



“Human rights” in dispute: State violence and demands for justice in a comparative perspective

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LUCÍA EILBAUM* 

Abstract

This paper proposes a reflection on the “human rights” category, as a native category, endowed with local and specific meanings. Therefore, it utilizes a comparative perspective by contrast on the uses and meanings of the “state violence” category and the building of processes demanding justice in Rio de Janeiro, in comparison to Buenos Aires. Specifically, it focuses on the ethnography produced after the murder of Rio's alderwoman Marielle Franco, to propose the notion of “attack on human rights”, showing how the category has been built through an antagonistic logic in Rio de Janeiro.

Key words

Human rights; state violence; demands for justice; ethnography

Resumen

Este artículo propone una reflexión sobre la categoría “derechos humanos” en cuanto categoría nativa, dotada de sentidos locales y particulares. Para ello, se vale de una perspectiva comparada sobre los usos y sentidos de la categoría violencia de estado y sobre la construcción de los procesos de demanda por justicia en Brasil en contraste con Buenos Aires. Específicamente, se detiene en la etnografía producida a partir del asesinato de la concejala carioca Marielle Franco para proponer la noción de “embate a los derechos humanos”, demostrando cómo la categoría, en Río de Janeiro, se ha ido construyendo a través de una lógica antagónica.

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* Professor of Anthropology at the Federal Fluminense University. Coordinator of the Research and Study Group on Anthropology of Law and Morality (GEPADIM), at the same university and researcher of the Institute of Science and Technology in Comparative Studies in Conflict Management (INCT-InEAC). Email address: luciaeilbaum@yahoo.com.br

Palabras clave

Derechos humanos; violencia de estado; demandas por justicia; etnografía

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1. Introduction

On 14 March 2018, around nine o'clock at night, a woman for the town of Rio de Janeiro in Brazil, Marielle Franco, was brutally murdered with at least eight shots, in a neighbourhood near the city centre. The official car that drove her from a work-related appointment to her home was intercepted by another vehicle, from which the shots were fired. The shots also killed the driver, an employee of the city's legislative branch, Pedro Anderson Gomes. Several acts and demonstrations followed the shooting, organised in public spaces, demanding justice and in memory of the victims.

A week later, on 23 March, in one of the same squares in the city centre, where some of the demonstrations were held, another act was organised under the slogan “For dead police officers”. The march's agenda included support for the military intervention, in force in the state of Rio de Janeiro at the time,¹ the so-called “slaughter law”,² for the reduction in the age of criminal responsibility and firearm carrying permits for civilians.

Based on the ethnography on these two demands,³ this paper proposes to reflect on the relation between institutional violence and demands for rights and justice. The argument proposed is that the relation between the two types of events⁴ is based on an antagonistic logic, which as I will try to show, is organised around a dispute of meaning vis-à-vis the “human rights” category.

As the two demands are deployed in the public arena, it is important to point out that I see it as a moral space and not based on a supposed geographical, physical or administrative definition. That is, I understand that it constitutes a space for the collective attribution of values and interests, whether consensual or antagonistic (DaMatta 1987/1997, p. 15). This also accounts for the placement of a public space as the scenario of permanent disputes and tensions, as I will show through the ethnography, to define the “correct” ways to use it to face the “other” particular forms of occupation, interpretation and imposition, not only of rules, as pointed out by Roberto Kant de Lima (1999), but also of moral values.

Along these lines, I begin by discussing the notions of police violence and demands for justice. To provide better foundation to my arguments, I use a comparison perspective by contrast, in relation to the possible utilisations of these categories in Argentina,

¹ The intervention was a measure decreed on 16 February 2018 by the then president, Michel Temer. This meant that public security agencies of the Rio de Janeiro state were under federal command and had to follow orders from an army general, appointed as intervenor.

² “Slaughter law” was the nickname given to Draft Bill 352/2017, which proposes a change to the Penal Code, with a view to ensuring that the use of weapons by security agents against people bearing illegal and visible firearms, be interpreted as “self-defence”.

³ The fieldwork was based on the participant observation of these acts and others public events related to both demands, on the analyses of social networks and media material since the murder of Marielle Franco, and on the participant observation in events at the State Legislative Assembly since 2018. It's also important to mention that since 2016 I have been conducting ethnographic research with families of victims of state violence.

⁴ The distinction offered by Marshall Sahlins between event and occurrence is used as reference. According to Sahlins, “(...) [a]n event is not just an occurrence in the world, it is the relationship between an occurrence and a given symbolic system (...). [Thus] events cannot be understood separately from their corresponding values: it is the meaning that turns a simple occurrence into a fatal situation” (Sahlins 1990, p. 191).

especially in Buenos Aires.⁵ The comparative perspective is based more on the contrast and differences than on the similarities in social processes observed in such places, groups and/or differing times (Barth 2000, Amorim *et al.* 2005). That is to say that I'm interested on these elements that allow me to interrogate about the social processes in local and particular places and not on establishing a social and universal theory about the use of those categories. Then, I present the ethnography on the events mentioned at the beginning of the paper, analysing the antagonistic logic from which they were established. Finally, I propose a discussion on the disputes and antagonistic views that frame the "human rights" category in Brazil, particularly in Rio de Janeiro. As I hope it has become clear in this introduction, the perspective adopted for this reflection is based on an anthropological and ethnographic approach to human rights (Caldeira 1991, Peirano 1998, Nader 1999, Fonseca 1999, Tiscornia 2000, Eilbaum *et al.* 2019). This means that I am interested in the local, social and political context of its enunciation and use. This also means that I will not focus on a normative, legal or philosophical perspective that has been very productive on analysing this issue.⁶

2. Police and state violence

I base my reflections on the understanding that the violence category, particularly police or state violence, is "rooted in specific historical processes, which are the ones that provide shape and place to institutions, practices, memories and players" (Tiscornia 2000, p. 52). This means understanding that there are no acts or practices *per se*, defined as violent beforehand, but that the attributes and effects assigned to them will be decided according to specific political and legal traditions, as well as to particular situations, depending on the social and moral classification of the players involved in a certain context. An understanding born out of the analysis of various ethnographic cases (Eilbaum 2008, 2012, Eilbaum and Medeiros 2015), which also leads us to a similar approach of the memory and justice demanding processes, providing for the local ways upon which they are built, the categories and languages they mobilise and their eventual legitimisation.

"Police violence" is a native category in Brazil, driven by social movements and non-governmental organisations that report and fight against violent acts committed by public agents. "State violence" is another category used, seeking to broaden the spectrum on one hand, of the perpetrators/defendants (military and civil police officers, prison agents, army personnel) and on the other, of the responsibility attributed not only to individual agents, but also to the institutions they represent and their senior managers. At the same time, the category also opens the field of responsibilities, not to just this or that administration, but to broader social and historical processes, essential to understanding the issue of the exercise of this violence and how it became natural in Brazil, like structural and institutional racism. In contrast, it is interesting to mention that "state terrorism" is another category used by social groups. However, in this case, it does not refer to the dictatorship period (1964–1985), but to a lasting broader and continuous state violence policy being exercised.

⁵ This paper is the product of years of research, work and reflection in the field of human rights, with especial focus on the institutional violence issue (Eilbaum 2004, 2008, 2012, Eilbaum and Medeiros 2015, 2016).

⁶ This approach would have led me to refer to another bibliography that I will not discuss in this article.

From that point, the proposition is to present a series of contrasts, based on reflections produced by Argentine researchers in relation to the trajectory and uses of the “institutional violence” category in that country. First, by rebuilding a certain genealogy of the category, these reflections point out its origin as a “local political category”, born out of action and incidence of human rights movements and initiatives from police violence victims from the 80s and 90s (Tiscornia 2017, Pita 2017). Both anthropologists point to the progressive successful consolidation of the use of this category at the political level. As María Pita states:

In Argentina, the notion of institutional violence is the result of work in human rights activism, as well as public policies aimed at their investigation and sanction – it has reached social legitimacy and the power to offer public challenge, which have turned it into a type of talisman, capable of offering visibility and respectability to demands for justice. (Pita 2017, p. 52)

Based on this, Pita also points to a consolidation process as an analytical category, which associated with “experience-near” knowledge of social movements, allowed for expert erudition to be produced, which in turn, legitimised, systematised and expanded its use and reach. In the author’s words:

The interesting point to argue here is that this notion, at least in its initial formulation process, sought to become a conceptual tool, with descriptive classifying power that – with the capability of synthesis – will transcribe state violence in a condensed way. Hence, institutional violence is built as a category capable of accounting for one of the ways in which state violence takes shape (namely, police and penitentiary related brutality). But those who intervened in its production, articulating knowledge, gathering experiences and testimonies, litigating, recording, systematising and analysing facts, events, practices and routines tried to ensure that it was not just a sociological or analytical category. That is, an active effort was made to build a category that at the same time was a descriptive appointment with political value, with power to intervene in the public debate, influence in the development of arguments and even put together an agenda. (Pita 2017, p. 61)

It is this double characteristic, as well as the strength of legitimacy and power – the “talisman” – where I believe lies the first contrast with the related categories mobilised in Brazil. There, as mentioned earlier, “police violence” and “state violence” come up essentially as native categories, triggered by social movements that challenge the state’s abusive action. In that sense, if it is true that it stands out as a political category to build and define these groups’ struggle, it does not seem to have been consolidated as an analytical or conceptual category in the field of public security, justice and human rights. In another paper, a proposition was made along those lines (Eilbaum and Medeiros, 2015), stating that rather than an empirically available social phenomenon, police violence should be considered as an accusation category, which defines certain physical aggression acts carried out by the police as violent, while others contest this classification and/or escape it. Based on this central idea and the first differences identified in relation to Argentina, other possible contrasts are seen that help us understand the local meanings and reach of these categories, in the researched and later described context in Rio de Janeiro.

Secondly, institutional violence in Argentina, as stated by Tiscornia (2017, p. 27), immediately tried to detach itself from the field of violence and political repression,

particularly the one identified with the last military dictatorship. In this regard, as Perelman and Tufro also point out:

In the universe of state violence, talking about institutional violence implied signalling a series of phenomena, different from those seen in state terrorism. In the 80s and 90s, while the work of reporting and seeking justice for crimes committed during the dictatorship continued, some human rights organisations began working on the fundamental rights violations that took place at that time (...). 'Institutional violence' gained brawniness as a political category, capable of pointing out some of the structural patterns of human rights violations in democracy. At the beginning of democracy, the category enabled the new outlining of a field with specific political, police and legal problems, drawn from the general inheritance of authoritarian practices from the dictatorship and distant from the totalising notion of 'illegality'. (Perelman and Tufro 2017, p. 4)

However, as mentioned earlier, the term "state terrorism" is often used by social movements in Brazil to refer to phenomena also classified as police or state violence. This reference seems to highlight the political nature of this violence and its relation to broader historical processes, such as slavery and racism. This level of meaning association is where social movements define, report and expose the systematic cases of violence by the state, like "massacre" or "genocide". In the latter, emphasising the systematic annihilation of the black population.⁷

Thirdly, Perelman and Tufro (2017, p. 2) suggest that the institutional violence category in Argentina, starting in the 2000s, reached "massive use", that is, expanded from human rights organisations and victims of police violence to not only academic researchers, but also mass media and political players. Actually, it was coined by and for several public policies⁸, aspect not seen in Brazil. There, as mentioned, its use was more limited to social movements and in that case, to political agents linked to these movements, which in recent years, have been elected for legislative office. There will be the opportunity to explain this last process in more detail, through the ethnography of the Marielle case. Nonetheless, it is interesting to notice that publicly produced statistics choose "police intervention homicides – or deaths", not necessarily explaining the quality of the violence or illegality of the action.

Then, possibly the most relevant aspect to the argument presented here is that in Argentina, the institutional violence category has had human rights as a horizon. Indeed, it has successfully and soundly consolidated, and legitimated itself based on this.

Thus, it is understandable that a great part of the work against human rights violations in the country, is associated and linked directly to formulations against institutional violence. And as mentioned before, the fact that this notion bears value and legitimacy is the result of a long political process, which involved simultaneous interventions –

⁷ In the state of Rio de Janeiro, 9 out of 10 homicides caused by police intervention, lethally victimises black people, according to data from the Public Security Institute, put together by the Urban Security Observatory (CESEC) (Ramos 2020). Generally, out of the total of homicides nationally, 75.5% of the victims are black and this percentage has actually increased in the last year, according to the *Violence Atlas 2019*; see Cerqueira *et al.* 2019.

⁸ Sofia Tiscornia (2017, p. 26) mentions the National Campaign against Institutional Violence, the creation of the Prosecutor's Office against Institutional Violence (PROCUVIN) within the framework of the Prosecution Services, municipal programmes and social organisations" and finally, a tribute to the National Day for the Fight against Institutional Violence.

that turned out to be synergistic – by the human rights movement, social and political organisations, lay and expert activists from the mainstream and institutional sphere through demonstrations, protests and collective action, as well as litigation and debate. The systematic work of all these social players and the sum of their wills and different political powers have managed to install – despite the onslaught of campaigns in favour of security based on law and order – the issue of institutional violence as a public cause, is to say it is a type of social fact, which openly places and sustains reports of injustice and of human rights violation. (Pita 2017)

In its turn, this inscription is related to the possibility of relating and associating complaints about cases of institutional violence in a democratic regime, with human rights related demands arising from violations from the dictatorship era. In the words of Tiscornia,

[the similarities] they enabled to transfer this violence by security forces to people who were not persecuted for their political convictions or their social militancy. By transferring, I mean registering it as a type of action that could be expressed as a human rights violation. Not for political reasons, but because they were committed on human beings. And this violence was committed by the State through its institutions. (Tiscornia 2017, p. 29)

This last point seems central to establish a contrast with Brazil and thus, better understand the meanings given to “state violence”, as I maintain that the human rights category itself – and the argument also includes institutional violence – is criss-crossed by strong disputes. I will try and show this argument based on the notion of “attack on human rights” and several controversies inherent to that category, and processes demanding justice and memory. As the argument will show, these controversies do not only compete for visibility and legitimacy in the public arena, but also for the actual status of “humanity” of the subjects and groups involved (Fonseca and Cardarelo 2005, Fassin 2007, Eilbaum and Medeiros 2015).

3. Demands for justice and memory

Differences also characterise the field of demands for justice and memory. In Argentina, it can be said that there is an important social mobilisation tradition in terms of rights claim. Indeed, in the area analysed here, this has also been reflected in the production of several ethnographies on social movements and groups, which engage in all forms of activism in the public arena, either in relation to demands for “memory, truth and justice” for crimes committed during the dictatorship (Vecchioli 2000, 2001, Catela 2001a, 2001b, Tello 2003, Sanjurjo 2016, 2018), or vis-à-vis the efforts of relatives of institutional violence victims (Gingold 1997, Tiscornia 2008, Pita 2010). In Brazil – particularly in Rio de Janeiro –, the continuity between the “fight” for justice and memory in relation to the dictatorship, and the one linked to “police violence” cases is being incipiently fostered by the interaction of social movements, claiming that groups currently killed by “state violence”, were also victims of the military dictatorship, despite not having been acknowledged by many official memory and reparation policies.⁹ Hence, more than marking a similarity between the groups from one period or the other, it strives to

⁹ For this discussion see Pedretti 2017 and García 2019. Desireé Azevedo’s (2018) ethnography on the movement by relatives of people who were killed or went missing, for political reasons, during the dictatorship (1964–1985), should also be mentioned.

acknowledge the continuous and lasting violence suffered by the poor, black and indigenous population.

Particularly for Rio de Janeiro, several papers on groups and networks made up by relatives of victims of “police” or “state violence” should be mentioned (Birman and Leite 2004, Farias 2005, 2014, Araújo, 2007, 2014, Soares *et al.* 2009, Vianna and Farias 2011). In both countries, the papers mentioned have discussed common issues, like ways of organising and mobilising, the consensus and disputes within groups, demands and tensions vis-à-vis the state and its agencies, the strength of blood ties, the understanding of struggle and mourning, pain and suffering, memory and reparation.

Based on the suggested table on possible contrasts and peculiarities of category meanings and its uses, which seem core to this paper, an attempt will be made to put together an ethnography from reflection on the notion of “human rights” itself. This will be founded on the supposition that we are addressing a polysemic category, rooted in local practices, institutions and traditions (Tiscornia 2000, Fonseca and Cardarello 2005). In other words, the “human rights” issue is addressed as a field of struggle and disagreement of meanings, pointing out the tensions between different and often contradictory, moral and political grammar forms.¹⁰ An ethnographic perspective shows the challenges and tensions faced by the uses of this category in specific events. Thus, the proposition is to think of these tensions in contexts, where the “human rights” category is driven by specific groups that register their reports and demands vis-à-vis “police violence” in the public arena.

4. Marielle and Anderson, here!

On the same night Marielle and Anderson were killed, groups of people gathered in front of the place where Marielle had attended a work-related activity, lit candles and took part in a vigil. The next day, in Cinelândia’s central square, hundreds of people followed the arrival of the bodies and kept vigil over them, at the city’s Legislators Forum. Later in the afternoon, a crowd gathered in front of the State Legislative Assembly, in another central square. A week later, another demonstration was organised at the Maré Favela, where Marielle was “born and raised”. The favela is located in the city’s north zone and is surrounded by fast expressways. With that act, the favelas voiced their demands for Marielle and Anderson; for the “end of the military police” and “no to the intervention, not on our behalf”. On 2 April, at dusk, in various scattered parts of the city, the country and the world, candles were lit in memory of Marielle and Anderson, for young people killed in other institutional violence events and “so that no one else dies”.

A month after the murder, squares, streets, overpasses, stations and terminals were re-designed in homage to them with posters, graffiti, flowers, drawings, images and phrases about their struggle (<https://www.facebook.com/events/194246874524960/>). That same day, at the same time of the event, a large demonstration walked the way

¹⁰ Inspiration was also taken from Claudia Fonseca and Andrea Cardarello (2005, p. 10), who analyse “human rights” founded on the idea of a “discursive front”, with a view to emphasising, not their abstract and out of context form, but their particular consequences, which depend on power relations established in specific historical contexts and expressed in precise semantic categories, product of negotiation between various interest groups.

travelled by Marielle and Anderson’s car, until it was intercepted. At the sound of songs and drumbeats, a big flag was raised by several people, while they shouted a cry that has been replicated in several successive events:

Marielle, here

Today and always

Anderson, here

Today and always

That day and for several others, the news of Marielle and Anderson’s execution seemed hard to believe. Marielle’s big smile, lively look, active voice echoed and was reproduced in images and videos, posted on social networks and other channels. The events and mobilisation efforts mentioned here, together with other initiatives, are being dedicated to the building of a memory of Marielle as a model and her story.

Marielle was elected alderwoman for the Socialism and Liberty Party (PSOL) in the city of Rio in 2016. She was the fifth most voted politician for such position in that election, with over 46 thousand votes. Marielle was a black woman from the *favela*, whose mandate was founded on ensuring the rights of women, the black and LGBT population, of people from *favelas* and informal workers. She took direct and active part in reporting abuse committed by the police, as well as by “militia” groups.¹¹ For years, she had taken part in this struggle, closely following the relatives of victims of state violence, providing reporting, support and protection channels.

Marielle was not just a representative, she was the living voice of those who recognised themselves in her and in her struggle. This is the case of organisations made up by relatives, especially mothers, who liaise and mobilise around the complaint of police violence. In that sense, the association of Marielle’s murder with executions and deaths by police intervention of other young people – “so that no one else dies” – reveals that the uniqueness of her killing is no exception in a democratic rule of law. On the contrary, due to the visibility and repercussion it has reached in the public arena, her murder shows rationality and moral values that guide the actions of state bureaucracies and their agents, in relation to “human rights”, as will be addressed at the end of the paper.¹²

5. The “attack” on human rights

According to a category in the actual field itself, the so-called “attack on human rights” scenario is not only getting worse in terms of rights violations and assailment,¹³ but is also in a discursive dispute process over the notion of the “human rights” category, problematising on the meanings and legitimacy of its claims. As will be shown, this

¹¹ According to José Cláudio Souza Alves (2019), in Rio de Janeiro, the “militias” came about in the 60s, as extermination groups made up by police and other security agents, who acted as assassins for hire. From the 2000s, as criminal organisations, the militias began acting in areas, fighting over the control of drug trafficking, but at the same time, they established a power structure based on the collection of fees, sale of services (cable TV, cooking gas) and urban goods, such as water and land (Simões 2019).

¹² As a reference, in 2019, in Rio de Janeiro, 1,810 people died from police intervention. In 2018, the year of Marielle Franco’s murder, the total number was of 1,534 people, according to data from the Public Security Institute, put together by the Urban Security Observatory (CESEC) (Naidin 2020).

¹³ According to an Amnesty International report, between January and August 2018, 57 human, social and environmental rights defenders were killed.

attack is guided by an antagonistic logic, where the blows do not seem to be governed by an advocacy of arguments and endeavour for consensus, but by the dispute of difficult conciliation prospects.¹⁴ We shall return to the case of Marielle's execution and then, point out some effects.

If, as described in the previous point, Marielle's execution shows and expresses the systematic violation of human rights, it also became an attack. On the one hand, defamatory comments were made about the alderwoman and her story. They stated that Marielle was the ex-wife of a drug dealer; that she had been elected by a criminal organisation; that she smoked pot; that she had her daughter at age 16; that she defended "criminals", were all pieces of information disseminated on social networks (see <https://www.mariellefranco.com.br/averdade>) and some of them replicated in comments by people from the city. The information, which also carries a sexist and macho perspective, established an association between Marielle's political activities, an alleged defence of criminals, as opposed to defending police officers.

Other voices also emerged in virtual fora to attack the mobilising efforts in relation to Marielle's death, criticising these people, saying that they did not get together to protest when police officers or other people were killed "by the hands of crime". In that regard, as mentioned at the start, the public arena was the scenario for this attack, with the staging of an act crying out "For the dead police officers".

This culminated in a brutal action, when during the election campaign, the then representative candidates for the current ruling party, broke the sign of a street named after Marielle Franco in half, lifting the broken parts to the clamour of their followers. The candidate who would become the elected governor of the state of Rio was standing next to them. In turn, this episode led to the quick printing of a thousand signs, handed out and raised in a public act. However, the attacks continued and one of the candidates, already as an elected representative, with the highest number of votes in Rio de Janeiro, framed the sign in his office and shows it off at every interview he gives.

It is important to mention that in the legislative field, three black female representatives were also elected in these same elections, all belonging to the party Marielle was a member of.¹⁵ All of them linked to Marielle's background and whose campaigns, were guided by the continuity of her struggle, under the slogan *Marielle seeds*. In this parliamentary arena, demands for Marielle's memory face a stage of struggle and confrontation in many steps.¹⁶

After this striking blow, the advances reached by the case's investigation proved to be relevant. A year after the death of Marielle and Anderson, on the eve of the act, which

¹⁴ Along these lines, I have also referred to the "controversy" category, in the sense attributed by Bruno Latour as issues that do not produce consensus, on which players do not agree or agree to disagree (Venturini 2010). However, based on the "attack" native category, an attempt is made to emphasise not only the local meaning, but the element of antagonism, in the extent of violence, which seems to dominate the "human rights" related controversies in Rio de Janeiro.

¹⁵ Representatives Dani Monteiro, Renata Souza and Mônica Francisco, from PSOL/Rio de Janeiro.

¹⁶ It was common for Marielle's signs to be displayed in legislative sessions. In addition, it was decided that the Tiradentes Medal (2018) and the Dandara Award (2019) would be given to her. In the first case, the only representative to vote against it was Flavio Bolsonaro, member of the ruling party, claiming that Marielle "advocated for an ideology contrary to his" (Teodoro 2019).

would recall the murders in the central square, the news that two suspects of the crime had been arrested was released. Two military police officers, one retired and one still in service, were arrested as the shooter and driver, respectively. The news linked them to a group of militia people, who were being investigated for other crimes. In fact, years earlier, Representative Flavio Bolsonaro had proposed that homage be paid by the Legislative Assembly to some members of said group.¹⁷ The question that emerged from the investigation – Who ordered Marielle’s killing? – would provide a new motto for the demands for justice, turning into the continuous attacks, based on new and possible relationships between the suspects and the groups in power.

6. The logic of antagonism

The onslaught caused by the Marielle and Anderson case seems central to understanding the different meanings of the “human rights” category, the effects of its use and the field of disputes it represents.

Anthropologist Teresa Pires do Rio Caldeira (1991) pointed out that, in the 90s in Brazil, the “human rights” discourse dissociated itself from the demand and expansion of social and civil rights, thus, being rejected by most of the population. The association of human rights as “privileges for criminals”, against those of “model citizens” was made. Currently, it seems that a dispute process may be seen with another player, which through an antagonistic logic, claims to be the privileged subject of these rights, or even in some cases, their victim: police officers. The slandering of Marielle’s work, as opposed to defending police officers and the staging of the act, mentioned at the beginning of this paper, are some examples of this dispute. More recently, the Rio de Janeiro state current governor, after a week when six young people were killed in situations where there was police intervention, stated that these deaths “are on the lap of human rights”. Affirmation that in turn, generated repudiation by civil organisations and social movements, who attributed the responsibility for public security to the governor himself, as the head of the state of Rio and commander of the police.¹⁸

In my perception, state violence is branching out into two discussions, which oppose and overlap each other in discourse that includes state agents as suspects or victims. In recent years, demonstrations, claims and public accusations of cases of police violence, that is, of the excessive, abusive and illegal use of police force have been replicated by certain sectors as another face of the alleged negligent state and society with the agents, including the media. Therefore, the frightening numbers of deaths at the hands of police officers, mostly young black people from poor areas, are repeatedly confronted or replicated, with the numbers of dead police officers.¹⁹ The claim is that the police is

¹⁷ The fact that one of the suspects lived in the same private housing complex as the family of the president of the republic, was also widely reported.

¹⁸ There were responses in the media and notes issued by legislators, human rights organisations and a joint note signed by 152 groups, movements, NGOs, university research groups, unions and legislatures.

¹⁹ In 2018, 1,330 people died from police intervention and 92 police officers were killed in the state of Rio de Janeiro. The year of 2019 presents an exponential increase in the former, registering a record 1,075 people in the first six months, and a 50% reduction in police officers killed in relation to 2018. Source: Network of Public Security Observatories/RJ, based on data from the Public Security Institute from the Rio de Janeiro state (ISP) (Naidin 2020).

belittled by the so-called “human rights”, mentioned in these accusations as a generic and personalised entity attributed to progressive and/or left-wing groups.

It is not about comparing numbers, let alone valuing or ranking lives and deaths. For this reflection, my interest is to verify that the discussion on “human rights” in Brazil has been characterised as an object of disputes and antagonisms. Indeed, the suggestion is that this way of establishing a debate is not exclusive to this category and field, but responds to a characteristic that Roberto Kant de Lima (2013, p. 569) indicates as the core of the Brazilian legal tradition, the so-called “logic of the contradictory”. According to this logic, before there is consensus of the arguments, the debates present two opposing theses that face each other, promoting an infinite dissent, except when an authority external to the parties intervenes, bringing an end to the dispute, declaring the winning and the defeated thesis.

This logic expands to several areas and regarding this paper, has as one of its effects the binary and opposing distinction of positions in favour or against “human rights”. Hence, the debate on “human rights” is characterised as a clash between antagonistic and irreconcilable positions, ideologies and social groups. Consequently, “human rights” emerge as an object of dispute to be appropriated by specific groups to the detriment of others. In that sense, as Teresa Pires de Caldeira (1991) suggested, many times, when one thinks of “human rights”, the reply “human rights, for whom? Emerges”.²⁰ In this logic, it is possible to recognise an always mutable particularisation process of the “human rights” category, which prevents, or at least, hinders its universalisation, which seems to be the case in Argentina.

Around police or state violence, this clash particularly defines a field for the dispute of narratives and versions, not so much about the facts, but about those who took part in them, in a radical opposition between victims and perpetrators. Based on this logic, certain victims, their stories or background may be delegitimised, thus, building and legitimising others. In my opinion, this radical opposition takes place centrally in Brazil, through a dispute over the acknowledgement of certain groups’ different degrees of humanity, recognising or granting differing levels of citizenship, rights and equality (Fonseca and Cardarello 2005, Fassin 2007, Eilbaum and Medeiros 2015, Mbembe 2016, Freire and Teixeira 2017).

I suggest that the current scenario allows us to further this reflection, based on how certain “hate speech” gains significant presence in the public arena, political positions and above all, in social networks. Discourses (and practices) posted by certain characters are being identified with this category, many of them linked to a conservative political front in terms of morals and obscurantist in terms of action, preaching about the holy war against sexual and gender diversity, public and secular education, the production of knowledge in social and human sciences, public universities and the environment, among other topics. In this scenario, the dichotomies “human rights of criminals” vs. “human rights of police officers”, as well as “progressive or left-wing” vs. “police

²⁰ In another paper, I argued that “this reaction is linked to the fact that the demand for rights in Brazil, has been characterised by association with specific social groups, built as minorities (quilombolas, women, children, blacks). Thus, the division of race, gender, ethnicity and age, among others also characterise and legitimise the demand for appropriate rights by social groups and not as universal properties” (Eilbaum and Medeiros 2015, p. 417).

officers”, seem to be absorbed by discourse against “human rights”, generally represented as a negative field of struggle. In that logic, I suggest reading several statements of the elected president and his entourage, who publicly preach against activism, call “human rights the dung of tramps” (Congresso Em Foco 2017) and “bad service to our country” (Gimenes 2018) or threaten to “put an end to all activism” (Leiaja 2018).

On the one hand, this generalisation has led to an intensification and consolidation of logic and moralities that guide the forms of conflict management in the public arena. In that sense, I reinforce the understanding of Marielle Franco’s execution, as an event that while bursting and having a strong impact on the public scene, is not an exception to everyday routine, a disproportionate act of “deviant” individuals. On the contrary, it is an event part of an order that as mentioned by Kant de Lima (2013), has legal inequality as its guarantee and safeguard. Under that prism, the logic that reproduces these events is sustained in violent and repressive forms of conflict management, which have structural racism as one of their most eloquent manifestations.

On the other hand, I believe that both the logic of confrontation and antagonism, as well as the particular appropriation of the notion of “human rights” by certain groups, present serious difficulties in promoting a universalisation of rights and thus, the possibility of representing us as peers in the public arena. On the contrary, silencing voices, violating and eliminating bodies, particularly peripheral and black bodies, as well as authoritatively imposing particular points of view and interests has led to a reverse path.

In that respect, to finalise and intertwine the points addressed in this paper, it is pertinent to retake the limits pointed out in the “police violence” category and “human rights” in Brazil, if compared with their meaning and reach in Argentina. These categories find it difficult to expand and consolidate themselves, because of the clashes and antagonism from which they have been interpreted and decoded. However, the public arena has also been consolidated as a field at the mercy of the attacks and clashes of each occasion, and of the particular appropriation not of the arguments, but of the demonstrations of force – physical or moral –, through the legitimation of certain political and moral values, and the exclusion of others. In this game of inclusions and exclusions, I believe that risks are taken with the limits of the “human”, in a contemporary moral economy, which, as argued by Didier Fassin (2007, p. 520) designates lives, not because of their objective risks, but because of the moral meaning attributed to them.

References

- Amorim, M.S., Kant de Lima, R., and Mendes, R.L.T., eds., 2005. *Ensaio sobre a igualdade jurídica: Acesso à justiça criminal e direitos da cidadania no Brasil*. Rio de Janeiro: Lumen Juris.
- Araújo, F.A., 2007. *Do luto à luta: A experiência das Mães de Acari* [online]. Master’s dissertation in Sociology and Anthropology. Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio de Janeiro. Available from: <http://livros01.livrosgratis.com.br/cp038547.pdf> [Access 20 January 2021].
- Araújo, F.A., 2014. *Das técnicas de fazer desaparecer corpos*. São Paulo: Lamparina.

- Azevedo, D.L., 2018. *Ausências incorporadas: Etnografia entre familiares de mortos e desaparecidos no Brasil*. São Paulo: Unifesp.
- Barth, F., 2000. Metodologias comparativas na análise dos dados antropológicos. In: F. Barth, *O guru, o iniciador e outras variações antropológicas*. Trans.: J.C. Comerford. Rio de Janeiro: Contra Capa, 187–201.
- Birman, P., and Leite, M.P., eds., 2004. *Um mural para a dor: Movimentos cívico-religiosos por justiça e paz*. Porto Alegre: Editora da Universidade Federal do Rio Grande do Sul.
- Caldeira, T.P.R., 1991. Direitos humanos ou “privilégios de bandidos”? Desventuras da democratização brasileira. *Novos Estudos* [online], nº 30, 162–174. Available from: <https://politicaedireitoshumanos.files.wordpress.com/2011/10/teresa-caldeira-direitos-humanos-ou-privilegios-de-bandidos.pdf> [Access 20 January 2021].
- Catela, L., 2001a. Desaparecidos e Direitos Humanos: entre um drama nacional e um dilema universal. In: R.R. Novaes and R. Kant de Lima, eds., *Antropologia e Direitos Humanos*. Niterói: Editora da Universidade Federal Fluminense.
- Catela, L., 2001b. *Situação-limite e memória: A reconstrução do mundo dos familiares de desaparecidos da Argentina*. São Paulo: Hucitec/Associação Nacional de Pós-Graduação e Pesquisa em Ciências Sociais (ANPOCS).
- Cerqueira, D., et al., 2019. *Atlas da violência 2019* [online]. Brasília/Rio de Janeiro/São Paulo: Instituto de Pesquisa Econômica Aplicada/Fórum Brasileiro de Segurança Pública. Available from: http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio_institucional/190605_atlas_da_violencia_2019.pdf [Access 20 January 2021].
- Congresso Em Foco, 2017. Em meio à polêmica do Enem, Bolsonaro chama direitos humanos de “esterco da vagabundagem”. *Congresso Em Foco* [online], 5 November. Available from: <https://congressoemfoco.uol.com.br/especial/noticias/direitos-humanos-e-%E2%80%9Cesterco-da-vagabundagem%E2%80%9D-diz-bolsonaro/> [Access 20 January 2021].
- DaMatta, R., 1997. *A casa & a rua: Espaço, cidadania, mulher e morte no Brasil*. 5th ed. Rio de Janeiro: Rocco. (Originally published in 1987).
- Eilbaum, L., 2004. La policía al servicio de la comunidad: tradición policial y vientos de cambio In: S. Tiscornia, ed., *Burocracias y violencia: Estudios de antropología jurídica*. 1st ed. Buenos Aires: Antropofagia.
- Eilbaum, L., 2008. *Los “casos de policía” en la Justicia Federal en Buenos Aires: El pez por la boca muere*. Buenos Aires: Antropofagia.
- Eilbaum, L., 2012. *“O bairro fala”: Conflitos, moralidades e justiça no conurbano bonaerense*. São Paulo: Hucitec/Associação Nacional de Pós-Graduação e Pesquisa em Ciências Sociais (ANPOCS).
- Eilbaum, L., and Medeiros, F., 2015. Quando existe “violência policial”? Direitos, moralidades e ordem pública no Rio de Janeiro. *DILEMAS: Revista de Estudos de Conflito e Controle Social*, 8(3), 407–428.

- Eilbaum, L., and Medeiros, F., 2016. Onde está Juan?: moralidades e sentidos de justiça na administração judicial de conflitos no Rio de Janeiro. *Anuário Antropológico* [online], 41(1), 9–33. Available from: <https://doi.org/10.4000/aa.1530> [Access 20 January 2021].
- Eilbaum, L., and Pires, L., 2009. Derecho, moral y justicia: la ley y sus márgenes en Rio de Janeiro y Buenos Aires. In: S. Tiscornia, R. Kant de Lima and L. Eilbaum, eds., *Burocracias penales, procesos institucionales de administración de conflictos y formas de construcción de ciudadanía: Experiencia comparada entre Brasil y Argentina*. 1st ed. Buenos Aires: Antropofagia.
- Eilbaum, L., Chagas, G., and Medeiros, F., 2019. Por uma abordagem etnográfica dos “direitos humanos”: conflitos, moralidades e direitos. *Antropolítica: Revista contemporânea de antropologia* [online], vol. 47, 8–31. Available from: <https://doi.org/10.22409/antropolitica2019.0i47.a780> [Access 20 January 2021].
- Farias, J., 2005. *Movimento “Posso me identificar?”: De objetos da violência a sujeitos da política*. Monograph for Bachelor’s Degree in Social Sciences. DCS/Universidade do Estado do Rio de Janeiro.
- Farias, J., 2014. *Governo de mortes: Uma etnografia da gestão de populações de favela no Rio de Janeiro*. PhD thesis, Sociology. Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio de Janeiro.
- Fassin, D., 2007. Humanitarianism as a Politics of Life. *Public Culture*, 19(3), 499–520.
- Fonseca, C., 1999. *Direitos humanos, diversidade cultural e diálogo* [online]. Paper presentation at 4th Anthropological Week: Citizenship and the recognition of the Other. Universidade Católica de Goiás, 16 August. Available from: <http://files.claudialwfonseca.webnode.com.br/200000055-f0352f0b3d/Direitos%20humanos%2C%20diversidade%20e%20di%C3%A1logo%2C%201999.pdf> [Access 20 January 2021].
- Fonseca, C., and Cardarello, A., 2005. Derechos de los más y menos humanos. In: S. Tiscornia and M.V. Pita, eds., *Derechos humanos, policías y tribunales en Argentina y Brasil: Estudios de antropología jurídica*. Buenos Aires: Antropofagia, 7–40.
- Freire, J., and Teixeira, C.P., 2017. Humanidade disputada: Sobre as (des) qualificações dos seres no contexto de “violência urbana” do Rio de Janeiro. *Terceiro Milênio: Revista Crítica de Sociologia e Política*, 6(1), 58–85.
- Garcia, M.J.R., 2019. *“Mortos e desaparecidos políticos”: A construção da “vítima” a partir da Comissão Nacional da Verdade*. Master’s degree dissertation. Post-graduation Programme in Anthropology. Niterói: Universidade Federal Fluminense.
- Gimenes, H., 2018. Bolsonaro: “Direitos humanos prestam desserviço ao Brasil”. *Pleno.News* [online], 23 August. Available from: <https://pleno.news/brasil/eleicoes-2018/bolsonaro-direitos-humanos-prestam-desservico-ao-brasil.html> [Access 20 January 2021].
- Gingold, L., 1997. *Memoria, moral y derecho: El caso de ingeniero Budge (1987–1994)*. Ciudad de México: FLACSO.
-

- Kant de Lima, R., 1995. *A polícia da cidade do Rio de Janeiro: Seus dilemas e paradoxos*. Revised 2nd ed. Rio de Janeiro: Forense.
- Kant de Lima, R., 1999. Polícia, justiça e sociedade no Brasil: Uma abordagem comparativa dos modelos de administração de conflitos no espaço público. *Revista Sociologia Política* [online], n° 13, 23–38. Available from: <https://doi.org/10.1590/S0104-44781999000200003> [Access 20 January 2021].
- Kant de Lima, R., 2013. Entre as leis e as normas: Éticas corporativas e práticas profissionais na segurança pública e na justiça criminal. *Dilemas: Revista de Estudos de Conflito e Controle Social* [online], 6(4), 549–580. Available from: https://app.uff.br/riuff/bitstream/1/5326/1/artigo_kant_revista_dilemas_0.pdf [Access 20 January 2021].
- Leijaja, 2018. “Vamos botar um ponto final em todo ativismo no Brasil”. *Leijaja.com* [online], 7 October. Available from: <https://www.leijaja.com/politica/2018/10/07/vamos-botar-um-ponto-final-em-todo-ativismo-no-brasil/> [Access 20 January 2021].
- Mbembe, A., 2016. Necropolítica. *Arte & Ensaio* [online], n° 32. Available from: <https://revistas.ufrj.br/index.php/ae/article/view/8993> [Access 20 January 2021].
- Nader, L., 1999. Num espelho de mulher: Cegueira normativa e questões de direitos humanos não resolvidas. *Horizontes Antropológicos* [online], 5(10), 61–81. Available from: <https://doi.org/10.1590/S0104-71831999000100004> [Access 20 January 2021].
- Naidin, S. 2020. Letalidade policial: Problema ou projeto? *Boletim Segurança e Cidadania*, [online], n° 27. Available from: <https://cesecseguranca.com.br/wp-content/uploads/2020/11/Boletim-27-Resenha-letalidade.pdf> [Access 20 January 2021].
- Pedretti, L., 2017. Silêncios que gritam: Apontamentos sobre os limites da Comissão Nacional da Verdade a partir do seu arquivo. *Revista do Arquivo* [online], 2(5), 62–76. Available from: http://www.arquivoestado.sp.gov.br/revista_do_arquivo/05/pdf/PEDRETTI_L_-_Silencios_que_Gritam_Apontamentos_sobre_os_Limites_da_Comissao_Nacional_da_Verdade_a_Partir_do_seu_Acervo.pdf [Access 20 January 2021].
- Peirano, M., 1998. Os contextos dos direitos humanos. In: M. Peirano, *Três ensaios breves*. Universidade de Brasília, 27–36.
- Perelman, M., and Tufro, M., 2017. *Violencia institucional: Tensiones actuales de una categoría política central* [online]. Buenos Aires: Centro de Estudios Legales y Sociales (CELS). Available from: https://www.cels.org.ar/common/Violencia%20institucional_Perelman_Tufro.pdf [Access 20 January 2021].
- Pita, M.V., 2010. *Formas de morir y formas de vivir: El activismo contra la violencia policial*. Buenos Aires: Editores del Puerto/Centro de Estudios Legales y Sociales (CELS).
- Pita, M.V., 2017. Violencias y trabajos clasificatorios. El análisis de la noción “violencia institucional” qua categoría política local. *Revista Ensamblés en sociedad, política y cultura* [online], n° 7, 52–70. Available from:

<http://www.revistaensambles.com.ar/ojs-2.4.1/index.php/ensambles/article/view/90> [Access 20 January 2021].

- Ramos, S., ed, 2020. *A cor da violência policial: a bala não erra o alvo: Relatório de pesquisa*. Rio de Janeiro: Rede de Observatórios da Segurança/Centro de Estudos de Segurança e Cidadania (CESeC), December. Available from: https://cesecseguranca.com.br/wp-content/uploads/2020/12/Relatorio_Nete_Cor_da_violencia_09_12_20.pdf [Access 20 January 2021].
- Sahlins, M., 1990. *Ilhas de história*. Rio de Janeiro: Zahar.
- Sanjurjo, L., 2016 Los juzga un tribunal, los condenamos todos: memórias e verdades em disputa nos tribunais argentinos. In: C. Fonseca *et al.*, eds., *Antropologia e Direitos Humanos* 6. 1st ed. Rio de Janeiro: Mórula.
- Sanjurjo, L., 2018. Nossos mortos têm voz: deslocamentos sociais, afetos e ação política em perspectiva comparativa. In: A.C. Souza Lima *et al.*, eds., *A antropologia e a esfera pública no Brasil: Perspectivas e Prospectivas sobre a Associação Brasileira de Antropologia no seu 60º Aniversário*. 1st ed. Brasília: Coedição Editora E-papers/ABA.
- Simões, M., 2019. “No Rio de Janeiro a milícia não é um poder paralelo. É o Estado. Pública [online], 28 January. Available from: <https://apublica.org/2019/01/no-rio-de-janeiro-a-milicia-nao-e-um-poder-paralelo-e-o-estado/> [Access 20 January 2021].
- Soares, B.M., Moura, T., and Afonso, C., 2009. *Auto de resistência: Relatos de familiares de vítimas da violência armada*. Rio de Janeiro: 7 Letras.
- Tello, M.E., 2003. La fuerza de la cosa dada: derechos humanos, política y moral en las “indemnizaciones” a las víctimas del Terrorismo de Estado en Argentina. In: R. Kant de Lima, ed., *Antropología e Direitos Humanos*, 2. Niterói/Rio de Janeiro: Universidade Federal Fluminense.
- Teodoro, P., 2019. Flávio Bolsonaro foi o único deputado que votou contra conceder medalha Tiradentes a Marielle Franco. *Forum* [online], 22 January. Available from: <https://revistaforum.com.br/politica/flavio-bolsonaro-foi-o-unico-deputado-que-votou-contr-conceder-medalha-tiradentes-a-marielle-franco/> [Access 20 January 2021].
- Tiscornia, S., 2000. Seguridad y cultura de la violencia. El teatro de la furia. *Encrucijadas*, 1(1).
- Tiscornia, S., 2008. *El activismo de los derechos humanos y burocracias estatales. El caso Walter Bulacio*. Buenos Aires: Editores del Puerto/ Centro de Estudios Legales y Sociales (CELS).
- Tiscornia, S., 2017. La violencia institucional como tema de trabajo e investigación Una breve historia. *Revista Espacios de crítica y producción* [online], n° 53, 25–32. Available from: <http://revistascientificas.filo.uba.ar/index.php/espacios/article/view/3756> [Access 20 January 2021].
-

- Vecchioli, V., 2000. *Os trabalhos pela memória. Um esboço do campo dos direitos humanos na Argentina. Através da construção social da categoria vítima do Terrorismo de Estado*. Master's degree dissertation. Post-Graduate Program in Social Anthropology. Universidade Federal do Rio de Janeiro/Museu Nacional.
- Vecchioli, V., 2001. Políticas de la memoria y formas de clasificación social. ¿Quiénes son las “víctimas del terrorismo de Estado” en la Argentina? In: B. Groppo and P. Flier, eds., *La imposibilidad del olvido. Recorridos de la memoria en Argentina, Chile y Uruguay* [online]. La Plata: Al Margen. Available from: http://www.historiapolitica.com/datos/biblioteca/campoddhh_vecchioli.pdf [Access 20 January 2021].
- Venturini, T., 2010. Diving in Magma: how to explore controversies with actor-network theory. *Public Understanding of Science* [online], 19(3), 258–273. Available from: <https://doi.org/10.1177/0963662509102694> [Access 20 January 2021].
- Vianna, A., and Farias, J., 2011. A guerra das mães: dor e política em situações de violência institucional. *Cadernos Pagu* [online], nº 37, 79–116. Available from: <https://doi.org/10.1590/S0104-83332011000200004> [Access 20 January 2021].