

Human Rights in the face of neoliberalism: precarisation of social rights, incarceration and moral conservatism in Brazil as part of an international phenomenon

Sofia Rocco Stainsack Rocha ^a

^a Faculty of Economics and International Relations, Universidade Federal de Santa Catarina (UFSC), Florianópolis, Santa Catarina, Brazil, sofiarocha2509@gmail.com

Abstract. To design the scope of the research, there are three main strands to characterise neoliberalism, being: i) A powerful punitive state and social control are rising. Moral conservatism, on the other hand, is rapidly curtailing individual rights (such as freedom), imposing a familistic outlook on society; ii) Neoliberalism can be regarded as a political attempt to re-establish the conditions of capital accumulation and reestablish the power of economic elites from a Marxist perspective; and iii) It is a political ideology that refers to the re-engineering of the state to assist the formation and establishment of markets, to instil a competitive ethos in all aspects of life, and to limit social initiatives and substitute them with prisons. Allied to these strands, the new world reason that characterises neoliberalism has found support in moral conservatism, a religious, traditional, and patriotic perspective of moral values, family, and politics in countries such as Brazil. As a result, the goal of this study is to determine the influence that the international neoliberalism phenomenon combined with moral conservatism has had on human rights in Brazil: how are human rights protected in this environment? In neoliberalism, who is the subject of human rights? Which rights are the most severely impacted? It begins by assuming that neoliberalism's critique of society results in the abolition of political citizenship and a focus on ultra-individualism. With the decline of social policies and the state's involvement in supplying them, social rights are becoming increasingly fragile. The strong penal state and social control are growing in their place. Individual rights (such as freedom) are, on the other hand, increasingly curtailed by moral conservatism, which imposes a familistic perspective on society.

Keywords. Human Rights, neoliberalism, Brazil, incarceration, conservatism.

1. Introduction

In the last years, the international system has changed its direction towards an economic profile- and, consequently- social model of organising itself: towards the right and neoliberalist. This can be exemplified by the right turn in America, with Jair Bolsonaro in Brazil and Donald Trump in the United States, as well as the rise of political right-wing actors in Europe, such as the political party Vox in Spain, and the growth of Marine Le Pen's and Eric Zemmour's popularity in France.

Neoliberalism is both a global and a local matter. On a global or transnational scale, neoliberalism refers

to a form of governance that aims to protect capital by creating financial and commercial markets that are free of political interference from national governments, thereby preventing or hindering democratic demands for social justice or redistributive equality from being met [1].

Furthermore, in terms of education, health, security, transportation, housing, and work, the state, in neoliberalism, does not relinquish control of the population. However, its management logic switches from ensuring social rights in the name of human dignity, creating a realm of citizenship free from market forces, to becoming a strategy for investing in human capital. As a result, citizenship is subjected

to economic logic [2].

Finally, neoliberalism operates on a third dimension: the scale of daily life. It defines itself as a normative paradigm of society and subjectivity, whether through the development of markets or the entrance of market logic into institutions and spheres of existence outside of them. Neoliberalism is spread throughout the social sphere primarily through competitive management methods, which reinvent the forms of work organisation and control in enterprises and a wide range of institutions [3].

With that said, the rise of this global phenomenon has resulted in the precarization of the zeal towards the guarantee of human and social rights, considering it prioritises the functioning and development of the capital market over the effectuation of a good quality of life accessible to all citizens.

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Taking a closer look in Brazil, it is noticeable that since the elections of President Jair Messias Bolsonaro in 2018, the policies and data regarding social rights have significantly changed, resulting on the growth on incarcerations-especially among the black population- as well as a rise of moral conservatism and precarization of human of social rights [4]. Allied to these strands, the new world reason that characterises neoliberalism has found support in moral conservatism, a religious, traditional, and patriotic perspective of moral values, family, and politics in countries such as Brazil.

Therefore, this paper has the objective of exploring and analysing how the internal and international scenario has influenced the precarization of social rights, growth of incarceration and moral conservatism in Brazil. The methodology used is deductive and the procedure is monographic.

As a result, the goal of this study is to determine the influence that the international neoliberalism phenomenon combined with moral conservatism has had on human rights in Brazil: how are human rights protected in this environment? In neoliberalism, who is the subject of human rights? Which rights are the most severely impacted? It

begins by assuming that neoliberalism's critique of society results in the abolition of political citizenship and a focus on ultra-individualism.

With the decline of social policies and the state's involvement in supplying them, social rights are becoming increasingly fragile. The strong penal state and social control are growing in their place. Individual rights (such as freedom) are, on the other hand, increasingly curtailed by moral conservatism, which imposes a familistic perspective on society.

2. Human rights and neoliberalism around the world and Brazil

2.1 Precarization of social rights

With the emergence of globalisation and, consequently, larger flows of migrations - also a result of the increase of international conflicts- some international actors, such as government leaders, have moved towards a more conservative posture, which is risky for the effectuation of human rights. It is possible to observe the rise of this phenomenon all around the world, in the UK with Brexit, US with Donald Trump, as well as the rise of political right-wing actors in Europe, such as the political party Vox in Spain, and the growth of Marine Le Pen's and Eric Zemmour's popularity in France.

This is a direct result from an entire system built around neoliberalist policies and mentality. The neoliberal prescription necessitates regressive fiscal policies, wage compression, and a large unemployment and underemployment margin. It also enforces real action measures, such as the removal of social spending and diverting it only to targeted anti-poverty initiatives, privatisation of state companies. The upshot of such execution in Latin America is invariably the same: terrifying population impoverishment and a stark social polarisation, with the included (wealthy) on one side and the excluded or leftovers on the other (poor). And this is a condition that affects the vast majority of our population. Neoliberalism's critique of society results in the abolition of political citizenship and a focus on ultra-individualism. With the decline of social policies and the state's involvement in supplying them, social rights are becoming increasingly fragile.

With that in view, in Brazil, this narrative opposed to the promotion of human rights gained particular prominence during the 2018 election campaign by presidential candidate Jair Bolsonaro. During this period, he used anti-rights rhetoric as a mechanism to weaken the protection and promotion of human rights. Thus, he has created a narrative to justify the

recognition of human rights only for some social groups and, consequently, excluding others.

This anti-human rights rhetoric began to be put into practice from the beginning of his mandate. President Jair Bolsonaro's administration is being marked by anti-human rights statements and measures that violate fundamental guarantees for a dignified life and provoke social setbacks in the country [5].

In 2019 alone, the Bolsonaro government violated the Human Rights Programme (PNDH3) 36 times, as the report of the National Human Rights Council points out. In the environmental scenario, during Bolsonaro's government, he adopted important administrative changes that have an impact on the protection of environmental, indigenous and forestry laws. The first year of Bolsonaro's government was also marked by attacks on the media and journalists. In 2019, 208 new cases were registered, which is 54% more than the previous year, 135 cases. In addition, Bolsonaro has two complaints for crimes against humanity and genocide before the International Criminal Court (ICC) [5].

Finally, Bolsonaro's posture is intrinsically linked to a foreign policy completely aligned with Donald Trump's conservative administration in the United States [6]. The agreements made by Jair Bolsonaro's government, which are part of the automatic alignment agenda in which he seeks to ensnare Brazil, are the first steps toward the formation of "carnal relations" with the world power.

2.2 Incarceration

The reengineering of the State in its neoliberal political system, in which the emptying of the Social State project is intimately related to the mode of the criminal State, has resulted in widespread incarceration. In the economy, market solutions to domination have resulted in a significant increase in social inequality and the margin of urban urban inequality. For the punitive repression of the destitute and miserable, policies of assistance and protection for the virtuous. In this approach, the criminal justice system creates a reality by defining disassembly categories, sustaining material and vast spaces, and selectively imposing the opening of social spaces as physical and, as a result, as social connections within such sets [7].

Another important aspect of mass incarceration is the composition of the prison population, which is characterised by the overrepresentation of the black population, which is also a component of social inequality. as an example. In this sense, the incarceration of black and marginalised people works as a mask for socioeconomic inequity.

In the Brazilian case, it is conceivable to identify specific implications in the labour market that, once again, demonstrate the Brazilian economy's

suitability to the IMF and World Bank's "recommended" neoliberal policies.

One characteristic of the socio-economic environment can be presented in conjunction with the above mentioned labour relations scenario and the historical concentration of income in Brazil. In the formation of total national income, it is about the drop in labour income and the concomitant increase in property rentals (profits, interest, land rent, and rents) [8]. In these words, it is obvious that the rise of neoliberalism in Brazil had serious social and economic consequences, posing challenges to the country's then-new democracy. As a result, Brazil has been the most unequal country in Latin America, and one of the most unequal countries in the world, since the 1990s.

2.3 Moral conservatism

The sense of ultra-nationalism, amplified in a neoliberal system, and the rise of nationalist movements - which often oppose migrants and foreigners, or just a particular social group- help legitimise the establishment of moral conservatism. This can be exemplified during the COVID-19 pandemic, when the sense of national security was more keen, also with the closing of the borders, implementing the vision of enemies and aversion towards the different.

This type of mentality composes a moral conservative society, rooted in its principles, and highlighted by large social and economic inequalities.

In the Brazilian case, after the political change towards the far right, Brazil under Bolsonaro has increasingly become a socially conservative and Christian country. In his inauguration speech as president of Brazil on 1 January 2019, Bolsonaro defined human rights as an "ideology that decriminalises bandits, punishes policemen and destroys families". The view of human rights as an "ideology" that criminalises law enforcement officers in the exercise of their duties and only serves the purposes of "defending criminals" has taken shape in recent years in Brazil, especially since Bolsonaro's parliamentary activities, and has become an important element of the set of ideas - ideology - called "Bolsonarism", which finds in the opposition to such rights a fundamental hallmark.

Also, Jair Bolsonaro's election has added to and reinforced the narrative of populations and regions as enemies of the national interest, religious morality, and good citizens. Even during the presidential campaign, the then-candidate brought up contentious subjects in order to promote and encourage the persecution of the marginalised. Following through on his campaign promises, the president has pushed his agenda through Congress, which includes projects that support neoliberal austerity policies and the exclusion of minorities,

cultivating even more a moral conservative society.

3. Conclusion

It is difficult for human rights to be man rights without the presence of an interventionist state that promotes social justice. For, as Noberto Bobbio points out, one cannot be free (right to liberty) without effort. Who does not have the opportunity to receive an education? Who among us is unable to acquire adequate protection in respect to a fundamental good such as health? It's obvious that the answer isn't yes. In this sense, it is recognized that economic and social rights are necessary preconditions for the achievement of civil and political rights [9].

Moreover, from this analysis, it will be possible to debunk the myth, believed by many Brazilian politicians and citizens, that the only way to combat crime is to imprison people, as well as demonstrate the precariousness of welfare-state policies and demonstrate that the formation of a penal Allied to these strands, the new world reason that characterises neoliberalism has found support in moral conservatism, a religious, traditional, and patriotic perspective of moral values, family, and politics in countries such as Brazil. State is not an inevitable fate of various states, but rather a political choice that must be made [10].

This decision must be made in an open and honest manner, with a thorough understanding of the elements that influence it and the repercussions. It is possible to notice the hypocrisy of a false pretence of morals, based on neoliberal premises, results in the exclusion of part of society, allowing inequalities and discriminations.

Furthermore, In Brazil, this neoliberal situation is amplified by a society defined by slavery and colonialism, making him the ideal adversary of the punitive system that is creating a black and rotten population on the outskirts. As a result of the neoliberal demands for hyper-exploitation-punishment, neoliberalism in Brazil has made millions of workers' lives precarious, as they face an increasing lack of social protection and, more importantly, have had their lives brutally interrupted in many cases – especially when they are black and blacks [7]. This prejudice is still present in Brazil's society, highlighted by the far-right movement, represented by the government.

Finally, there is a fight for an alternative kind of society, one that is not established by neoliberalism. It is a fight for a more just society in which inequalities created by the market's and capital's dominance, which favours a few over many, are diminished and dissolved. The capitalist system favours the few over the many. The major goal is to ethically and politically resist both state and market tyranny, providing a vision of society and politics in which the public dimension can be reclaimed. A democratic expansion into all aspects of life. This

must be the outcome of continual grassroots demand for democratic rights expansion.

Any kind of exclusion can never constitute a viable solution for the consolidation of an emancipatory reality. Therefore, the inclusion of vast sectors of the population is an urgent and indispensable task.

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