

A ECONOMIA SOCIAL COMO UM MEIO PARA A PROMOÇÃO DA IGUALDADE DE GÊNERO

THE SOCIAL ECONOMY AS A MEANS TO PROMOTE GENDER EQUALITY



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The present work seeks to present the characteristics and importance of the right to equality as a constitutional guarantee to avoid discrimination due to prejudice or unjustified reasons, in order to promote the democratic bias of society with equal participation among its citizens, based on evaluative conditions. In view of this, considering that women have historically received a differentiated treatment, due to the segregation suffered by the sexist culture implemented, the search for equal rights and opportunities is essential to materialize this fundamental constitutional guarantee, which is why mechanisms to promote this right are promoted by international organizations. In view of the definition of these guidelines, the social economy, composed of entities that seek to carry out an economic activity with a view to benefiting the general interests of society and its members, users and beneficiaries, as they are governed by guiding principles that aim to respect equality and equity, are shown to be a driving force of transformation, attracting women due to the benefits they present in the provision of decent and quality work.

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INTRODUCTION

Although the right to equality is supported by the most diverse constitutional texts, ensuring that men and women are equal in rights, it is notorious that this equality, in the social context, is not always fulfilled. Thus, the constitutional protection of this fundamental right has as its primary objective to avoid discrimination due to prejudice or unjustified reasons, consolidating the democratic symbology, treating equals equally and unequals unequally based on an evaluative condition, which culminates in the need to apply material equality regarding the equality of men and women, since women have a history of fighting against the discriminations perpetrated over the centuries. This is due to the fact that, throughout history, women have been segregated by male domination and, as a result, have become a population minority, because they are considered inferior according to biological determinism. For this reason, a cultural change is necessary for the realization of material equality, in order to balance the relationship between men and women in the face of sexist culture and overcome the challenges faced to achieve the agendas outlined by the feminist movement in the search for equal rights and opportunities. To this end, programs to promote equality have guided the work of international organizations, to influence governments to meet the challenges that encompass the female public. Currently, among the guidelines for promoting this guarantee are the Sustainable Development Goals (SDGs), which, in their item 5, seeks to achieve gender equality and empower women and girls, a fact corroborated by the European Pillar of Social Rights. For this reason, social economy entities are a driving force for equality, since by being guided by well-defined values and principles, they are able to offer higher levels of female participation, in addition to generating jobs with better working conditions, allowing a balance between professional and family life, in addition to granting sufficient autonomy for women to be free from domestic violence. However, challenges are foreseen, given that cultural issues can influence the day-to-day management of such organizations and must be overcome in order for reality to be in line with the identity sought.

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THE RIGHT TO EQUALITY

The right to equality is one of the rights guaranteed by Article 1 of the Universal Declaration of Human Rights, which states that every human being is born free and equal in rights and dignity (UN). After its proclamation at the United Nations General Assembly in 1948, this right was guaranteed in several constitutions of the member countries, such as the Constitution of the

Portuguese Republic (CRP). In it, the principle of equality is expressed in Article 12, which provides that all citizens have the same social dignity and are equal before the law, and that privileges, benefits, prejudices, deprivation of rights or exemption from duties are not allowed on the basis of ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic status, social status or sexual orientation. However, although there is constitutional protection with the objective of guaranteeing a fundamental right for state development, it is notorious that societies are burdened by inequalities, in general, created by cultural factors, so much so that Montesquieu (1995, p. 84) stated that, "in their natural state, men are born in true equality, but they cannot remain in it. Society causes them to lose it and only returns to equality by law."

Aristotle was the first person to deal with the subject, when he explained that the term equity corresponds to the justice of the concrete case, adapted to the particularity of each situation and to the variations of human experience, in order to generate an understanding of the idea of equality (Reale, 2002). Legally, its conception was formed with the Declaration of the Rights of Man and of the Citizen of 1789, a moment in which *de facto* equality was sought, removing privileged understandings between them, becoming one of the structuring principles of Fundamental Rights (Ferreira, 2021). As such, this principle has a double scope, as it achieves the individual guarantee against persecution and hinders favouritism, thus regulating social life, by preventing unequal treatment between people, even if it establishes discriminatory situations with legal provision due to distinctive factors, with the objective of avoiding discrimination due to prejudice or unjustified reasons, and is, therefore, a democratic symbol (Mello, 1995; Silva, 2014). To this end, the observance of equality by the legislator does not imply the inclusion of everyone in the same legal conditions or the responsibility for equality of natural characteristics and factual conditions among people, but the differentiation in relation to legal positions, making the creation of norms compatible with the purpose sought. This is because the distinction between natural and factual conditions is desirable in certain aspects, preventing everyone from performing the same activities, thus limiting the intellectual, cultural, and economic growth of a society (Alexy, 2014). In this sense, Robert Alexy (2014) clarifies that the view of the principle of equality as the maxim of treating equals equally and unequals unequally comes from an evaluative condition, which can occur in different ways, being glimpsed in relation to partial factual equality/inequalities, in relation to certain treatments or in relation to a valuation criterion. In the first case of partial factual equality/inequalities, they will be related to some characteristics and not all the characteristics of those who should be compared, so that if it would only reflect the evaluative equality of individuals, there would be no possibility of justifying differentiated treatments. With regard to the valuation in relation to certain treatments, it is possible to explain the reasons why people can be treated equally

in relation to a certain aspect, but not in relation to all, while in relation to the valuation criterion it will define what is evaluatively equal or unequal (Alexy, 2014). In view of this, material equality makes it possible to define the correct valuation and, consequently, which norm should be applied, imposing the measure that should be used in value judgments to support the analysis of equality and who is responsible for deciding on these value judgments (Alexy, 2014). In the words of J. M. de Oliveira (2004, p. 240), equity would allude, then, to "a notion of equality, of recognizing the right of each one. It refers to a set of immutable principles of justice that induce the judge to a criterion of moderation and equality, even if to the detriment of objective law", meaning "the fair solution for the specific case", and it is essential to outline the differentiation of the theoretical concepts of formal equality and material equality. José Afonso da Silva (2014) points out that formal equality is equality before the law, determining that the application of norms must observe equal treatment among all, without any type of distinction. Although it was established by Article 1 of the Declaration of the Rights of Man and of the Citizen, which stated that men are born and remain equal in law, what has been observed since then is the construction of an environment of economic inequalities. On the other hand, material isonomy is guided by the application of the principle of equality in conjunction with other constitutional norms, in particular, social justice, economic order, and social order (Silva, 2014). Corroborating the constitutionalist's understanding, Viviane Araújo (2018) explains that formal isonomy brings the notion of absolute equality that men have in legal terms, that is, it provides for identical treatment under the terms of the law. However, even if there is an intention to avoid discrimination, this perception of equality is not capable of removing inequalities, which generates the need to apply material equality, which encompasses more than the legal content, expanding its analysis based on the existing nuances, ceasing to be an equality before the law to become an equality through the law, which allows, to a certain extent, inequalities to achieve equity. For this reason, when the equality between men and women is constitutionally sought, a rule is formalized that denotes years of struggle against discrimination, going beyond the concept of formal equality. Thus, any unequal treatment meted out between men and women will be considered a constitutional violation and, if discrimination is necessary, it should be provided for in the constitution and always be favourable to women, given the history of treatment given to them (Silva, 2014).

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THE SEARCH FOR WOMEN'S EQUALITY

Women, throughout history, have suffered a process of marginalization that generated their segregation, resulting in the idea of a population minority, although they are, in reality, the majority

of the population (Lerner, 2019). As a result, it is perceived, in the course of societies, that women are subject to male domination and considered as inferior beings due to biological determinism that directs to women the emotions and obligations of raising children, making them, in the male view, incapacitated for intellectuality and, consequently, having their rights curtailed (Bourdieu, 2021; Delap, 2022; Lerner, 2019). This situation of subordination is treated by John Stuart Mill and Harriet Taylor (2021, p. 17) as an error that should be replaced by a principle of "perfect equality, admitting neither power or privilege on the one hand, nor incapacity on the other". In this sense, Carolina Siqueira (2020, p. 161) asserts that "in order to have, in fact, the material equality so desired between men and women, it is necessary to develop a cultural change, redefining their possible roles, either through inclusive public policies or through social movements", so that equality of treatment between genders provides a balance in this relationship against sexist culture (Araújo, 2018). These measures are necessary, given that women, for millennia, have participated in their own subordination due to the creation that internalizes in them the idea of their inferiority, propagating a lack of knowledge about the history of women's struggles and achievements, which results in one of the main ways of perpetuating this condition (Lerner, 2019). However, the challenges faced by the female public depend on the historical moment, class divisions, caste, ethnicity, religion, sexuality, nationality, and age, stating that the use of the term feminism is a gateway to understanding how the issues involving this group have common points of connection (Delap, 2022). For this reason, it is important for men to ally with the feminist cause and for women to take up the political banners of the feminist movement and transform their own sexism, in order to progress it and achieve the desired agendas (hooks, 2018). And in order to achieve the agendas sought by the feminist movement, it was necessary to create mechanisms to promote gender equality at the global, national, regional and local levels, so that women enter the labour market on equal terms, that they are aware of the actions of violence and prejudice against their gender and that they are empowered to control not only their bodies, but also their careers. Many of the programs to promote equality are promoted by international organizations, since, with their worldwide capillarity, they are able to demand the commitment of governments around the world to engage and create local means to implement the proposed measures. The United Nations (UN), since its creation in 1945, has sought to promote equal rights and conditions between the sexes, determining this right as a fundamental right. Throughout its trajectory, it has drafted declarations and conventions with the aim of achieving gender equality and is currently focused on achieving the Sustainable Development Goals, which envisions women's participation as an essential means to achieve them. According to the UN, the SDGs are "a global call to action to end poverty, protect the environment and climate, and ensure that people everywhere can enjoy peace and prosperity" (UN, 2020). They are divided into 17 objectives and 169 interconnected targets that must be

achieved by 2030, from three different dimensions: economic, social, and environmental. SDG 5 seeks to achieve gender equality and empower women and girls through actions, such as ending discrimination, eliminating forms of violence in the public and private spheres, ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, and adopt and strengthen policies and applicable legislation for the promotion of gender equality and the empowerment of all women and girls. For the UN, this SDG is crucial for the contribution of progress through all the proposed goals and targets, since the achievement of all human potential and sustainable development will only be possible if human rights and opportunities are guaranteed to the half of humanity that is constantly excluded. To this end, it will be necessary to increase investments to reduce the gender gap, in addition to strengthening support to institutions in relation to gender equality and women's empowerment at global, regional and national levels. In line with SDG 5, the European Pillar of Social Rights foresees, among the 20 guiding principles for building a stronger, fairer, more inclusive and full of opportunities social Europe, that there are: (a) education, training and lifelong learning, as everyone has the right to quality and inclusive education, training and lifelong learning that enable them to maintain and acquire the skills they need to participate fully in society and successfully manage transitions in the labour market; (b) equality between men and women, so that both sexes have guaranteed and promoted opportunities in a wide range of fields, in particular with regard to the labour market, working conditions and career progression, assuring equal pay for work of equal value; (c) equal opportunities, irrespective of gender, allowing for equality of treatment and opportunities in employment, social protection, education and access to publicly available goods and services, in particular promoting under-represented groups, (d) active employment support, including receiving support in job search, training and reskilling; and (e) work-life balance.

Thus, it is the responsibility of governments to encourage public and private organizations to act in accordance with international, national, regional, and local legislation and programs in order to promote gender equality in their areas of operation, in order to achieve better social and economic development in their communities.

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BRIEF CONSIDERATIONS ON THE SOCIAL ECONOMY

The notion of social economy is linked to the European associative movement of the nineteenth century, which expressed itself as an alternative of popular resistance from which numerous experiences of solidarity based on mutual aid, cooperation and association emerged. Concretely, the social economy emerged in France, at the end of the nineteenth century, as a way of contesting

the excesses of liberal capitalism and the centralist bureaucracy of the Welfare State and presented itself with a social and economic idea translated into higher values and fairer practices (Garrido & Pereira, 2018). Despite not having a precise legal definition, the social economy is based on defined principles, such as solidarity and democracy (Cadete, 2014). Professor Rui Namorado (2014), when dealing with the social economy, uses a metaphor that defines the social economy as a galaxy made up of distinct constellations, which unfold into other entities. For him, this vision allows us to demonstrate the complexity and heterogeneity of the sector, in addition to understanding the identity importance of each entity that makes up the social economy, intercooperation and autonomy. According to Genauto França Filho (2002), the term social economy designates the universe composed of cooperatives, mutualist organizations, foundations, and some associative forms of large size from a legal perspective and, given the characteristics it assumes, it begins to demarcate the notion of solidarity economy by virtue of the political dimension of its action, with ideals of citizenship. The professor says that this "implies a process of democratization of the economy based on citizen engagements." The solidarity economy, therefore, can be seen as a movement of renewal and historical re-updating of the social economy (França Filho, 2002, p. 13). Thus, the social economy can sometimes be defined as a solidarity economy as well, or with that term as a complement. However, the solidarity economy seeks to help people with difficulties in market integration and is linked to organizations with strong social utility and is commonly found in Latin America, as a translation of mutual aid (Garrido, 2016). The Argentine professor Mario Shujman (2016) defines the social and solidarity economy as a socioeconomic movement originating in ancestral practices, carried out by entities and organizations and other associative forms, with the objective of developing economic activities, through the self-management of the needs of its members, its peers and the community, based on relations of solidarity, cooperation, redistribution and reciprocity, favouring work and the human being as the subject and end of their activity, oriented to the general welfare, the general interest, the common good, good living, in harmony with nature, to the detriment of appropriation, profit and the accumulation of capital and power. Following these positions, the Social Economy Framework Law defines, in its article 2, that the social economy is the set of economic and social activities, freely carried out by some entities listed in the law, with the scope of pursuing the general interest of society, either directly or through the pursuit of the interests of its members, users and beneficiaries, when socially relevant. In this sense, the social economy, with all the entities it brings together, is at the forefront of the international and constitutional proposal to achieve gender equality.

THE SOCIAL ECONOMY AS A MEANS TO ACHIEVE GENDER EQUALITY

According to the Social Economy Framework Law, respect for equality and non-discrimination, as well as equity, justice and social cohesion are among the guiding principles of the movement. Because it has well-defined guiding principles, the social economy allows for differentiation from commercial enterprises, contributing directly to the achievement of the SDGs, especially No. 5, as it offers higher levels of female participation and less vertical segregation, in addition to generating resilient jobs and less gender disparity in terms of stability, since it offers decent working conditions (Costantini & Sebillio, 2022). This understanding is also expressed by the Organization for Economic Cooperation and Development (OECD), which points out that the social purpose of social economy entities, developing practices and governance models based on principles such as solidarity, mutuality, the primacy of the person over capital and cooperation, works as a promoter of higher interest of female participation than in other types of society, as they usually offer flexible working hours and, commonly, better working conditions, allowing for a better conciliation between family and professional life (OECD, 2023). In the social economy, gender disparities in payment and leadership are generally smaller, and it also promotes not only female employability, but also the quality of these jobs. In addition, social economy care providers help increase access to paid employment for women with care responsibilities, as well as democratic participation develops women's empowerment in participation in leadership positions (OECD, 2023). For Jorgelina Sedlmeier (2021), the social economy is the representation of a program that allows women to transition from the confinement of private to public space by breaking with sexist logics, since it opens up opportunities and challenges for women to be empowered, becoming subjects of rights, with a voice to intervene and decide in public spaces and dispose of their own lives. In many cases, they also help women to get out of situations of domestic violence by granting them a certain autonomy. In this way, these entities bring together important lessons regarding the reduction of wage disparity and discrimination, which can serve as a model for public policies, since their values are shown to be drivers in reducing inequalities and achieving gender equality (OECD, 2023). However, despite the advantages provided by the entities belonging to the social economy, certain problems are still anticipated, since there is still a high vertical occupational segregation, since women participate considerably less than men in the governing bodies of the entities of which they are part, having less participation in decision-making (Olmdo-Cifuentes; Martínez-León & Miguel Gómez, 2018). Thus, in order for the sector to be a transformative driver and considering that the cultural issues of societies influence the actions of social economy entities, making them resistant to paradigm shifts, it is essential that they act internally to bring to reality the change in favour of

gender equality, raising awareness and empowering women members, applying in their daily lives what they expose as a differential to the external public (Monteiro, 2021). Thus, the social economy, although it is a concretely viable option to achieve gender equality, due to the values and principles that guide its performance, must overcome the cultural issues that influence its management in order to allow greater female participation in positions that require decision-making and management of the organization.

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CONCLUSION

The social economy has differentials that become attractive to women, especially regarding the labour market, since they provide a work environment with better conditions and greater flexibility of schedules, in addition to allowing greater participation in the management of the activity due to the democratic character that governs these organizations. Thus, women are more empowered to achieve leadership in these entities, manage to reduce the wage gap, can reconcile family and professional life, and gain autonomy to lead their own lives. Although this scenario is the most feasible for the achievement of the 5th SDG, following international proposals to promote gender equality due to its basic principles, some challenges still need to be overcome. The agenda of the feminist movement for the recognition of equal rights and opportunities between men and women is challenged by the sexist culture that defines societies and segregates the female population, thus reducing the conditions to achieve full social and economic development. This cultural situation is reflected in the internal conduct of social economy entities, especially with regard to women's participation in the governing bodies of organizations, since vertical segregation in this situation is still relevant. For this reason, the social economy should develop internal policies that make it possible to raise awareness and empower women about their potential and their rights, so that they can enjoy the fullness of their condition as members of an entity guided by solidarity, primacy of persons, social justice and equality without any kind of discrimination.