

Dossier

Human Rights and Violence: Challenges of a context of setbacks

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Resumo

Pilar do processo de redemocratização que varreu da América Latina vários regimes autoritários nas duas últimas décadas do século XX, o conjunto de preceitos fundamentais convencionalmente enfeixados sob a égide dos direitos humanos jamais chegou a ser radicalmente incorporado às dinâmicas políticas e sociais da região. Ao contrário, as interpelações sobre seu alcance, validade e natureza têm sido a tônica de regimes que contrastam a expectativa de consolidação das instituições próprias do Estado democrático de direito com uma perigosa permissividade a práticas tradicionais que reforçam a exclusão de segmentos sociais e admitem o uso da brutalidade como recurso de produção de ordenamento. Os artigos apresentados neste dossiê apontam, discutem e, em certo sentido, denunciam algumas das faces com que este contraste assombra os regimes da região, evidenciando os limites e o caráter inconcluso da redemocratização que segue em curso tortuoso e cheio de acidentes.

Palavras-chave

Direitos humanos. Democracia. América Latina.

Abstract

As a pillar of the redemocratization process that swept away several authoritarian regimes from Latin America in the last two decades of the 20th century, the set of fundamental precepts conventionally bundled under the aegis of human rights has never been radically incorporated into

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the political and social dynamics of the region. On the contrary, questions about their scope, validity and nature have been the keynote of regimes that contrast the expectation of consolidating the institutions proper to the Democratic Rule of Law with a dangerous permissiveness to traditional practices that reinforce the exclusion of social segments and admit the use of brutality as a resource for constructing social order. The articles presented in this dossier point out, discuss and, in a certain sense, denounce some of the facets with which this contrast haunts the regimes of the region, highlighting the limits and inconclusive character of the redemocratization that continues in a tortuous course full of accidents.

Keywords

Human rights. Democracy. Latin America.

Human Rights are “a permanent issue,” says the title of one of the articles that integrate this dossier. This is a precise definition. As Lynn Hunt (2009) describes, the effectiveness of human rights depends on the movements of political forces that are linked to their normative horizons or are contrary to them. The political grammar of human rights is structured by the “paradox of self-evidence” (ibid.). At the same time that it defines values that claim universality, it opens up fields of dispute, plurality, divergence, diversity. Thus, instead of demobilization, apathy, coercion, and repression, as commonly seen in the political languages of duty, it provides fertile ground on which social movements are organized. Human Rights demand actions and reflections, links between words and gestures, which operate through the logic of movement and understand that the best of human effort and imagination can always be eroded by the worst of us. That is why the motto “Never again!” is often evoked when it comes to the struggles waged against serious violations of human rights. “Never again!” is not an oracle that magically defines a veto. It means: “we will always be vigilant so that this [action] is not repeated.” A permanent issue. As Hannah Arendt (2021) points out, human rights are not a given, but a construct, a human invention, in a constant process of construction and reconstruction. Its definition is updated every day, with new forms of interpretations and social struggles. Human rights have ambivalences, conditioning factors, and contradictions.

The values that are thus affirmed in the direction of human dignity are oriented towards the outreach of sensitivities and actions taken for the other. Recognized no longer as moral values - inscribed once and for all in “human nature” - but as political and legal artifacts that positively ground the

institutional order, which frames human rights in a political community, which in turn moves them from the moral field to the proper political sphere. Once framed as founding principles, they should not be subject to scrutiny or doubt. They are the basis and normative orientation of a political-institutional order.

There lies one of the main opposition fronts to authoritarian forms of power. Authoritarian political language evokes supremacist and elitist values, thus assuming that human value is only accomplished through the affirmation of a humanity restricted to a few, naturalizing inequalities and brutality. The affirmation of the other and the expanded horizons of human belonging, of the forms of organization of collective life, of the ways of living, caring, cooperating, and coexisting are always under siege by authoritarian drives. When brutality advances in public life, authoritarian modes of power take charge of putting into operation their machines for annihilating life and the meanings of shared human experience. In the process of affirming limited modes of existence, forms of falsification of reality are mobilized. Human dignity is transformed into the dignity of a group of believers, or into a marker of distinction and denial of the other; the parameters of public life are described as oppression; violence – killing and letting die – is affirmed as an exercise of freedoms; plurality is refused in the name of unlimited narcissism. In this context, freedom is the cry of individualism without the collective, without regard for the other, without the senses of equality, becoming a kind of freedom devoid of content, ready to be mobilized by the worst of us.

In a way, we suffer from the evils resulting from the slow slide of the political content of human rights to the strictly moral sphere of collective life. In the last quarter of the twentieth century, after marking the arduous and tortuous process of redemocratization simultaneously experienced in various parts of Latin America – functioning as the founding principle of politics as thought by Arendt – human rights are recaptured by the moral discourse. In this displacement lies one of the sources of the pain that plagues us. After all, our time, as MacIntyre (1985), among others, teaches, is marked by a basic moral undecidability, a sphere in which different perspectives seem to be equivalent, and the affirmation of founding precepts always seems to be plagued by the volatility of relativism. It is in the wake of this displacement of the human rights logic that authoritarianism flourishes, and the “fusion of different horizons,” which advocates a social project based on the ideas of solidarity and mutual respect, is challenged by diverse ways of hating.

The contemporary modes of expression of political authoritarianism have as an important feature the ability to trigger these machines of destruction even

in political scopes that preserve relative democratic institutionality. It has been recurring that political forces operating under authoritarian platforms – including those with fascist inclinations – are elected by vote and promote the corrosion of democracies without undermining institutions at once. The expansion of political support for far-right authoritarian movements has undermined the legitimacy of democratic institutions. With only the formal shell of democratic parameters remaining, this opens up a field on which authoritarian modes of power advance.

The papers that comprise this dossier are theoretical and empirical investigations of the Human Rights challenges in a context of increasing violations of minority rights, contempt for vulnerable populations, elimination of peoples who live in the forests, threat to activists, criminalization of protests, silencing, strengthening of structural racism, extended political violence, massive job insecurity, burning of democracy, and the ostentatious destruction of the environment. The four articles we have gathered here address contexts in which we see the machines of authoritarian destruction in motion or glimpse the risks they pose when they lurk around us.

In *Transcending, transforming: trans lives in the Brazilian Outback*, Martinho Tota presents an ethnography that leads us towards acts of violence, risks, constraints and deep vetoes exerted on a trans person in the outback of the state of Paraíba. By guiding through the narrative of Iohannah's experiences in her "endless and nuanced work of self-construction," Tota shows us the sometimes explicit, sometimes silent ways in which violence is exerted on trans people. From the threads of an account focused on a person, the author establishes the comprehensive plot from which he analyzes LGBT rights public policies in the current political context. Martin Tota's text also expresses another fundamental reflection: The narrative tensions between the story, the tale, the fable, and the invention. The comprehension of how discourses engender realities is something urgent in any attempt to understand a world colonized by images, memes, instant posts which have been ways of spreading authoritarian ideologies. Tota's narrative effort thus proposes a world that can be inhabited, a world in which Iohannah belongs and whose limits are stretched by her.

It is in the field of images, a field occupied by the corrosive modes of the human and politics, that Hernán Ulm thinks about the issue of human rights. In *Human Rights: a permanent issue*, he reflects upon the way images occupy a dominant place in the forms of "neoliberal agency" of social meanings. In dialogue with Debord and Flusser, he reflects upon the illusion of photographic transparency of the technical images that would thus operate as tools for

modulating sensibilities under the sign of immediacy, instantaneity, permanent dissatisfaction, and boredom of neoliberalism. In a kind of search for a counter-spell, an imagetic antidote, Ulm analyzes the photographs displayed in the exhibition *Derechos Humanos, una cuestión permanente*, held in Salta, Argentina, co-organized by Instituto de Investigaciones en Cultura y Arte (IICA) [Institute of Investigations in Culture and Art] - under the Secretaria de Extensión Universitaria [Secretariat of University Extension] of Universidad Nacional de Salta (UNSa Argentina) -, the Master's Degree in Human Rights of the Facultad de Humanidades of the UNSa, the Historical Museum of the UNSa, and the Coordinación de Bibliotecas y Archivos de la Provincia de Salta [Coordination of Libraries and Archives of the Province of Salta]. The photographs by Flor Arias, Isidoro Zang, Marcelo Abud, Beatriz Juárez, Javier Corbalán and Victor Notar Francesco and the performance by Soledad Sánchez Goldar allow us to reconstruct meanings and permanencies, wounds, and scars of violated bodies, today and in the past. Bodies that claim existence in the face of the neoliberal machine of destruction.

Maria Patricia Gonzalez Chavez, in *Transitional Justice: Reflections and debates for a paradigm under revision*, addresses a central theme for Latin America, which still coexists among the liabilities and legacies of the authoritarian regimes of the last century and massive and vast internal violence. Gonzalez Chavez's text brings, in a didactic but consolidated way, theoretical trajectories of debate and reflection. It presents pressing issues, existing tensions in transitional justice processes by putting forward examples from our region. Her critical approach contributes to the regional discussion in an ongoing process full of challenges and limitations.

In *Adultist violence in Latin America in the pandemic context: Invisibilized childhoods, violated childhoods*, Gabriela Paula Magistris addresses how an adult-centric cultural matrix promotes the invisibility of children as political and social subjects. She approaches the issue by focusing on the pandemic context in Latin America. This is a key theme for the region, given that various violent contexts affect children and adolescents in particular. The author revisits the image of a "happy childhood," the definition of children as "objects of care," and reflects upon the "privatization of childhood," as three structuring dimensions of the expansion of adultist violence in the pandemic context.

Finally, in *Social participation in public policy councils in the "Bolsonaro era"*: The case of the National Council for the Rights of Children and Adolescents, Assis da Costa Oliveira outlines what he defines himself as the "history of the present", of the main political, institutional and legal changes

concerning the administration of the National Council for the Rights of Children and Adolescents (Conanda), throughout the first years of Jair Bolsonaro's administration. In his analysis, the efforts to empty the participatory logic that guided the structuring of Brazilian public life under the aegis of the Constitution of 1988 are evident. We follow the ways in which the national articulating body of one of the paradigmatic fields of Brazilian civil associations, the activism to guarantee children and adolescents' rights, is attacked by the rise of the authoritarian and conservative ideology that has been gaining ground in Brazil and translated into the results of the 2018 elections. This attack on such a sensitive field ends up functioning as a kind of metonymic expression of the crisis and dilemmas faced by Brazilian democracy even before its founding frameworks were consolidated.

These five papers together constitute, therefore, a mosaic that gathers fragments of a debate with multiple dimensions, in a kaleidoscope of dignity: The reflection upon human rights and violence in contexts of advancing authoritarian power matrices. All the articles reflect upon concepts, images and words, ways of finding the threads that resist the destruction of the common meanings of existence and thus give clues for the permanence of democratic political grammars.

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