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REDE BRASILEIRA
DIREITO E LITERATURA

**FEMINISM, IDEOLOGY, AND THE LAW:
THE ROLE OF WOMEN IN THE LITERARY WORKS
THE HANDMAID’S TALE AND THE POWER**

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ABSTRACT: This paper is an investigation on the ideological social construct of the role women play in society, as well as the feminist achievements, based on the novels *The Handmaid’s Tale*, by Margaret Atwood, and *The Power*, by Naomi Alderman. Firstly, the analysis is about the theories of ideology and the social influence of its interrelation with the law and the State. After that, the research focuses on the narrative of the selected literary works – by using methodological contributions from the Law and Literature movement – to question the role of women in contemporary society, with suggestions to reach gender equality in reality.

KEYWORDS: ideology; equality; feminism; literature.

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1 INTRODUCTION

Considering the future of society and reaching for it with specific tools are concerns of jurists and of artists, as both professional areas try to make the world a better place. By exploring this convergence, this paper has the objective of using a methodology that articulates Law and Literature (the Law and Literature Movement), in order to analyze the intertwining of ideology, law, and State, especially regarding the social role granted to women, as well as the feminist movement's achievements.

One should be wary when studying *ideology*, *law*, and *State*, even if in isolation. Each of these concepts was developed and used in different historical contexts, by several authors and theories, which are often opposite to one another. That is why our intention here is modest. The idea is not to map all of the possible meanings of *ideology* linked to the law and the State, nor to exhaust this discussion.

Amidst questions and answers, the priority is given to the former. The first part of this paper explores different conceptions of ideology, in attempt to foster the debate developed in the next chapters. Not choosing a single theoretical mark, however, does not devalue the authors and ideas used hereby, even because the point is not to reach a so-called truthful or absolute knowledge.

The literary corpus is formed by the novels *The Handmaid's Tale*³, by Margaret Atwood, and *The Power*, by Naomi Alderman. Both novels portray women and their social role in dystopian societies (in the former, a role of absolute submission, in the latter, women who gain power in different social segments), which allows for the questioning of the

³ *The Handmaid's Tale* was also the object of research in two other papers previously published by Anamorphosis: "*The Handmaid's Tale: (de)personification as an epistemical-moral dimension, founder of the condition of subject of law for women*", by Lima Júnior and Hogemann (2019), and "*The Handmaid's Tale: a legal-literary essay*;" by Sohngen and Bordignon (2019).

ideological masking of discourses that have allowed the subjugation of people, either in fiction or in the real world.

Resorting to literature for legal studies is fruitful because of the relation between law and art, an area that also attempts to solve the problems of humanity but goes beyond the hermetic and dogmatic language of the law⁴. Ideas – no matter where they come from – are always welcome; and in literature there are no limits to hinder them. As a methodological option, this research departs from the branch *Law of Literature*, which uses literary writings as an object of investigation in order to foster questioning and criticism by the legal science. This is an interesting perspective as it allows concepts, presumptions, methodologies, and instruments from such different areas to converge into new ways of thinking. On such interdisciplinarity, the ideas developed by André Karam Trindade and Roberta Magalhães Gubert (2018) are interesting, as they see it as a:

crossroads between the law and different knowledge areas – which paves a critical space per excellence, through which it is possible to question its presumptions, foundations, legitimacy, functioning, effectiveness, etc. –, so, the possibility of approaching the law with literary analysis makes the former more creative, critical, innovative, as is the latter, thus overcoming the obstacles imposed by theoretical common sense in the area, as well as developing the awareness of the importance language has as a constitutive element.

Debating problems is an important action for the legal thinker, as it brings access to different points of view. And the novels analyzed here allow for new thoughts (which is more important than imposing *what should be thought*), with the problematization of how women get tutelage by the law, as well as their social role and the achievements of the feminist movement. This analysis is the object of the third and last chapter of this paper.

⁴ As Henriete Karam puts: “Literature goes against the traditional dogmatic bias of the law, with its scientism and conventionalism, and its normative and repressive traits. That artform is defined by its creative and playful dimensions, by its flexibility and constant renewal of language, by the effects of humanization and empathy that it implies, by its polyphonic nature, its openness to plural meanings and multiple possibilities for interpretation – and it constitutes an important resource to measure one’s ability of reading and to help one develop the abilities of comprehension and interpretation of texts, so essential to the legal practice, and to the broadening of comprehension horizons for jurists themselves, as well as their capability of reflecting on the social and legal phenomena they deal with” (2017, p. 829, translated).

In defense of women's rights, this paper has the purpose of analyzing whether ideology may result in discrimination, and whether the law – even when yielding a so-called emancipation speech – is able to serve as a gender domination weapon. Also, this paper has the objective of seeing the rights achieved by women from beyond a textual-positivistic basis, and of thinking about mechanisms to make them broader reaching.

The debate about ideology and its consequences must be revisited, as it contributes to a system of ideas and representations that bring meaning and sense to certain legal and social practices (either practices one should be proud of, or practices that should be changed so that society is more equal). For this debate we invite the reader, who will be able to see in the novels from literature a relevant instrument to think about society and the figures of women in it.

2 IDEOLOGY, LAW, AND STATE: NOTES FOR REFLECTION

The word *ideology* gained its current meanings during the French Revolution period (as a starting point of modern ideologies). It comes from the linking of two Greek words: *eidos* (idea) with *logos* (knowledge), and its etymology refers to the study of the developing processes of ideas, their origins, their evolution, their nature. However, throughout the years, the term gained new concepts⁵.

In a positive sense, ideology is the set of ideas that regulate and stabilize social relations. Thus, they are sets of beliefs, traditions, meaning attributions that, in intricated relations, make the fabric of society. Thus, there is not really one ideology, but a systematic group of ideas (Chauí, 2003, p. 7).

The negative concept deals with the fake consciousness of social relations, that is, “ideology as an illusion, mysticism, distortion and opposition to real knowledge” (Wolkmer, 2003, p. 103, translated). In this connotation, ideology gives subjects a rational explanation for social, political, cultural differences, without actually facing the real causes of these differences.

⁵ For a contextualized analysis of the different concepts of “ideology”, see *Ideologia e contraideologia (Ideology and Counter-ideology)*, translated, by Alfredo Bosi (2010).

Hence, ideology, in its positive meaning – a natural science of acquisition and gathering of ideas – is opposed to the negative-strong concept, which would be a system of ideas “doomed to ignore its real relation to reality” (Chauí, 2003, p. 25, translated). In this conflict, there is an interesting source of questions to ask regarding the norms and institutions, since an absolute, unbreakable, definitive ideology does not exist.

From then on, one should consider that the ideologic value dwells in regular experiences, from the role of women in society to the decisions taken by the legislative, executive and judiciary leaders, and it changes its appearance according to the historical-political context of the time. Hence, the reference to discourse neutrality is an illusion that makes it easier for the interests of the powerful leaders (political, economic, religious ones, etc.) to influence reality, hiding the game of forces that would more clearly explain the reality we live in⁶.

This was the reality of revolutionary France in the end of the 18th century, when fictions of the law, such as equality, served to consolidate the ideology of the bourgeoisie as the frontrunners of the new Rule of Law that was in the making. The discourse of equality, according to Paolo Grossi, “in its abstraction, it did not bother the wealthy bourgeois and left the poor with the mirage of an unattainable dream” (2009, p. 22, translated) –; this is similar to Brazil nowadays, where, “in the name of truth, security and justice”, there is a covert “technology of oppression and a conflicting microphysics of concealment that shape the power relations inscribed in the discourse of law” (Warat, 1994, p. 19, translated)⁷.

⁶ It should be noted that science has long revealed – in different approaches – the belief in purity and scientific neutrality (including the law) to be a fallacy. It seems sensible, therefore, the statement of Edgar Morin that the precepts of classical science (which believed that the phenomena of the world could and should be resolved from simple principles and general laws related to nature) had been overcome, also saying that “the progress of scientific certainties creates, therefore, the progress of uncertainty, a ‘good’ uncertainty, however, which frees us from a naive illusion and awakens us from a legendary dream: it is an ignorance that recognizes itself as ignorance” (2014, p. 24, translated).

⁷ On this point, Michel Foucault observes that laws are not the product of the most rational thoughts, they “were born amidst expeditions, conquests and burning cities; but war also continues to wreak havoc within the mechanisms of power, or at least to constitute the secret engine of institutions, laws and order [...] the subject who speaks in this discourse undoubtedly seeks to assert the law; but it is about their law – a singular law marked by a relationship of conquest, domination or old age: laws of race, laws of triumphant invasions or millenary occupations. And if it also speaks of the truth, it is of

An interesting comprehension on the ideological aspects of law and the State can be found in the theory of State Ideological Devices, by Louis Althusser, between the 1960s and the 1970s. This theory is surely debatable⁸, however, it does bring important contributions to the studies of ideology.

According to the author, “ideology challenges the individuals as subjects”. That is, ideology exists for concrete subjects and conditions them through devices that are equally concrete. In his words:

The individual is challenged as a (free) subject to freely submit to the Subject’s orders, to accept, therefore, (freely) his submission, so that he “performs by himself” the gestures and acts of his own submission. Subjects are constituted by their subjection. That is why they walk by themselves (Althusser, 1985, p. 104, translated).

In this line of thought, the conscience of being a subject comes from the acknowledgement of their position in the social relations, as well as the fact that this acknowledgement is not known. Thus, ideologies have material existence, and are concretized in the subject and his/her submission to an absolute Subject (God, humankind, the capital, the nation, etc.), and is strengthened by devices such as school, religion, family, politics, among others, which represent the dominant ideology and make its reproduction possible (not in abstract terms, but in rituals and practices).

Hence, a conservative, patriarchal, capitalist society is maintained by domination mechanisms from the several social elements, which naturalizes this situation and disguises it through devices that constitute the subjects and their roles. It should be noted, however, that the dominant ideology is not originated from the ideological devices, but from

that perspective and strategic truth that allows it to gain victory. Therefore, we have here a political and historical discourse that claims the truth and the law, but excluding itself, and explicitly, from the legal-philosophical universality” (2010, p. 227, translated).

⁸ We refer here, above all, to the centrality of class struggle and the imperatives of economic basis (infrastructure) – characteristic of Marxist materialism – in the construction of the theory by Althusser.

the conflict of social strengths, which claim the imposition of the current practices and their maintenance (through these same devices) (Althusser, 1985, p. 79-80, translated).

Law, as an ideological device, is indispensable to legitimize and enable the dominant ideology to manifest, which happens through the figure of the subject of law. However, this can only happen in the negligence of giving meaning, when people ignore that power produced “consolidates its conditions of reproduction through ‘devices of meaning’ that organize society and its institutions and assures the presence of power when strength lacks” (Warat, 2004, p. 110, translated).

Luis Alberto Warat says that “all knowledge generates submission, and submission conditions knowledge” (1994, p. 146, translated). Hence the importance of getting rid of that *theoretical common sense of jurists*, as it is shielded by truisms that rule in different practices of enunciation and the writing of the law, made by dogma, figure and beliefs that are canonized and form a powerful field of meaning, kept by an alienating force. This is the place of hindered knowledges that, because of their fake transparency, deceive less attentive eyes.

But the law could go far beyond all that. The tension between constitutionalism and democracy offers weapons so that one can revolt against ideological aspects that subvert certain values that are seen as socially salutary. The protection of minorities – women amongst them – by the Constitution of Brazil and the voice given to all by democracy make it possible for people to go against an ideology of discrimination, thus reaching gender equality.

For that, one should know the ideological traces that permeate social relations, which enables the exercise of criticism and shows that the social reality does not come from fatalism but is built of ideologies that might be questioned and remade at any time. In this context, one can understand that the role of women does not have to be the way it is, and that there are no assurances that the advances obtained throughout the years will be kept or broadened.

The literary works analyzed in the following section suggest that with elegance and cleverness. They narrate different social conditions for

women and serve to criticize the current state of things. Zygmunt Bauman, quoted by Richard Rorty, realizes that “if the future archaeologists want to know how it was to live, search for happiness and suffer in our bittersweet era, they would be lucky enough to find in some library the novels of Dickens and they would have real bad luck if they found books by Heidegger” (Pallares-Burke, 2004, p. 318, translated). As we agree with this statement, we now move to a literary analysis.

3 WOMEN PLAYING OTHER ROLES: *THE HANDMAID’S TALE* AND *THE POWER*

Literature enriches the science of law. When it works with the topic of human relations, literary writings amplify aspects that are often ignored by the fiction of legislation, and they strengthen new ways of questioning reality and open new frontiers of thought. As García Amado says:

It is in the humanities, and very particularly in literature, where we can recover an integral perspective of the human being, its nature, its needs, its desires, its fears, etc., and from that perspective we can assess and criticize the insufficiencies and flaws of the law and its myopic point of view, partaker in the most diverse social oppressions (2003, p. 366, translated).

This human and social sensitivity is well developed in *The Handmaid’s Tale* (*O conto da aia*, 2017). This novel by Margaret Atwood gives voice to the main character, Offred, and portrays the dystopian Republic of Gilead, a theocratic totalitarian government that relegates women to the most servile of roles. In the name of God, the narrator lost her job, family, name, freedom, dignity, and power over her own body, and gained the only purpose of breeding (something that had become rare in that dystopia).

Crossing accounts –in first person – of memories before and after the Gilead era, Offred narrates glimpses of the happiness that she lived with her family and the suffering in the house of a Commander, to whom she was ritualistically submitted so that he could enter her body for the sexual act “as one puts a sock on a foot” (2017, p. 108), while with her head bowed and eyes closed, she listened to the suspended breath, the gasps and *ahs!* that happened behind her (2017, p. 111).

Claiming to defend security and sacred values, the government of Gilead sacrificed the lives of thousands of women, reducing them. As an object, Offred had been labeled and used. A “republic” where one could no longer read or write (the books had been destroyed), and that songs with words such as *free* are no longer sung, because they are “considered too dangerous” (2017, p. 68, translated)., Offred stuck to the memories of her past to survive.

There, everyone had their roles defined – Handmaids, Aunts, Marthas, Econowives, Wives, Guardians, Angels, Commanders – and to play them well, each subject was indoctrinated, being imposed with the way they should dress, act, behave, think. Imperatives of order dictated every step, while the imposed ideology erased the identity of those who inhabited the country. Resigned to her role, Offred confessed:

My nudity is already strange to me. My body feels out of date. Did I really wear swimsuits on the beach? I wore them, without thinking, among men, not caring that my legs, my arms, my thighs and my back were on display, could be seen. *Shameful, shameless*. I avoid looking down at my body, not so much because it is shameful or shameless but because I don't want to see it. I don't want to look at something that determines me so completely [...] I wait. I compose myself. What I call myself is something I now have to compose, like composing a speech. What I have to present is something made, not something born (2017, p. 78 and 82, translated).

Offred knew nothing of the war that was going on, as no information got to her ears. But she could feel the fear in her bones, which justified what she was subjected to (they told her she should be grateful for her life, given the existing misery). The symbolism-filled life imposed on Offred shaped her, making the expectation of others her own. But how did it get to such a point?

As the plot progresses, the answer is given. After the assassination of the president and congressmen, a state of emergency was declared. “Be calm,” said the news; and “It was then that they suspended the Constitution. They said it would be temporary. There wasn't even any riot in the streets” (2017, p. 208, translated).

Due to security issues, newspapers were closed down and roads were blocked. Everyone seemed to agree with it. Then, in the name of Christian values, the porn market was banned. Most did not care. Another day, by law, Offred was dismissed from her job (a book publisher) and had her bank account closed (as happened to the accounts of every women – existing cash would be transferred to husbands or closest male relatives). But it was nothing to worry about, her husband Luke told her (2017, p. 212-214).

“There were marches, of course, many women and some men” (2017, p. 215, translated), far fewer than expected, but when the army said it would open fire as soon as any marches started, they stopped. Rights continued to be phased out. When she realized, Offred was trying to bring back to her memory those pieces of what her life had been before the Gilead era, struggling to remember that time, and reconstructing the revolution that had taken place (against which she did not rebel).

The fate of the narrator in *The Handmaid's Tale* and the dictatorship of Gilead is developed in the novel, so the curious reader knows where to find the information. What interests us here is how Margaret Atwood makes us revolt the unjust actions that were happening and then shocks us with a gradual and “acceptable” implementation of such a regime, in which women ended up becoming banal objects without even fighting back.

A completely opposite setting is developed by Naomi Alderman in *The Power*. This narrative starts with letters exchanged between Neil and Naomi in a matriarchal society; Neil saw in literature a way to introduce his historiographic work and in Naomi a way to grant it publicity. Naomi receives the manuscript saying she was curious with the idea of a “world ruled by men”, which would presumably be more gentle, more thoughtful and sexier than the one they lived in (2018, p. 12, translated).

The narrative tells the story of a magnificent power – responsible for setting the matriarchal society of Neil and Naomi –, the power women had of making electricity inside their chests and conducting it. The novel is told from the perspective of Roxy, Tunde, Margot, and Allie, from the

shocking discovery of such a power among teenage girls until the social transformation that brought women to rule the most influential institutions (which, based on Althusser's theory of ideology, could be examples of ideological devices of State).

The characters got to know of their powers in strange moments. Roxy learned of it when she saw her mother being assaulted and killed by two men; Tunde was a boy, electrified when he insisted arrogantly while flirting with a girl; Margot knew of it on the news and confirms it during an incident involving her daughter; Allie, after being sexually abused by her adoptive father with the consent of her adoptive mother. From then on, everything changes.

Up until then, men were superior to women in their physical assets, but the situation was inverted due to a muscular tissue they developed on their collarbones, called "skeine", with twisted fibers: the electricity organ (2018, p. 32). And this change unleashed several others. The educational system split boys from girls – and after that girls started being trained to control their powers and could go to war (the training by NorthStar is then used as a government program by Margot, who quickly soars through the political hierarchy after awaking her power).

Roxy is the most powerful of them, and she becomes feared and respected when she joins her father in illegal businesses, soon to be the leader of the gang. She even develops and sells a new kind of drug, called Glitter, which makes women relaxed and aroused and enhances the experience of the power. Money, influence, fear, Roxy Monke has it all due to electrical power streaming from her chest, together with her atrocious upbringing.

The novel also deals with the dangers and harms of knowledge. Information on the physiology of electrical eels made Allie control better her own electricity, which allowed her to identify and intervene in other electrical sources, moving obstacles at her will and conducting energy via water. This knowledge is used in opportunistic ways and was seen as a miracle, which made Allie be called Mother Eve, the representative of a

feminine God, and a religious leader of millions of women throughout the globe.

Tunde became a journalist. He covered the repercussions of the power around the world. He witnessed the revolution in Saudi Arabia, where women claimed their freedom; he pleaded not to be sexually abused by a woman in an uprising in Delhi; witnessed the coup d'état by Tatiana Moskalev in Maldova, who after murdering her husband instituted a regime of hatred towards men in the new country she named Bessapara. His influence brought him in contact with the powerful, who would like to print his version of history. His independence motivated his silence and persecution.

Personal relationships, schools, churches, army, government, even criminal activities, in each of these segments, women came to command and thus exercise prominent social positions, relegating men to a role of submission and inferiority.

Electricity made the main structures of power in society to be taken over by women, and, thus, the novel arouses a series of questions: What is power really? Is power in the generation and conduction of electricity or is this a tool for women to rule over spheres such as family, church and State (currently dominated by men)? How would I act if I had at my fingertips the ability to inflict pain, and even kill a person, and how would I behave facing a person with that power?

There are many teasing ideas, and a last one towards the end of the novel. Returning to the initial characters, in letters, Naomi asks Neil: “I know this might be very unpleasant for you, but have you thought about publishing this book using a woman’s name?” (2018, p. 363, translated). This may sound disturbing to men, however, hiding identity to have a voice has been the reality for many women, such as Mary Ann Evans (George Eliot) and Violet Paget (Vernon Lee); Jane Austen did not publish signed novels during her lifetime; and, even in the 1990s, the author of Harry Potter was recommended to publish her book only with her initials (without revealing her first name) because they believed that ambiguity

would make the book a best-seller, and so did Joanne Kathleen Rowling (known worldwide as JK Rowling).

The Handmaid's Tale and *The Power* narrate about dystopian societies, which set women as submissive and dominant, respectively. The novels show that both roles are not intrinsic, nor derived of merit or anything like that, but they are consequences of social and historical events. It is important to understand that fact so that we can realize how different reality could be, and how crucial it is to fight for the equality of values between women and men, as the next chapter will develop.

4 IDEOLOGY, LAW, AND FEMINISM

A brief look back in time allows us to see how the dominant ideology in current Brazil has its origins in the deformation of civil society throughout the whole Portuguese colonization process (Wolkmer, 2001, p. 85). This structure naturalized the lack of voice of the population (above all, the feminine population) towards the government and, later, even with republic and democracy, the legal culture kept the patriarchal values of hidden hegemonical ideologies, which cultivated and still cultivate a concept of ideology as something fundamentally negative, that is used to reproduce and maintain the power relations, filled with inequalities.

To overcome this context, every citizen should have a broader view, unveiling certain obvious factors. This is the line of thought developed by Luis Alberto Warat when he questions the idea of democracy (2003, p. 25), suggesting that its theoretical basis (either legally, sociologically, or philosophically) is nothing more than a model of appearances, as the commitment to institutional violence persists – made of nostalgic discourses loaded with ideology –, not matching the theory with the democratic practice, and maintaining a patriarchal, capitalist, white supremacist setting (Hooks, 2018, p. 75).

But the social relations that have built the current status should not be seen as a given factor, rid of criticism and passively reproduceable. In *The Handmaid's Tale*, the ideology of Gilead imposed itself with behaviors, cut off rights, hindered political participation, and the recovery

of social procedures that reaffirmed the condition of women as oppressed beings⁹. As for *The Power*, there is a society that could also be different, as sexism also rules over every relation, so values and virtue are not related to one's gender. Summing up, both novels hereby analyzed point to ideologies that make up a community and, more than that, the fact that a community could be altered (for better or for worse).

Brazilian women have lived submissive lives, confined to the household environment, with their rights (politically) created and controlled by men¹⁰. The idea of the father or husband as the leading person in the family reveals a social imposition filled with ideology, which makes gender violence a family tradition, in which feminine submission is usual, habitual. On the other hand, luckily, women have been further fighting for equality.

This fight can be called “feminist”, if we understand feminism as a social and political movement towards an egalitarian recognition of both men and women, which of course seeks women empowering and the breaking from patriarchal paradigms. As a result, women have been dropping the exclusive role of reproducing and taking care of the household tasks and have been gaining more active participation in social life (Santos; Sacramento, 2011, p. 8).

Although only 38%¹¹ of Brazilian women consider themselves feminists, the movement has gained strength. Actually, a great part of those who think themselves as “non-feminists” are unaware of the ideals of gender equality and follow a media-based discourse that still banalizes the movement. “The tendency is to hear all about the badness of feminism

⁹ According to Hannah Arendt, totalitarianism uses “ideology” as an essential means to explain the course of history: “the secrets of the past, the complexities of the present, the uncertainties of the future” (1989, p. 521, translated). And so, it was within the fictional Republic of Gilead.

¹⁰ An interesting perspective on the silencing of women can be found in the work *Women and Power*, by Mary Beard (2018).

¹¹ Data obtained from the quantitative survey, with a personal approach, carried out in April 2019 by Datafolha and Folha de São Paulo, with 2086 interviews, distributed in 130 cities in Brazil. Available on: <http://media.folha.uol.com.br/datafolha/2019/04/15/occf1b7f5f71464e482dfa38406ec34efem.pdf>. Accessed on March 8, 2020.

and bad feminists”, as Bel Hooks points, countering the widespread discourse that feminists “hate men; ‘they’ want to go against nature (and god); all of ‘them’ are lesbians; ‘they’ are stealing jobs and making life difficult for white men” (2018, p. 11, translated).

The idea of equality meant that women started to attend schools, to have the right to vote, to work outside the home and to have the right to maternity leave. In Brazil, statistically, the highest level of education is of women. These achievements, however, should not detract from the fact that there is still a long way to go. The OECD economic report – February 2018 – points out that “male workers make 50% more than women”, in addition to the employment rate between men and women varying by 20% more for males, in jobs that do not depend on gender. This demonstrates that in the country women study more and earn less.

Another alarming fact that shows the feminist struggle must continue is from the Brazilian Forum on Public Security 2019: Every hour, 536 women were assaulted in 2018¹², in more than 76% of cases the aggressor was male and known. It is an unfortunate reality. However, more and more women have reached for help and denounced these crimes, as evidenced by the National Council of Justice, through its department of legal research, reporting a growth in 34% of prosecution cases of femicide and domestic violence from 2016 to 2018.

These are some indicatives of how the feminist movement must not stop. The achievements reached so far are daily put at risk, in a constant struggle to maintain the rights so far obtained and to broaden them. Being silent or abuse tolerating in the face of discrimination may bring catastrophic consequences, as seen in *The Handmaid’s Tale* and, as Eduardo Alves da Costa, in the poem “*No Caminho, com Maiakóvski*” (“In the Way With Mayakovski”)

On the first night they approach
and steal a flower
from our garden.

¹² Data obtained from the Brazilian Public Security Forum 2019. Available on: http://www.forumseguranca.org.br/wp-content/uploads/2019/06/Atlas-da-Violencia-2019_05jun_vers%C3%A3o-coletiva.pdf. Accessed on March 8, 2020.

And we say nothing.
On the second night, they are not even hiding anymore;
they step on the flowers,
kill our dog,
and we say nothing.
Until one day,
the most fragile of them
invades our house alone,
steals our light, and,
knowing of our fear,
rips our voices out of our throats.
And we can no longer say anything.

Women must have a voice and their rights must be socially recognized. The path for this is to change the dominant ideology, “which can only be broken through the intellectual-scientific effort of reflection, as it is a discursive and symbolic form of distortion of reality, against which criticism must act in a movement from the outside to the inside” (Peixoto; Alencar; Ferreira, 2018, p. 230, translated).

The academic world, therefore, is a great ally for the feminist thought, as it enables men and women to come together and debate gender equality. Also, the law plays a leading role in this war, as long as it is seen as an instrument for change towards equality on the daily basis for every woman, not just in constitutional rhetoric. But for that to happen, one should rebel against the *theoretical common sense of jurists*, the law and its institutions must be scrutinized and thoroughly questioned; and this is up to every one of us.

5 FINAL CONSIDERATIONS

Art “brings voice to democracy and shapes civilization. It is a platform for ideas and an agent of change” (Gompertz, 2015, p. 176, translated). The literary works hereby analyzed are proof of that, as they serve as criticism towards the discriminatory society we live in today, in which men and women still do not share equal recognition. These ideas thus match the statement by Theodor Adorno, for whom “the ultimate greatness of artworks is revealing what ideology hides (*apud* BOSI, 2010, p. 394, translated). And, as a form of criticism, they enable the identification of unequal ideologies and their overcoming, since to improve social relations, it is necessary to reach understanding and to debate problems.

Hence, it is interesting to restate the relevance of approaching law and literature (Trindade; Bernsts, 2017). If the law practitioner must have the virtue of technical knowledge, a novelist must have sensibility to read the human relationships and the vision of the true needs of individuals. Uniting both perspectives is, thus, promising: the social aspect gains more color, and the law is granted with more effectivity.

The dystopian societies from *The Handmaid's Tale* and *The Power* show the real dystopia of current society, in which the dominant ideology privileges gender, and treats men and women unequally. Such ideology needs a shift. Situations of discrimination must be identified and reported, abuse – even if banal – must not be accepted, no-one should settle for less than dignified, equal treatment be it whoever it is, in whichever circumstance one is.

As seen, knowledge is a key to free the subject of ideological alienation, and the law schools should help. The constitutional discourse (from art. 5, item I, of the Federal Constitution) must not maintain a false mirage of equality (in merely positivist terms), and should rise as a weapon so that the theorized equality could be effectively achieved, unveiling and altering the abuse and discrimination that occur in family relationships, in schools, in labor relations, in the church, in politics, in the State, etc.

And above all, the belief in normative self-sufficiency must be overcome and the distortions of legal institutions should be changed. The legal universe cannot be seen as detached from the social, as an autonomous and independent transforming agent. Hence the relevance of seeing it in its interdisciplinarity, alongside artistic, political, economic, and social expressions. Also, it should not be forgotten that the existing reality is the result of our existence, and history testifies that freedom and equality are never granted, they have to be conquered.

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Original language: Portuguese
Received: 15 Oct. 2020
Accepted: 26 Apr. 2021