

Human rights in “Bolsonarism”: “decriminalizing outlaws” and “punishing police officers”

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Abstract

This article aims to analyze relations between the human rights policy, as conceived and deployed by contemporary States, and its current representations. To do this, the corpus of analysis consists in representations of such rights produced in Brazil through the performance of the then Congressman Jair Bolsonaro, which built the so-called ‘Bolsonarism’ and were present in his presidential campaign, (re)producing considerable ideological opposition to this policy, expressed above all by the idea that ‘a good criminal is a dead criminal.’ Thus, we will see how anti-human rights propaganda constitutes an indispensable element to grasp Brazilian politics nowadays, either in electoral terms or in terms of (lack of) public policies.

Key words human rights; democracy; hate; politically incorrect.

Os direitos humanos no “bolsonarismo”: “descriminalização de bandidos” e “punição de policiais”

Resumo

Este artigo tem por objetivo analisar as relações entre a política de direitos humanos, tal como pensada e implementada pelos Estados contemporâneos, e suas representações vigentes. Para tanto, toma-se como *corpus* de análise as representações de tais direitos produzidas no Brasil a partir da atuação do então deputado Jair Bolsonaro, que construíram o denominado “bolsonarismo” e estiveram presentes em sua campanha presidencial, (re)produzindo

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considerável oposição ideológica a essa política, expressa sobretudo pela ideia de que “bandido bom é bandido morto”. Assim, veremos como a propaganda antidireitos humanos constitui um elemento indispensável para a compreensão da política brasileira nos dias de hoje, seja em termos eleitorais ou em termos de (não) políticas públicas.

Palavras-chave direitos humanos; democracia; ódio; politicamente incorreto.

Los derechos humanos en el “bolsonarismo”: “despenalización de bandidos” y “castigo de policías”

Resumen

Este artículo tiene como objetivo analizar las relaciones entre la política de derechos humanos, tal como fue concebida y desplegada por los Estados contemporáneos, y sus representaciones vigentes. Para hacer esto, el corpus de análisis consiste en representaciones de tales derechos producidas en Brasil a partir de la actuación del entonces diputado Jair Bolsonaro, que construyeron el llamado “bolsonarismo” y estuvieron presentes en su campaña presidencial, (re)produciendo una considerable oposición ideológica a esta política, expresada sobre todo por la idea de que “un buen bandido es un bandido muerto”. Así, veremos cómo la propaganda anti-derechos humanos constituye un elemento indispensable para la comprensión de la política brasileña hoy en día, ya sea en términos electorales o en términos de (falta de) políticas públicas.

Palabras clave derechos humanos; democracia; odio; politicamente incorrecto.

Introduction

In his inaugural speech as president of Brazil, on January 1, 2019, Jair Messias Bolsonaro (Partido Social Liberal – PSL) defined human rights as an “*ideology that decriminalizes outlaws, punishes police officers, and destroys families.*” The view of human rights as an ‘ideology’ that criminalizes law enforcement agents in the exercise of their functions and serves only the purposes of ‘defense of outlaws’ has taken shape in recent years in Brazil, above all through Bolsonaro’s parliamentary work, and this became a major element of the set of ideas – ideology – herein named as ‘Bolsonarism,’ which finds in the opposition to such rights a key mark.

Based on the above, this article aims to analyze the relations between the human rights policy, as conceived and deployed by the Brazilian State in recent years, above all during the administrations of the Partido dos Trabalhadores (PT), over the years that

Lula (2003-2010) and Dilma (2011-2015) were in office, taking as corpus of analysis the representations of such rights produced in Brazil through the performance of the then Congressman Jair Bolsonaro that structure the so-called Bolsonaroism.

After this introduction, the text is divided into the following sections: a) introduction to the emergence and establishment of human rights in the Western world, highlighting their relations intertwined with the democratic rule of law; b) introduction to studies on the state of the art of human rights during PT's terms in office, highlighting advances and setbacks; c) analysis of statements by Bolsonaro about human rights and the relation between these statements and his voters' position, establishing an ideology anti-human rights; and, finally, d) in the final remarks, the possibility of analyzing the Brazilian phenomenon of legitimizing an anti-rights political platform as expression of a greater phenomenon is pointed out: the denial of rights itself.

Human rights: historical context of emergence, definition, and relation to the democratic rule of law

The classical conceptualization of *human rights*, or their emergence, is related to the transformations engendered by the *revolutions* in the 18th and 19th centuries, especially the French Revolution¹, and it has an imbricated relation to *democracy as a political model* adopted in the international scenario by having such transformations as a basis. This is so because it was within the framework of these changes, above all after the fall of the monarchical regimes, that *modern constitutionalism* appeared, which responded to the requirement of legislative texts that provided for the duties and the rights of rulers and those ruled, no longer established through customs, but by means of a set of pieces of legislation, thus representing a significant victory of citizens in face of the power to which they are submitted in Western history.

By proclaiming the freedoms and equalities of men turned into citizens, politics has been based on the rights regarded as *natural* and *inalienable* (such as freedom, property, security, etc.)², thus constituting the very notion of *citizenship*, claiming that men had rights well before their constitution as members of a *political community*, derived from their participation in the *human community*, rights, hence, inherent to their nature – therefore *natural* – so, full citizenship would consist in having such rights guaranteed and protected by the State, the political, *artificial* community.

¹ As Santos (2013, p. 47, our translation) reminds us: “it is usually recognized that human rights, as emancipatory language, stem from the 18th-century Enlightenment, the French Revolution, and the American Revolution [...] In the 18th century, for instance, human rights played a role in the ongoing revolutionary processes and they were one of their languages.”

² Above all since the debate engendered by the discourses of contractualists, among whom Thomas Hobbes, John Locke e Jean-Jacques Rousseau stand out, in the 17th and 18th centuries.

The historical framework around this theme is, undoubtedly, the Universal Declaration of Human Rights (UDHR) (Organização das Nações Unidas [ONU], 1948), inspired by the principles that guided the socio-political transformations in Europe and in the United States of America (USA) between the 18th and 19th centuries, as mentioned above, which led subsequent generations to find inspiration there for political struggles concerning the recognition and realization of these rights. Adopted by the United Nations (UN) on December 10, 1948, the UDHR recognized the requirement that every human being enjoys the right to a dignified life, free and without distinction of any kind. Thus, it might be the recognition, by the *political community*, of the sovereignty of the *human community*. So, speaking of human rights is speaking of a set of rights provided for and recognized at the formal level, by means of agreements signed from the early 20th century on³, among several countries, including Brazil, which committed to adopt laws and public policies for its realization, so that, in the nations as a whole, each of the signatories would contribute to the full development of the peoples.

A first debate that must be had when analyzing the origins and concepts of human rights and their relation to democratic political regimes is the philosophy, so to speak, which underlies their definition. There are those who think of such human rights as concerning *human beings*, all human beings, since the portability of such rights is inscribed in their human condition: they have rights because they are human – it would be like a belief that such rights are *rights of men*. So, they might work as limits to the sovereign power of the State. Others advocate that such rights are concessions given to individuals by the State, the political community, which, in the exercise of its sovereign power, grants its members guarantees – therefore, such rights might be the rights of *men turned into citizens*. Nicolau Matteucci (2016, p. 354, our translation) concludes the following about this:

[...] those who argue that such rights are natural, in what regards men as men, also argue that the State can and should recognize them, thus admitting a pre-existing constraint to its sovereignty. For those who do not follow ius-naturalism, these are subjective rights granted by the State to individuals, based on the autonomous sovereignty of the State, which is not limited in this way.

3 The dimension of rights declared to be human rights is pointed out by Ribeiro (2017, p. 63, our translation) in these terms: “human rights are not voted, but declared. They are not the result of a democratic majority. They owe their nature as a right not to the political will of an assembly, no matter how noble it is, but to the fact they are the first among the rights, ‘natural,’ as the 18th-century philosophers would say. This crucial assumption of rights declaration is already contained in the title of documents both from the 1789 French Constituent Assembly and the 1948 United Nations Assembly – and this means that such rights take precedence over any government.” Santos (2013, p. 25, our translation) also stresses the importance of universal declarations, which “depart from a concept of human nature,” thus defining what is “defined as a violation of human rights.”

In both interpretations, the author claims, there is evidence that “the individual is not a monad, but a social being who lives in a situated context” (Matteucci, 2016, p. 354, our translation), having her/his rights – either interpreted as *natural* or as *granted* – guaranteed by the presence of the State, political community, through their formality under the nickname *citizenship*. Thus, the issue of human rights is indissociable from the emergence of modern democratic regimes, above all because, even after the emergence of constitutional texts marked by an international order that has a predominantly democratic bias, the threat of anti-rights attitudes taken by the State itself persists, since, as the author warned in the 20th century, “the struggle for civil rights is resumed” (Matteucci, 2016, p. 355, our translation), i.e. those that concern the *ensured and effective participation of individuals as citizens in the modern State*.

Given the above, we may corroborate the idea that there is an imbricated relationship between democracy and human rights. Or rather: there is a *conditio sine qua non* in the realization of democracy: the guarantee and realization of such rights; therefore, a condition-based relationship. The relationship between democracy and these rights is highlighted by Renato Janine Ribeiro (2017, p. 56, our translation) in the following terms:

There is no democracy, today, without human rights [...] Human rights are the main contribution of modernity, from the English, American, and French revolutions on, to the theory and practice of democracy, contributing to human relations more truthful, more respectful towards the other – more democratic. They contribute so that the modern citizen defines her/himself by having her/his right to have rights, starting from an idea of citizenship focused on the denial of discretion, i.e. depending on the others' will.

According to the Brazilian philosopher (Ribeiro, 2017), human rights, formulated by means of the revolutionary actions that founded modern democracy – with an emphasis on the *right to political participation and expression* –, work, above all, as conditions for realizing the modern democratic State, which also emerged to ensure them; but the author points out conditions for realization in order to require individuals to participate in public life, a participation without which there would be no realization of such rights that, *a priori*, exist only as *declared*, requiring participation to become *ensured*. This is so because:

Participation in political life has two edges. On the one hand, it is the freedom not to be under the tutelage of others. In fact, more than freeing from the authority of others, it indicates that I emancipate myself from the others' *whim*, as Locke shows in the *Second Treatise of government*: the other's power over me will always

be, from my viewpoint, *arbitrary* [...] On the other hand, this right to be present in the public affair requires me to participate in it. To say that everyone's house is a building made by everyone does not mean only to liberate everyone from obeying the other's orders: it is also affirming that there will be no everyone's household if everyone does not build it [...] In modern politics, along with its positive contribution, which consists in constraints to State's power stemming from human rights, there is the issue of ensuring that there is *still* a public space, a democratic or at least *political* affair – which depends on the citizens, who must morally take part in the *res publica*, but this is not their obligation. [...] the constitutive rights of public affairs are also duties [...] Human rights are not only guaranteed by democratic legal relationships: they *derive* from them. The pair right/constitutive duty in democratic regimes is what engenders human rights in general (Ribeiro, 2017, pp. 60-64, emphasis by the author, our translation).

Human rights are categorized from two perspectives. In the first, we have the following categorization: civil rights, political rights, and social rights. *Civil rights* are those that concern individuality (freedom of thought, freedom of belief, economic freedom, etc.). Such rights “oblige the State to adopt an attitude of non-impediment, an abstention” (Matteucci, 2016, p. 354, our translation). On their turn, *political rights* concern the active freedom of men, already turned into citizens, as members of a State, and relate to their participation in political life (freedom of association, freedom of assembly, political and electoral rights, etc.). Meanwhile, *social rights* are conquests inherent to the industrialized world and they concern conditions of life, above all the economic ones, which guarantee a minimum of certainty to citizens (right to work, social assistance, education, housing, etc.).

A second perspective, adopted by modern constitutionalists, is that dividing human rights into four generations. In the *first generation* there might be the rights previously defined as *individual*, *civil*, and *political*, since they protect the individual from the State's tyranny. In the second generation there might be the *economic*, *social*, and *cultural rights*, since these motivate the State's actions to foster social justice. The *third generation* might encompass *collective rights*, such as environment protection, culture of peace, and self-determination of peoples. And, lastly, *fourth generation* rights might be those corresponding to *minorities*, as a result of contemporary social struggles. The first three generations were conceived in the 19th and 20th centuries, while the last one is forged in the XXI century.

One way or another, regardless of the perspective adopted for seeing human rights as a consensus⁴ of and in modern democratic States, it is worth noticing the view that “in one way or another, the State has remained in the center of human rights debates” (Santos & Chaui, 2013, p. 51, our translation), because it is, above all, about the State's advances against (through arbitration) or in favor (through legislations and public policies)

4 Such a consensus, however, is relativized by many intellectuals, as we see below.

of the individuals' dignity that human rights (in their civil, economic, political, and social dimension) are effectively translated into. These would be the forms of State affirmation (*against or in favor*) that might attest in which degree of effectiveness, or negation, human rights are in a given national unity. As the authors highlight:

Over the last two hundred years, human rights have been incorporated into the constitutions and legal-political practices of many countries and they have been reconceptualized as rights of citizenship, directly guaranteed by the State and coercively applied by the courts: civic, political, social, economic, and cultural rights (Santos & Chauí, 2013, p. 50, our translation).

With these considerations in mind, let us turn to the analysis of advances and setbacks in the policy of promoting human rights in Brazil, during the years of the PT at the head of the federal government (2003-2016), above all because such supposed advances serve as elements of strong opposition of the Bolsonarism to the concept of human rights, nicknamed a 'defense of outlaws.'

Human rights in contemporary Brazil: advances and setbacks during the PT years (2003-2016)

The election of Luís Inácio Lula da Silva (Lula), the PT's candidate to the Presidency of the Republic, in 2002, led a considerable part of progressive sectors in the Brazilian politics to the federal government, something which, among other facts, would mean a (radical) deepening in the deployment of public policies related to human rights, which was initiated during the terms in office of Fernando Henrique Cardoso (FHC), from the Partido da Social Democracia Brasileira (PSDB), between 1995 and 2002. It was over FHC's administration, for instance, that the first two versions of the Brazilian National Human Rights Program (Programa Nacional de Direitos Humanos – PNDH) were deployed, in 1996 and 2002, and the third was deployed in 2009, under Lula's administration.

Important researchers in the area point out significant advances in the area⁵, without denying setbacks that imposed considerable regressions in rights already conquered,

5 We may cite as examples the creation of the following agencies: Brazilian National Council for Human Rights, Brazilian National Council for the Rights of the Elderly, Brazilian National Council for the Rights of Children and Teenagers, Brazilian National Council to Fight Discrimination against LGBT Persons, Brazilian National Council for the Rights of Persons with Disabilities, Brazilian Special Commission on the Dead and Missing Persons, Brazilian National Committee for Human Rights Education, Brazilian National Committee for Observing Religious Diversity, among others.

including violations⁶, above all because the ‘plans’ of action often came down to ‘letters of intent.’ Soares and Guindani (2017) do take stock of the years under PT’s administration with regard to human rights. The authors highlight significant advances in the reduction of social inequalities (above all by increasing the income of the poorest individuals, by raising the minimum wage, payroll loans, and the Programa Bolsa Família), affirmative policies to fight racism and other forms of discrimination, attention to issues related to women’s protection and advocacy (especially with the anti-femicide law), reduction of Amazon deforestation, establishment of the culture agenda as a political agenda, and reduction in the number of homicides, above all through incentives to military police officers’ qualification.

Despite these considerable advances, the authors point out the ‘immobility’ of PT’s administrations stemming from ‘political alliances’ with conservative sectors, with marked opposition to human rights standards (above all the ‘collective’ and ‘civil’ rights), under the allegation of the need for ‘sharing responsibilities’ between the federated entities.

According to the authors, the case of crimes committed by agents of the State is illustrative:

Political alliances with state governments that authorized and covered up police brutality, including extrajudicial executions, imposed presidents Lula and Dilma, and much of the PT, obsequious silence in face of nameless violations of human rights. The case of Rio de Janeiro illustrates this pusillanimous attitude. As the overwhelming majority of the victims are poor and black youngsters from the outskirts and slums, tacit consent has a particularly significant meaning, making the federal PT’s administrations throw out of the window so many significant advances on the public security front. [...] To cite just a few data and demonstrate there is no rhetorical exaggeration, between 2003 and 2015, in Rio de Janeiro, there were 11,343 deaths caused by police actions. [...] Faced with this spectacle of institutional degradation and mass murder, the PT’s administrations have washed their hands; they did not even block the transfer of funds to the security department and the police forces involved in the daily massacre (Soares & Guindani, 2017, pp. 199-200, our translation).

Thus, the public security field – which also involves the criminalization of poor and black youth –, along with identity standards, would be most affected by circumstantial PT’s alliances, seeking to reelect Lula (2006) and Dilma (2014), leading to considerable setbacks in Brazil’s human rights policy⁷.

6 Almeida (2009) points out the “continuous and systematic violation of first-generation human rights in Brazil,” leaving Lula’s administrations far from being an exception, and it may be regarded as a State policy.

7 This information shows a clear ‘loosening’ of the Brazilian State during the PT era with regards to the punishment of crimes committed by law enforcement agents and, therefore, considerable violation of human rights by the State,

Another setback in the years of PT's administration is the advance observed in the imprisonment policy, above all concerning black youngsters and perpetrators of crimes against property, ranking the country at the fourth world position in terms of prison population:

In 2014 there were 574,000 prisoners in the country, 61.7% were blacks and 40% were under provisional imprisonment. Those who served a felony murder sentence accounted for about 12% of the total. Most committed crimes against property or got involved in illegal trade in illicit drugs. That is, the evidence pointed out a complete inversion of priorities, to the detriment of life appreciation and violent crimes against the person. Since 2014, there is no consolidated data available, but it is assumed that, in 2016, the prisoners are already more than 700,000 (Soares & Guindani, 2017, p. 203, our translation).

Significant setbacks in the promotion of human rights, above all the social ones (in the public security area), during PT's administrations are also analyzed by Jatobá (2017). After analyzing the 'premature and rather unstructured' plan of FHC's administration, in 2000, and the creation of the Brazilian National Public Security Plan the following year – limited to mere transfer of funds for purchasing weapons and vehicles for the state police forces –, in addition to analyzing the creation of the Brazilian National Public Security System during the first Lula's term in office – which led to a significant decrease in the number of murders – and the creation of the Brazilian National Public Security and Citizenship Program (Programa Nacional de Segurança Pública e Cidadania – PROANSCI), along with the approval of the Brazilian Disarmament Statute, the author begins to consider the misconduct of public policies in the area during Lula's second term in office and during Dilma's administration. The author's stocktaking is as follows:

Despite this significant opening up of security policy for society, the subsequent years until the end of Lula's second term in office showed progressive growth of lethal violent crimes in the country. In 2010, the rate of violent deaths per 100,000 [inhabitants] reached 27.4. There was no decreasing trend, but an increase in lethal violence, although it was the year with the highest funds for security spending in the decade provided by the Federal Government, i.e. R\$ 13.6 billion. [...] President Dilma Rousseff started her administration with a rate of 27.1 and she ended her first term with a rate of 29.4 intentional violent deaths per 100,000

contradicting the popular imagination that exactly under PT's administration there might have been persecution against such agents, to the detriment of a persecution against the 'actual outlaws,' as the expression uttered by Jair Bolsonaro that opens this article illustrates. We may claim that a major research agenda on this paradox is imposed there.

inhabitants. From the viewpoint of funds for security spending, there was no increase. There was even a decrease in the final years. [...] Little progress was made in research and theoretical literature. [...] But in the end, in 2014, 59,681 people were killed violently in the country, the highest number of deaths in Brazil until then (Jatobá, 2017, pp. 212-213, our translation).

Thus, there is a contradiction in terms. On the one hand, scholars in the human rights area point out significant advances in the agenda during PT's terms in office, above all regarding identity standards, while highlighting disastrous setbacks in major sectors of the same agenda, especially concerning practices of disrespect for human rights on the part of State agents, mainly police officers, with a focus on the growing figures of police violence in the country; these scholars also signal a growing number of lethal actions, accompanied by considerable levels of feelings of security and lack of protection on the part of the population, fostering social support for a police-based agenda and militarization of social life. This might demonstrate an undeniable lack of significance of human rights on the government agenda, above all with regard to life protection.

On the other hand, we have witnessed considerable social opposition to human rights in the country, represented as *rights of outlaws*, which might have, throughout the 'PT years,' 'hindered police action,' 'loosening laws' and providing 'outlaws with protection.' Thus, human rights represent, in the midst of society, mere defense of a portion of it – that belonging to outlaws –, while putting the large majority aside and leaving it unprotected, i.e. those who do not commit crimes: so, there is nothing better to do than opposing such rights. One of the reasons for this opposition is considered by Renato Janine Ribeiro (2017, pp. 54-55, our translation) in the following terms:

An unintentional mistake that draws my attention to human rights advocates is the fact that they, insensibly, let their noble cause be confused with advocating only the rights of victims of police action. Then, the concept ended up getting quite limited. This is what facilitates a harsh reaction to human rights, since the horrible sentence "human rights to human beings who are right" (which denies the right to a fair trial, even to know if the person is "right") until the expression I once heard talking to a taxi driver, who complained about the "human resources personnel" [...] who helped any outlaw as soon as she/he was arrested and neglected honest, good, law-abiding persons. [...] what seems to me a strategic mistake of militants of the cause is not to make public there are countless human rights, covering almost the whole range of what we are and do. Attention to this point becomes all the more urgent because the easiest mass to get convinced that human rights have been designed only for outlaws – and, therefore, to oppose them – consists in the poor, unemployed, vulnerable persons.

I take the liberty, within the scope of this article and given the objective impossibility of carrying out an accurate historical survey, to set as a symbolic landmark of this representation of human rights as the right of outlaws, in Brazil, the comment by the *Jornal do SBT* presenter, Rachel Sheherazade⁸, in January 2014. A young black man, recidivist in theft, was captured by a group of young men, who call themselves ‘punishers,’ after attempted robbery on a beach in Rio de Janeiro, and attached him to a pole using a bicycle chain, getting brutally beaten with a stick, everything recorded on cell phone cameras. The images circulated around the world, causing outrage and protest by human rights organizations. Then, during the editorial section of the *Jornal do SBT*, at night, the presenter said, among other things, the following:

The counter-attack on the outlaws is what I name as collective self-defense of a stateless society against a state of unlimited violence. As well as on the defenders of Human Rights who have pitied the little robber man stuck to the pole, I launch a campaign: do Brazil a favor, adopt an outlaw!

The phrase “adopt an outlaw” was widely shared on the social media, and the video reached a significant number of views, leading journalist Rachel Sheherazade to achieve the status of a major ‘opinion maker’ of right-wing groups, which took on a marked opposition to human rights, as these groups oppose many progressive achievements of the 19th century – including the UDHR itself (ONU, 1948).

However, it is worth highlighting, herein, how such a representation of human rights as something to be fought, since it ‘only advocates outlaws,’ has constituted a political flag nowadays, thus it has gathered considerable support, above all among youngsters, to the political platform of the then candidate Jair Bolsonaro. Luis Felipe Miguel (2018, p. 23, our translation), for instance, points out how such a representation joins the “campaign to lower the age of criminal responsibility” and the “criticism of social programs, which would encourage laziness and discourage self-effort.” How, then, can we see the ideological opposition of Bolsonism to human rights? How do its constituent elements interconnect? This is what I address in the next topic.

⁸ Who, after that, would appear like one of the most influential personalities exerting influence on the Brazilian right-wing, according to the study conducted by Messenberg (2017).

Constituent elements of Bolsonarism: *human rights to human beings who are right*

When his name was approved for the presidential candidacy by the PSL, in June 2018, the then Congressman Jair Messias Bolsonaro, a retired captain of the Brazilian Army, accumulated 30 years of parliamentary life, with a strong emphasis on a discourse of militarization as a solution to Brazilian problems, including a heated defense of the military regime established by means of a coup d'État, in 1964. During the voting phase to open an impeachment proceeding against former President Dilma Rousseff, from the PT, in April 2016, Bolsonaro pronounced his vote by using the following terms:

They lost in [19]64, they lost now in 2016. For the family and the innocence of children in the classroom that the PT never observed, against communism, against the São Paulo Forum, for the memory of Colonel Carlos Alberto Brilhante Ustra, the dread of Dilma Rousseff, for the Caxias' Army, for our Armed Forces, for a Brazil above all and God above everyone, my vote is "yes."

When uttering his yes vote to impeach Dilma Rousseff, the then Congressman Jair Bolsonaro lists the main elements of his worldview, his ideology: advocating the regime established by the 1964 civil-military coup; mention of a supposed 'gender ideology;' opposition to a supposed communism in action in Brazil; advocating the Armed Forces; and legitimizing appeal to a religious imagination that marks his *persona*⁹.

In March 2013, when the controversial Congressman Marco Feliciano, from the Partido Social Cristão (PSC), was chosen to chair the Chamber of Deputies' Human Rights Commission (Comissão de Direitos Humanos – CDH)¹⁰, Bolsonaro denied the significance of "Indians, blacks, whites, yellows, the poor" and claimed that the "main advocacy of the commission is children's advocacy," and, from that moment on, no "LGBT children's seminar, with people encouraging 5-year-olds to have sex with a same-sex partner," would be attended anymore. According to Bolsonaro, the CDH "wanted to inseminate the seeds of discord in families by prostituting children at schools." And he would close his speech by saying that the CDH did not advocate "neither Christianity or the family," and, chaired by Marco Feliciano, it "would no longer sponsor *the gay kit*" (Bolsonaro, 2013).

⁹ In the space of this article, it is not possible to trace a sample of Jair Bolsonaro's political career until he arrives at the 2018 electoral campaign. Such an analysis has been conducted by Rezende (2018), Kamradt and Di Carlo (2018), and Tible (2018). Herein, what we do is grasping the platform of the *candidate* Bolsonaro, not the political career of the *Congressman* Bolsonaro, and this only with regard to his opposition to human rights. A rather humble work, therefore, which requires the reader to resort to other studies having a broader corpus of analysis.

¹⁰ A significant study on this episode was conducted by Cunha (2014).

The following year, in February 2014, faced with the possibility of being elected to the presidency of the CDH, Bolsonaro would say the following statements:

Majority is one thing, minority is another. Minority has to shut up, bow to the majority. That is it. I do want to respect the majority, not the minority. When I speak of the death penalty, it stems from the fact that a minority of outlaws terrify a majority of innocent people [...] Seeking the age of criminal responsibility and advocating these outlaws as if they were persons excluded from society. They are not excluded, they are vagabonds. My commission will not have room to defend this kind of minority. [...] Seeking a way to tell society that it has been deceived by the Brazilian Disarmament Statute, which only disarmed it, this did not disarm outlaws [...] The human rights policy should be aimed at humans who are right, and not at vagabonds, outlaws, those living at the government's expense [...] Homosexuals are not demigods, the fact that a guy has sex by using his excretory organ does not mean that he is going to have the right of being better than others [...] Do we have to respect homosexuals? Indeed, they have to respect us, it's the opposite, it's the opposite [...] The Brazilian prisons are such a matter of wonder [...] There is no minority's defense here. Human rights are not about defending minorities. The best thing about Maranhão is the Pedrinhas prison (Bolsonaro, 2014a).

On December 9, 2014, at the Chamber's Plenary Session, the then Congressman responded to his parliamentary colleague, Maria do Rosário, from the PT, who had preceded him in the pulpit and delivered a speech on the occasion of the International Human Rights Day; Bolsonaro said, among other things, the following:

In Brazil it is the international day of vagabondage. Human rights, in Brazil, only advocate outlaws, rapists, bad guys, kidnappers, and even corrupts. The International Human Rights Day, in Brazil, only serves that purpose. This is in the people's mouths (Bolsonaro, 2014b).

At the CDH meeting held on October 16, 2015, which discussed police violence in the states, the then Congressman said the following:

I wanted to be the State's governor, and I would have the military police that would kill most people in that state. These individuals understand only one language: that of violence, that of blows and kicks [...] We have a terrible Constitution with regard to human rights. There is no death penalty here, the guy fears nothing.

As long as we have this idea, “wow, 60,000 people were killed,” I wanted to see 220,000 vagabonds killed homeless people [...] It’s a joke, people let a dove fly away in Copacabana [...] I wanted a commander to invite those who advocate peace to enforce land repossession. [...] Many of you just don’t care about the cop’s life. You should be ashamed to come here and talk about all this bullshit [...] If it’s not intended to shoot, you should hire an unarmed police. [...] If I ever have the power to do so, I will not have a penny for NGOs [Non-governmental organization], not a penny for any human rights agency. You are going to have to work, you will not depend on the misery of a military police officer or a civil police officer anymore. [...] Moderate use of force? What is it? To grimace? [...] You are not concerned with public safety, acting like young girls, acting like sissies to cope with organized crime (Bolsonaro, 2015).

On May 23, 2016, in the Brazilian Committee on Foreign Relations and National Defense (Comissão de Relações Exteriores e Defesa Nacional), when discussing the issue of child rights and punishment for pedophilia crimes, the then Congressman said there are problems settled by “*using fisherman’s knives*” and that “*human rights are my [balls].*” In the same year, in November, Jair Bolsonaro would post on his Twitter account the content reproduced in Figure 1 – shared by one of his sons, the Councilman Carlos Bolsonaro.

Figure 1 Bolsonaro and human rights.



Fonte: Congresso em Foco (2017).

The following year, a decision by Minister Carmem Lúcia, from the Brazilian Federal Supreme Court (Supremo Tribunal Federal – STF), suspended another previous decision that aimed to zero the essay writing test of candidates participating in the Brazilian National High School Exam (Exame Nacional do Ensino Médio – ENEM) whose contents violated human rights.

Bolsonaro's statements of marked opposition to what he sees to be the issue of human rights are innumerable, and it is not the purpose of this article to list one by one. The utterances transcribed already serve to demonstrate what the then Congressman could mobilize concerning the theme, which would be largely triggered as imagery by his voters, before and during the 2018 presidential campaign. Thus, the term *human rights* refers to a set of practices that might advocate bad guys, outlaws, land invaders, pedophiles, and prisoners, attacking policemen, on the one hand; on the other hand, they might encourage children's early homosexualization through the infamous 'gay kit;' finally, they would provide minorities with unacceptable privileges¹¹, among them the blacks assisted by affirmative action policies, the Indians. Therefore, he would have to oppose it all, especially in the name of advocating the *citizens who are right* (mainly policemen), the *traditional families*, and meritocracy. Thus, these would be the constituent flags of Bolsonarism as a political expression way. However, I think that the greatest emphasis, among the adherents of such ideologies, lies on the fact that human rights might serve only as protection for outlaws, something which requires two movements, expressed in the image of Bolsonaro: greater stiffening of legislation and greater militarization and weapons' presence in social life.

Three studies help understanding the constituent elements of Bolsonism, above all in the overt opposition to human rights, based on their representation conceived by the then candidate. The first one was conducted by Esther Solano (2018), in São Paulo city, by means of open-ended interviews whose aim was grasping the discursive arguments of a 'new right-wing,' grounded in support to the candidate Jair Bolsonaro. Identified as an honest candidate, who differed from the political class in general, Bolsonaro emerged to this group as the option of choice, with ready and effective responses to problems regarded as 'real' for the set of respondents, thus characterized by the researcher:

These groups, which are defined mainly as right-wing (31.4%), center-right-wing (17.4%), and conservative (47.3% very conservative, 34.4% somewhat conservative), responded to the questionnaire in a rather inconsistent manner (34.8% agree that same-sex union does not constitute a family, 48.6% think the school should teach religious values, 57.2% think feminism is machismo in reverse). The unit of answers lies on three issues: 1) punitivism (82.6% support

¹¹ Rancière (2014) accurately observes a dynamics of 'hatred of democracy,' above all with regard to rights granted to minorities, as a modality of contemporary political action.

an increased punishment to punish criminals, 84.6% support lowering the age of criminal responsibility), rejection of social programs and those aimed at redistributing income that characterize PT's terms in office (82.2% think that the Programa Bolsa Família encourages people not to work, 75.2% think that quotas are not a good measure) and, fundamentally, on anti-PT (84.8%). [...] Alongside these tensions, the never-solved public security problem always remains as an open doorway to right-wing groups. The lack of a competent response to this issue, during the PT's terms in office, leaves a punitive and demagogic right in charge of it, which insists on the drug war, the police-driven state, and the militarization of public security. As a major exponent of this policy, Rio de Janeiro's military intervention demonstrates how violence and insecurity are factors, which may be politically and electorally instrumented, indeed. On the side of a justice of the spectacle, we have the spectacle's security. Gowns or tanks on Brazilian TV stations. Judicial populism, militarist populism, both of them constitute huge risks for the good democratic courses (Solano, 2018, pp. 4-6, our translation).

Among the arguments mentioned by respondents to support Bolsonaro (attack on corruption, anti-politics, meritocracy, victimhood, Christian values, and antifeminism), two deserve attention by having the objectives of this article in mind: the issue of public security and the claim that 'human rights are designed to human beings who are right.'

Let us see the researcher's reflection on these two points, after presenting statements made by her respondents:

A widely recurring question in interviews is outlaws' victimhood. The thief became a victim. In a change of the social order, the 'good citizen' would be unprotected, the victim abandoned and the criminal overprotected by the State. A moralistic and binary worldview establishing a relation between bad guy and good citizen, which greatly simplifies social reality and reduces moralistic labels. Advocates of human rights are regarded as defenders of outlaws. [...] According to respondents, the police goes through a process of criminalization and constant persecution by the media and left-wing groups, as well as abandonment by the corporation's top management and by the State itself. The policeman has become a bad guy and she/he can no longer do her/his job, something which ends up leading to an increase in crime. [...] Faced with this, Bolsonaro's responses convince: tough hand, discipline, jail, lowering the age of criminal responsibility, increased penalties in the Criminal Code, life imprisonment, weapon possession, providing the police with much more power and protection, bringing the outlaws' victimhood to an end (Solano, 2018, pp. 12-14, our translation).

It is impossible to deny the interconnection between Bolsonaro's discourses transcribed at the beginning of this section and the respondents' arguments analyzed by Solano (2018). Victimhood, police action advocacy, outlaws' advocacy, weapon possession: these and other expressions among the dearest ones for Bolsonarism are observed there. Ideas announced and sustained over time become ideology now, a belief system legitimizing the vote choice. The possibility that such ideas become a reality, as we have seen, stemmed from the figures of urban violence¹², above all in the last years of PT's terms in office, legitimizing the discourses of party's accountability for the insecurity atmosphere in the country, which Bolsonaro have managed to put into practice.

The concrete experience of people leads them to rethink punitiveness as a process of outlaw's dehumanization. Some respondents are in favor of a vengeful punishment and a dungeon prison, but this is not a consensus, especially among those who have family or professional experience with the Brazilian prison system (Solano, 2018, p. 14, our translation).

Another significant study addressing the universe of Bolsonism was conducted by Rosa Pinheiro-Machado and Lucia Scalco (2018), with youngsters from Porto Alegre city who, after participating in the so-called 'teens' little rides' (rolezinhos), showed an affinity with Jair Bolsonaro's ideas, especially because he represents the image of a 'strong man.' Also highlighting the violence experienced by these youngsters, the authors conclude the following:

All of our interlocutors men, teenagers, or young adults, either suffered attempted robbery or had already been robbed on public transportation to and from school/work. Marcelo (19), one of the most enthusiastic teenagers towards the image of Bolsonaro, narrated a robbery in which he had a gun pointed at his head, begged for his life, and gave his cell phone to the thief. He passively gave his only good, which had cost him some months working as a baker's apprentice – and this seemed to be quite unjust and revolting. But besides giving an object that he loved, Marcelo also felt in a situation of vulnerability and humiliation. By means of stories like this, the image of Bolsonaro emerged in talks. When the theme was public security, the youngsters talked about the candidate with much interest and being aware of his actions and proposals. They were angry at a criminal and prison system they regarded as weak and respected by no one: "laws are weak and no one respects it," "outlaws know that nothing will happen

¹² Rezende (2018) and Teles (2018) also establish a relationship between the rise of Bolsonaro and the insecurity atmosphere then experienced in the country.

to them” – these are some of the sentences often repeated. With the same thematic line, the strongest subject-matter among male Bolsonaro sympathizers from the shantytown, either young or not, was the belief in authorization to carry weapons. This is a theme that always aroused heated discussions between those who, on the one hand, saw in their weapons the possibility of defending themselves and, on the other hand, the few that think that might lead to a civil war to be combined to the police’s daily violence. Among those who advocated the population’s weapon possession, there was the idea that it would not be a simple permission process – individuals would have to undergo psychological tests, for instance – but knowing that the population could defend itself might inhibit robbers’ action. It is worth recalling, however, that this issue cannot be considered a novelty, since the weapons’ symbology has been a central theme in the studies on male *éthos* and in the making of the image of ‘super macho-man’ from the outskirts where the drug trafficking rationale prevails. Bolsonaro’s military image also aroused deep admiration. No teenager interviewed advocated a return to dictatorship, but they regarded values such as ‘firm grip,’ ‘order,’ ‘discipline,’ ‘strong hand,’ and ‘authority’ as being significant during the national crisis. While every boy stood up against torture and censorship, including critics of police action in the slums, they saw in the military man’s image a kind of ‘last resort,’ that is, figuratively, a call for help coming from youngsters who were once taken by discouragement. That is the case of Rique (21), nicknamed ‘*nem-nem*: neither studies or works.’ He spends the day between his household and the Universal Church he attends. God and Bolsonaro, according to him, are two ways of salvation from an unworthy life. Luis (19, a student attending a popular university entry test preparation course), who had already been robbed downtown, thinks that the shantytown has many positive top-down rules defined by the drug traffickers, he admires it, because this is a safe region in the city: “what the drug dealers do here, for instance, saying what is right and what is wrong; that is what Bolsonaro is going to do in the Country” (Pinheiro-Machado & Scalco, 2018, pp. 9-10, our translation).

Finally, the research conducted by Isabela Kalil (2018), with a group of 16 supporters of the then candidate, in São Paulo city, by means of interviews and field observation during campaign events, shows some equally relevant data. The first of them is self-identification of these voters as ‘good citizens,’ as opposed to the other pole, occupied by ‘outlaws,’ ‘corrupts,’ and ‘PT militants.’ These citizens “claim that corruption and impunity are Brazil’s greatest problems,” and, concerning them, the expression “human rights for human beings who are right” summarizes that “the State acts only in a rather brute manner or it violates the rights of those who are not ‘good guys’”(Kalil, 2018, p. 14, our translation). Moreover:

Faced with the issue of violence, they see a solution in authorization to carry weapons, because they believe that citizens should be able to defend themselves and also to put justice into practice when needed. Justice, in this sense, is regarded as the ability to defend from 'outlaws,' but also to defend against potential abuses by the State itself, especially those committed by a communist dictatorship or a left-wing authoritarian government (Kalil, 2018, p. 14, our translation).

Final remarks

We began our reflection by highlighting the emergence of human rights and their realization as conditions to build the modern democratic rule of law. We even assumed that such rights were an existing condition of democratic regimes, following the interpretive rationale of several social scientists, especially Santos (2013), to point out a tendency to consolidate such rights as, first and above all, democratic achievements. So, how could we classify a Brazilian political regime that, possibly initiated and legitimized during the last election, empowered Jair Bolsonaro's anti-rights speech, elevating him to the position of the Brazilians' president? Are we, thus, faced with the empowerment of such a discourse as a grammar to structure social and institutional relations in Brazil in the coming years?

We may accurately claim that, just as democracy itself, reestablished during the second half of the 1980s, still presents shows up as only 'hardly begun,' always being under construction, in progress, and the same occurs with regard to human rights, a condition to put democracy into practice. The boast may be even greater if we take into account a new modality of state, no longer democratic, but post-democratic (Casara, 2017), whose main goal is precisely the lack of guarantee of rights that oppose the interests of big money, companies (human rights, above all), having as its most visible facet the legitimacy of a criminal-driven State, increasingly concerned with bringing 'excessive rights' to an end, just as observed in the semantic corpus of Bolsonarism.

Thus, after the years that the PT was in office, a party that officially addressed the agenda of these rights, we witnessed the legitimation, via ballot boxes, of a political platform that overtly opposes these rights, we can glimpse Brazil's entry into a new era of putting the legitimacy of such rights into question, as a laboratory of the post-democratic facet in the international politics field. So, as Ribeiro (2017) pointed out, there is an urgent need for a crucial change in tactics taken by human rights advocates, which manages to get rid of the image they would only advocate outlaws, increasingly weakening the idea that *human rights are designed to human beings who are right*.

References bibliographical

- Almeida, W. (2009, julho). *A estratégia de políticas públicas em direitos humanos no Brasil no primeiro mandato Lula (2003-2006)*. Trabalho apresentado no 21st IPSA World Congress of Political Science. Santiago, Chile.
- Bolsonaro, J. M. (2013, 8 de março). *Bolsonaro e a nova Comissão de Direitos Humanos* (Arquivo de vídeo). Recuperado de <https://www.youtube.com/watch?v=R87dhAeLzx8>
- Bolsonaro, J. M. (2014a, 13 de fevereiro). *Jair Bolsonaro fala sobre a comissão dos direitos humanos* (Arquivo de vídeo). Recuperado de <https://www.youtube.com/watch?v=mdUSEQw-SxI>
- Bolsonaro, J. M. (2014b, 9 de dezembro). *Dep. Jair Bolsonaro (PP) rebate a Dep. Maria do Rosário sobre discurso dos direitos humanos* (Arquivo de vídeo). Retrieved from <https://www.youtube.com/watch?v=5bquCfAxMDg>
- Bolsonaro, J. M. (2015, 16 de outubro). *Jair Bolsonaro e a Comissão dos Direitos Humanos!* (Arquivo de vídeo). Retrieved from <https://www.youtube.com/watch?v=JzQuekwCnsg>
- Casara, R. R. R. (2017). *Estado pós-democrático: neo-obscurantismo e gestão de indesejáveis*. São Paulo, SP: Civilização Brasileira.
- Congresso em Foco. (2017, 5 de novembro). *Em meio à polêmica do Enem, Bolsonaro chama direitos humanos de “esterco da vagabundagem”*. Recuperado de <https://congressoemfoco.uol.com.br/especial/noticias/direitos-humanos-e-%E2%80%9Cesterco-da-vagabundagem%E2%80%9D-diz-bolsonaro/>
- Cunha, M. N. (2014). O lugar das mídias no processo de construção imaginária do “inimigo” no caso Marco Feliciano. *Comunicação, Mídia e Consumo*, 10(29), 51-74.
- Estadão Conteúdo. (2019, 2 de janeiro). *Fala de Bolsonaro sobre ‘livrar’ o país do socialismo repercute no mundo*. Retrieved from <https://epocanegocios.globo.com/Brasil/noticia/2019/01/epoca-negocios-fala-de-bolsonaro-sobre-livrar-o-pais-do-socialismo-repercute-no-mundo.html>
- Jatobá, E. (2017). O cuidado para não jogar a água, a bacia e a criança. In J. Medeiros, & G. Maringoni (Orgs.), *Cinco mil dias: o Brasil na era do lulismo* (pp. 207-214). São Paulo, SP: Boitempo.
- Kalil, I. O. (Coord.). (2018, outubro). *Quem são e no que acreditam os eleitores de Jair Bolsonaro*. Retrieved from <https://www.fespsp.org.br/upload/usersfiles/2018/Relat%C3%B3rio%20para%20Site%20FESPSP.pdf>
- Kamradt, J., & Di Carlo, J. (2018). Bolsonaro e a cultura do politicamente incorreto na política brasileira. *Teoria e Cultura: Revista do Programa de Pós-Graduação em Ciências Sociais da UFJF*, 13(2), 55-72.
- Matteucci, N. (2016). Direitos humanos. In N. Bobbio, N. Matteucci, & G. Pasquino (Orgs.), *Dicionário de política* (13a ed., pp. 353-355). Brasília, DF: Ed. UnB.

-
- Messenberg, D. (2017). A direita que saiu do armário: a cosmovisão dos formadores de opinião dos manifestantes de direita brasileiros. *Revista Sociedade e Estado*, 32(3), 621-647.
- Miguel, L. F. (2018). A reemergência da direita brasileira. In L. F. Miguel (Org.), *O ódio como política: a reinvenção da direita no Brasil* (pp. 17-26). São Paulo, SP: Boitempo.
- Organização das Nações Unidas. (1948, 10 de dezembro). *Declaração Universal dos Direitos Humanos*. Retrieved from https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/por.pdf
- Pinheiro-Machado, R., & Scalco, L. M. (2018). Da esperança ao ódio: juventude, política e pobreza do lulismo ao bolsonarismo. *Cadernos IHU Ideias*, 16(278), 3-13.
- Rancière, J. (2014). *O ódio à democracia*. São Paulo, SP: Boitempo.
- Rezende, R. (2018). Jair Bolsonaro, populismo de derecha y fin de ciclo político. *Revista Política Latino Americana*, 7, 1-15.
- Ribeiro, R. J. (2017). *A boa política: ensaios sobre a democracia a era da internet*. São Paulo, SP: Companhia das Letras.
- Santos, B. S. (2013). *Se Deus fosse um ativista dos direitos humanos*. São Paulo, SP: Cortez.
- Santos, B. S., & Chaui, M. (2013). *Direitos humanos, democracia e desenvolvimento*. São Paulo, SP: Cortez.
- Soares, L. E., & Guindani, M. K. (2017). Direitos humanos nos governos do PT. In J. Medeiros, & G. Maringoni (Orgs.), *Cinco mil dias: o Brasil na era do lulismo* (pp. 191-206). São Paulo, SP: Boitempo.
- Solano, E. (2018). Crise da democracia e extremismos de direita. *Análise*, 42, 1-29.
- Teles, E. (2018). A produção do inimigo e a insistência do Brasil violento e de exceção. In L. F. Miguel (Org.), *O ódio como política: a reinvenção da direita no Brasil* (pp. 65-72). São Paulo, SP: Boitempo.
- Tible, J. (2018). Estamos todos en peligro: razones y perspectivas de la victoria electoral autoritaria en Brasil. *Revista Política Latino Americana*, 7, 1-26.

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