on, there was no other judgment for someone who "was nothing but a mediocre working-class girl" (Hugo, 2014, p. 221).

Furthermore, yet another reflection must be drawn from Victor Hugo's writings. "More than a class struggle of conflicting interests, what opposes human beings in this fictitious society is prejudice: social, moral and sexual" (Vargas Llosa, 2012). The penalties for being a woman are highlighted in the first part of Victor Hugo's novel.

Madame Victurnien, “guardian and keeper of all the virtue in the world” (Hugo, 2014, p. 221), was in charge of the factory by authority delegation of the boss, who trusted in her spirit of justice. This made it possible for her to exercise her micropower in a very perverse way, so she spent thirty-five francs to discover Fantine’s little daughter. So the young woman received her (moral) penalty:

[Monsieur Madeleine] had put at the head of this workshop a lady who had been recommended by the priest, whom he fully trusted, since she was a truly respectable, stable, just, integral person, full of the spirit of charity that consists in understanding and forgiving. Monsieur Madeleine delivered everything into her hands. The best men are often required to delegate their authority. It was with these full powers, and the conviction that she was doing the right thing, that the person in charge had instituted the process, judged, condemned and executed Fantine (Hugo, 2014, p. 222).

After all, every novel by Victor Hugo has the prime purpose of portraying the hell created by human laws and customs.

4 CORPORALITY OF CONTRACTS IN *LES MISÉRABLES*

If abstract labor, when objectified, on one hand, and the Capital, on the other, is not possible to analyze the object of the right to work, giving place to work life, of corporality that is not completely subsumed, to guide the analysis of labor itself, it is important to analyze what other types of (moral) operations are presented in the work by Victor Hugo. If, in Marxist terms, to use one’s work force necessarily means to use one’s body, selling work means selling the body. But does it mean all body parts?

In the factory, Fantine sells her body through her work force, the only way of selling one’s body tolerated (and ignored as such) by her society. When she is unemployed, hungry, needy, blackmailed and trying to protect her daughter, Fantine equally sells her body: “Fantine thought: ‘my little daughter is cold no more, I have dressed her up with my own hair” (Hugo, 2014, p. 225), an interesting metaphor for the corporality of labor. Although in both situations she is subjected to misery and poverty, it is even more suffering when there is no work, since “the poor cannot

reach the bottom of their room, nor of their destiny, if not by bending over and over” (Hugo, 2014, p. 228).

The circumstances that force Fantine to sell do not change: the desire to protect and feed her daughter. What changes, however, is the stigma attached to her role as a woman. Without alternatives, after all, she is a character who clearly does not correspond to her “natural” obligations as a woman, giving herself over to prostitution: enemy to one of the pillars of bourgeois society, the family, even though it is the shadow of the capitalist patriarchal model itself.

Based on the work of Victor Hugo, it is possible to explore several facets of female productive inclusion based on a “logic of honesty” that divides women.

Hence, from the mediations of literature, it is possible to identify the process of social construction of women subjugation. Fantine is a representation of various oppression forms suffered by women due to being women in capitalist society, however, at least two stand out. Firstly, judging herself to be the official girlfriend, the chaste “wife”, object – and the use of the word object, here, is not accidental – out of respect for her purity, it can be called the oppression of honesty; while the second presents itself when Fantine is left, assuming her function as a sexual object, the one that lends oneself to providing pleasure to men but who is denied the right to be the mother of the children of these same men, through an oppression of promiscuity⁴. And here lies an important detail to be highlighted: the basic identity of the one or the “other” is never chosen by oneself, it is always decided by masculine hands.

But if Fantine opposes Madame Victournien, also the sum of advantages and disadvantages of existing as a woman in the narrative is equivalent to zero. The old woman who fires Fantine is considered bitter, no longer alive even if she is living, since she does not have a man with her. In this respect, both are equal to each other and different from man,

⁴ Then Fantine is placed on the borders between the different scales of the construction of oppression over women: when a lover, although promiscuous, she is still not as unworthy as a prostitute. It is not too important to point out that prostitutes, in the context of the bourgeois society, were necessary, so that men did not dishonor any family women, by turning them into their lovers.

socially speaking. Both are subject to male dominance. However, they reject each other, unable to see themselves in an equal situation of precariousness.

The obvious conclusion is nothing less than the following: as long as “saints” and “prostitutes” continue to play the roles that the hypocritical bourgeois society assigns to women, the status quo, the present state of affairs, will find the foundations to remain unchanged (Saffiati, 1987, p. 32).

These analytical aspects demonstrate that “the literary experience questions reality, and by doing so, it disturbs the authority and the pertinence of the question about the essence, that is, the one that asks “what is?”. This is the disturbing way by which literature goes through the language of truth” (Chueiri; Santana, 2010, p. 404).

Back to the matter of the selling of her body, “a hundred francs.’ Thought Fantine. ‘But where is there a place to earn a hundred wages a day?’ ‘Come on!’ She said. ‘I shall sell the rest.’ And the unfortunate woman became a prostitute” (Hugo, 2014, p. 229).

And then, involved in a personal drama with a strong psychological charge, when “selling the rest”, Fantine is put as someone unworthy of their own human constitution, and the author starts to use narrative strategies to portray her in an animalistic way. And it should be said that in the real historical context where this narrative takes place, the tendency to exclude women from the labor market was indeed the cause of these “Fantine-animals” to proliferate all over the streets across Europe.

Krupskaia wrote: “Poverty impels women to sell themselves. They are not prostitutes who make a business of it, but mothers of families”. Poverty led women to “exchange sex for a slice of bread”; it was “the grave of human relations”. [...] The two largest groups of urban prostitutes were the besprizorniki – who quickly discovered that prostitution was more profitable than begging – and unemployed women who were unable to find steady work. Naturally, the categories overlapped, as the line dividing the unemployed from the homeless was tenuous. Women repeated stories of divorce, separation and abandonment. They were often the sole livelihood of young children, siblings or elderly relatives. Prostitution represented the most painful, but not the most unlikely, fate for women without a husband under the NEP. It was a ridicule of the idea that women were free and independent individuals, who could enter a union based on free choice. Without an

independent salary, women were forced to do the least free of actions: earning a little of men's salaries by selling their sexuality to anyone who wanted it. Many women expressed a desperate desire to leave prostitution. Others were deeply ashamed of their situation. For most, it was the last resort before hunger (Goldman, 2014).

But Fantine is no longer seen as a woman. She is no longer seen as a woman because she ceases to do her function as a more “pleasant” piece of capitalism, although she is still of use to it.

Although a “necessary evil” for the preservation of the bourgeois home, prostitution was also seen as a disincentive to work and an incentive to deregulation. The prostitute had an “easy” virtue, full of debauchery, with excessive sexual activity, volatile behaviors, worldly pleasures, which corroborated to stimulate addiction, softness, leisure, promiscuity and marginality (Pedrinha, 2009, p. 177).

The character, therefore, represents one of the most tragic aspects of the female condition, moving from a state of innocence and purity to an “involuntary, progressive and fatal decay”, represented by the hell of prostitution (Gasiglia, 2012, p. 51).

In the narrative, after being a prostitute for some time, Fantine was wandering around the city, filthy and in rags – a literary symbol for the prejudice suffered by prostitutes, who were constantly harassed for being the source of dirtiness in society (Pateman, 1993). Once, she is humiliated by a bourgeois man who disliked her appearance, mocked her lacking teeth and, in a cold night, threw a snowball at her back.

She fights back by instinct. She attacks the man, and the narrator describes her with “behavioral traits of wild beasts, forgetting all the principles and manners of this hypocritical society that had degraded her” (Oliveira, 2015).

Her losing of humanity is also visible in the narrative by the grammar used as the story goes further into her decay, as analyzed by Regina Cibelle de Oliveira (2015). When investigating the use of defining articles in the French language, she states that since proper names are already determined by themselves, they do not need the article. However, in some cases the article is used to express disdain or contempt for the

person being spoken of, while “the absence of an article indicates that it is an absolute identification, being an effective person (Oliveira, 2015).

Fantine is called Fantine for almost the entire story, however, the character’s naming changes when she rebels against the bourgeois man: “The woman gets angry and attacks the bourgeois, as follows: *‘La fille poussa un rugissement, se tourna, bondit comme une panthère, et se rua sur l’homme’*. Only then does the reader know the identity of this woman: “*C’était la Fantine*” (Oliveira, 2015).

A defining article “la” is used, thus, when Fantine gets to her lowest and ceases to behave like a human, fully acting like an animal. It should be said that, by the way, in the scene described, when she is hit by the snowball, she does not shriek, but she roars, as a “panther” attacking the man.

Arrested for such an act, once again grammar gives answers about what that prostitute has become:

“La Fantine” is lying in a corner, squatting like a frightened dog. Again the comparison with an animal, and the situation of a human being who is acting according to instincts, irrationally. However, now she does not act with the strength of wild beasts, because she is afraid (Oliveira, 2015).

It could not be different, as she suffers stigma and control once again. The article “la” only stops being used when Fantine is rescued and is taken care of by Monsieur Madeleine. Under the control of a man, she returns to being human.

When working in a factory, she had a touch of humanity – even if it was meant to be denied for her. During her labor of body in prostitution – never seen as work by society –, she had no more than the consideration given to beasts.

5 SEXUAL CONTRACT V. CONTRACT OF LABOR

Feminism for the bourgeoisie and petite bourgeoisie focuses on the problem of prostitution mainly from a cultural point of view, as if unattached to its economic and political roots. According to this perspective, the most recalcitrant feminists state that the problem is the evil of men, while others say that the liberation of women is associated

almost exclusively with sexual freedom in conjunction with social ascension, focusing on competing with men. For this reason, by not understanding the material and class foundations, petite-bourgeoisie feminism seeks the solution to the problem of double oppression in an exclusive individual liberation: “I decide on my body”, “I free myself”, and not in the collective struggle against oppression of class and of sex.

And even the most understanding feminist theorists, with a more Marxist class view, when referring to the issue of prostitution, have essentially ignored class matters, abbreviating it as a mere attribute, rather than a dynamic relationship within society.

Absent Marx’s conceptualization of class as a dynamic relation under capitalism, feminists writing about sex work in the wake of MacKinnon and Rubin generally fail to distinguish between woman-as-laborer and sex as “the particular product of individual labor”. Instead, feminists tend to conflate the two, everywhere seeing prostitutes as victims who always happen to be women (or girls) but never workers (Beloso, 2012).

It should be said that there has never been in history the full acknowledgement of women regarding her workforce, be it at home or in society.

In the nineteenth century, with all technological innovations, women were segregated even if they were necessary and active in factories. They remained being the object of male domination, especially in the sexual aspect, as emphasized by Goldman:

At no place is woman treated accordingly to the merit of their work, but only as sex objects. Hence, it is almost unavoidable that she must pay for her right to exist, to keep a position, wherever it is, with sexual favors. Thus, it is only a matter of degree if she sells herself to a single man, in or outside of matrimony, or to several men. Whether our reformers admitted or not, economic and social inferiority of women is responsible for prostitution (2011, p. 249).

A perspective that does not question the role of feminine work and the social role of an economically established femininity strengthens the creations of imageries with contempt for the submission of the female bodies, and even to violence of many kinds.

The story of Fantine, now so distant from current readers, shows that throughout history, women have always been embedded in what is seen as an obligation and naturalization simply because they are women and differentiated by what they represent to men. Intimacy between husband and wife is treated as a simple means of reproduction and sexual desire (of the man), supplied by another category of invisible women, while prostitution is not the safeguard of the purity of the home, nor are the laws a safeguard against prostitution.

“The factory workers in France name the prostitution of their women and daughters of x hours of work, which is, literally, true” (Marx, 2004, p. 142), a statement by which Marx demonstrates that prostitution is fully compatible to the ideal of the capitalist economy, and the moral of this system goes so far as to identify prostitution as a work operation like all others. If the contract of labor is, therefore, so comprehensive as to include prostitution relations, “both the client in the first contract and the employer acquire control over the use of the person and her body, for as long as the contract provides” (Paradis, 2017, p. 228).

That is why Marx links prostitution and wage slavery. From this consideration there is effectively no difference between these contracts: the body will invariably be expropriated in the two exploitation relations, since with the selling of the labor force, as in prostitution, the result is the selling of one’s body. Marx, obviously, did not intend to carry out a feminist analysis, or had this as his main object of observation. Although he has not neglected the peculiarities of the position of women in Capitalism, there is no finished theoretical discussion in his work about the oppression of women in capitalism. Perhaps for this reason, it is possible to point out an imprecision in this association between prostitution and wage slavery, as Pateman points out:

Having the body for sale on the market, as bodies, is very similar to slavery. Representing wage slavery through the figure of the prostitute, rather than the figure of the male worker, is therefore not entirely inappropriate. No type of work capacity can be separated from the body, but only through the contract

of prostitution does the buyer acquire the unilateral right to direct sexual use of a woman's body (Pateman, 1993, p. 299).

Furthermore, the addition that should be made to Marx's considerations is that, unlike salaried labor relations, "which remove workers' autonomy and impose a relationship marked by exploitation and inequality, the prostitution contract does so from the expropriation of women's sexuality, in a markedly patriarchal world" (Paradis, 2017, p. 229), where the historical definition of these women is precisely that of bodies available to men. The difference between these contracts, then, lies at the heart of sexuality.

This systematization of the specific situation suffered by women in capitalism was not fully delivered by Marx, but Engels refers to it after his death. In *The Origin of the Family, Private Property and the State*, he evidences the fact that prostitution is part of a sexual morality distorted by men, but in the end, he shows the same lacking as Marx.

Engels states that a wife is different from a "habitual courtesan due to the fact that she does not rent her body by the hour, as a wage earner, but she sells it at once, forever, as a slave" (Engels, 2009, p. 96), that is, he considers the sexual contract (including marriage) as an analogy to labor relations, confirming the idea of Marx criticized by Pateman.

The criticism made by Marx and Engels contributed to the rethinking of sexual relations, especially based on considerations about male double morality and prostitution as a specific way of moving capital. The specific consideration of women can be pointed out as incomplete – especially regarding essentialist categories on male and female sexual behaviors, which is now complemented by more contemporary feminist theorists.

Thus, by analyzing Hugo's work through lenses that add the feminist and the Marxist perspectives, it is possible to consider which social disorders are not covered by the law or by its language, especially in the field of labor issues.

6 CONCLUSIONS

In this context, the work by Victor Hugo goes beyond a simple metaphor for labor relations in society, or even the violence and hindrance suffered by women due to being women. When analyzing the character Fantine, it is possible to understand her more deeply than what the narrative usually shows on its surface.

It seems somewhat easier to analyze the intersections between law and literature – and here especially the matter of labor – aiming at the character while she still has some morality that, in a way, authorizes her to remain working at Monsieur Madeleine's factory. In this case, the question arises within the discourse of law, incorporated by itself, although it is also subjugated by it. Bringing marriage contracts closer together to understand the position of women in the family, or placing women in factory production to design a work contract based on *Les Misérables* is somewhat more comfortable, since this approach to literature occurs in the context of the status quo, in an environment already recognized by the law.

It is more complex to analyze a position that has effects outside of the law, even though it has legal consequences, which makes one rethink the very normalization system. Prostitution, sexual contract, dehumanization due to social stigma, prejudice, violence generated by this social condition – at first, one could think it is all alien to the law, and reserved to literature, sociology, or anthropology.

But this idea would be wrong. Literature is actually able to help the law, its discourse and its scientific production to be free of its own bonds, in an often-schizophrenic approach. It also contributes to the exercise of otherness, in an awareness reached by fiction that is hardly placed in the same intensity when analyzing a subject equivalent to oneself.

Reading the narrative about Fantine fulfills that role. Of getting to know. The role of transporting oneself to the situation of vulnerability of women in that specific context. Getting rid of passions and rethinking the

system of reality, of everyday life, unconsciously replicated and legitimated by us all.

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