

Human Rights and Social Work in the Brazilian Context: Diversified *Language Games*

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Abstract

This article is the result of an exploratory bibliographic study that consists in provoking reflections and presenting discussions on the theme of human rights and social service in the Brazilian context, as well as on the guarantee of rights and diversified and divergent language games. The scenario of the world crisis, in Latin America and specifically in Brazil, causes social service to face a historical and structural process of social inequality, a crisis that deeply cuts across the welfare state and the ineffectiveness of public policies. The challenges faced by social work are unquestionable as the profession faces different language games in social and political contexts that diverge between human needs and ideological interests in a constant struggle for social advances and setbacks. The approach methodology is analytical and critical, part of the analysis of concepts and perspectives from theoretical frameworks on human rights, social work and language games.

Keywords: Human Rights; Social Work; *language games*.

Introduction

1. Reflections between rights guarantee and divergent *language games*

Facing the current process of economic and technological development not valuing the social development, perplexities are inevitable so there are many challenges for the profession in contemporary times, almost insurmountable limits on the social complexity of the globalized world.

Guarantee freedom, equality, dignity, rights, as well as promote social justice, reducing social inequality, provide protection, well-being, security, prevent situations of injustice, violence, discrimination, abuse of power or of non-compliance, as well as confronting the numerous social issues social, are part of the ethical-political of all.

Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession, fear that in order to achieve in practice involves people, groups, communities, institutions, structures, laws, public and social policies.

Given the complexity of social inclusion and exclusion, it's in language and *language games* that value judgments and judgments between theories, practices and facts can be analyzed, as they become part of a particular culture, social or economic and political context, where individuals create and recreate their own rules, ways of life and meanings.

For Araújo (2004, p.100):

The path to this new conception of language was a pitiless self-criticism: to show that the function of language is NOT TO SPEAK ABOUT THE WORLD, BUT TO ACT WITH SPEAKING IN THE WORLD, for it is a type of ACTION, an activity, a behavior, a form of life. (author's translation)

Language is an activity and a public tool that has a multiplicity of *language games* and this multiplicity corresponds to the various life forms according to the various social contexts and Wittgenstein¹, seeks to explain this theme, emphasizing that:

Imagine the multiplicity of language games through these examples and others:

¹ Wittgenstein, Ludwig. *Investigações Filosóficas*. § 23.

- Command, and act on commands -
- Describe an object as it looks or measures -
- Produce an object according to a description (drawing) -
- Report an Event -
- Conjecture about the event -
- State a hypothesis and prove it -
- Present the results of an experiment using table diagrams -
- Make up a story; read -
- Represent theater -
- Sing a Wheel Song -
- Solve puzzles -
- Make an anecdote; tell -
- Resolve an applied calculation example -
- Translate from one language to another -
- Ask, thank, curse, greet, pray. (author's translation)

For Wittgenstein, the language game is an instrument, process of interaction and communication, learning, movement, pronunciation, denomination, repetition of words, that is, the set of activities, actions and uses with which language is interconnected. All these actions cited are not part of a private and unique process, but it is a practice learned in a given social context, a behavior that depends on the way we interact publicly (Schroeder, 2019, p.77).

However, *language games* are divergent, since everyone does not speak the same language, and so are social practices. Wittgenstein¹ asks, "What happens when people don't have the same sense of mood? They do not react to each other properly". (author's translation). In this sense, both people do not have the same sense of mood as they do not have the same sense of thought, way of thinking, being and acting, so they do not react accordingly and because they are part of different *language games*, they fight for different interests.

"Correct and false is what men say; and in language men agree. It is not an agreement about opinions but about the way of life", according to Wittgenstein.² (author's translation)

Human rights discourses may be in conformity and well-exalted in statements and laws, but facts show that *language games* do not effectively agree with social practices of social inclusion.

2 Brief analysis on Human Rights and Dignity in the Brazilian context

Some principles of Human Rights have gradually gained visibility and importance over the years in Brazil, in this sense they result from a historical process of aspirations, needs, articulations, resistances, claims, struggles and achievements, which were gradually shaped, now extinct, now consolidated in the seven constitutions of the country, since Brazil lived different and conflicting historical periods, according to Baptista (2012).

In all Brazil had seven constitutions, starting with the 1st of 1824 in Brazil Empire, inspired by the French Classic Constitutionalism enumerated some individual, civil and political rights, the 2nd Constitution of 1891 in Brazil Republic, the 3rd Constitution of 1934 in the Second Republic, the 4th Constitution of 1937 where Getúlio Vargas gave a coup and

¹ Wittgenstein, Ludwig. *Cultura e valor*. Trad. de Jorge Mendes. Biblioteca de Filosofia Contemporânea. Lisboa/Portugal: Edições 70, 1980. p.121.

² Wittgenstein, Ludwig. *Investigações Filosóficas*. § 241.

assumed dictatorial powers, during this period there was no concern in securing rights, but in institutionalizing the authoritarian regime as it provided for the death penalty for political crimes and oppressive actions by the government, the 5th Constitution of 1946, resumed the democratic line. in the country prioritizing individual and social rights and excluding the death penalty, but in 1964 there is the Military Coup, a coup d'etat by the military who claimed there was a communist threat in the country, from then on the 6th Constitution, the 1967 where the prevailing context at that time was that of total authoritarianism (Baptista, 2012).

The military dictatorship in Brazil was in force from 1964 to 1985, no more than 21 years and was a period of affront to Human Rights, a period in which there was a total extinction of individual rights and guarantees, as the use of torture, exile, death, disappearances, repression, control of the press, among other various brutal actions were common practices.

The struggle for human rights gained social and political strength in the confrontation of the military dictatorship, which began in 1964, because in that historical context, there was an intense violation of rights, and it was from that moment that the discussion on rights has gained the connotation it has today: of human and social rights, incorporated into the democratic discourse (Baptista, 2012)

Adorno (2010, p.8) also emphasizes that "Everything indicates that human rights emerge as a theme in the public and political arena only in the context of the struggles against the military dictatorship (1964-1985), strongly inspired by the Universal Declaration of 1948 and of its consequences". (author's translation)

The Federative Republic of Brazil is formed by the indissoluble union of States and Municipalities and the Federal District and constitutes a Democratic State of Law based on: "I - sovereignty; II - citizenship; III - the dignity of the human person; IV - the social values of work and free enterprise; V - political pluralism" (Brasil,1988). (author's translation). Primarily regarding human rights, citizenship and the dignity of the human person correspond to the category of fundamentals of the Brazilian Constitution.

In the description of the fundamental principles in the Brazilian Constitution, sovereignty is described in the foreground, second in citizenship, third in the dignity of the human person, and so on. In this sense, Comparato (2012, p.11-12), describes reflexively and critically about:

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, opens with the statement that "all human beings are born free and equal in dignity and rights" (art. 1). The Constitution of the Italian Republic of December 27, 1947 states that "all citizens have the same social dignity" (art. 3). The Constitution of the German Federal Republic of 1949 solemnly proclaims in its art. 1: "The dignity of man is inviolable. Respecting and protecting it is the duty of all State Powers." Similarly, the Portuguese Constitution of 1976 opens with the proclamation that "Portugal is a sovereign Republic, based on the dignity of the human person and popular will and committed to building a free, just and solidary society". According to the Spanish Constitution of 1978, "the dignity of the person, the inherent inviolable rights, the free development of personality, respect for the law and the rights of others are the foundation of political order and social peace" (art. 10). Our Constitution of 1988, in turn, sets as one of the foundations of the Republic "the dignity of the human person" (art. 1 - III). In fact, this should be presented as the foundation of the Brazilian state and not just as one of its foundations. (author's translation)

Interesting this observation, why is "the dignity of the human person" not the foundation of the Brazilian state, but one of its foundations? It serves this question for reflection and analysis, as this bias may raise doubt regarding the priorities and degrees of importance of theoretical and practical terms.

Well, continuing this type of analysis, article 4 of the Federative Republic of Brazil (Brasil, 1988), in its international relations emphasizes several principles, and also describes firstly national independence, after the priority of human rights and several other principles as follows:

I - national independence;

II - prevalence of human rights;

III - self-determination of peoples;

IV - nonintervention;

V - equality between states;

VI - defense of peace;

VII - peaceful settlement of conflicts;

VIII - repudiation of terrorism and racism;

IX - cooperation among peoples for the progress of humanity;

X - granting political asylum. (author's translation and emphasis)

Here, too, some reflections are needed: Should the notion of national sovereignty be given greater legitimacy? Should the principle of nationality be more important than human rights? Should national sovereignty be above human dignity?

For Habermas (2010, p.345) human dignity is “[...] the moral source from which the contents of all fundamental rights are nourished”. (author's translation)

The theme of human dignity has been the basis for many innovations in the theoretical and practical discourse of fundamental rights. It is also responsible for impactful changes in perspective of the Brazilian legal discourse on fundamental rights. (Sarlet, 2008 quoted by Mezzaroba & Strapazzon, 2012, p.336). (author's translation)

In general, the dignity of man must be the foundation of human rights, consisting of his autonomy, will, choices, freedom, thus means that man himself as a human being is worthy of supremacy.

3 The ineffectiveness of Human Rights in Brazil

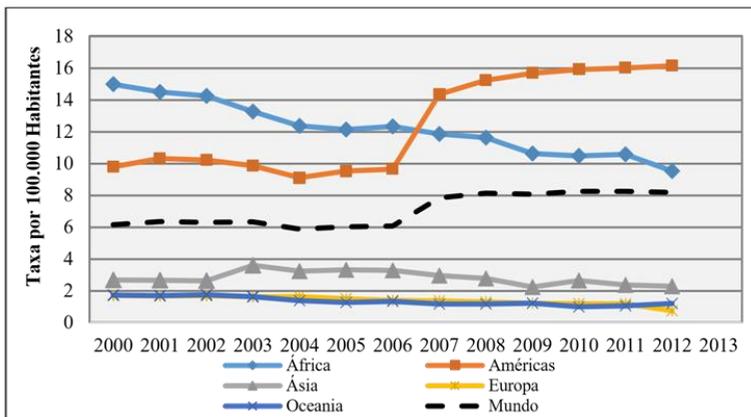
How to realize human rights by guaranteeing human dignity where the exaltation of economic growth at all costs overstates social development?

Capitalist logic makes the process of human emancipation and full guarantee of social rights illogical. According to lamamoto (2014a, p.18), “The language of market and consumer exaltation that is present in the media and government occurs in parallel to the process of increasing concentration of income, capital and power”. (author's translation)

As described by Lafer (1997, p.56):

In the contemporary world, social, political and economic situations continue to persist which, even after the end of totalitarian regimes, contribute to rendering men superfluous and without place in a common world. Among other trends, I mention the ubiquity of poverty and misery; the threat of the nuclear holocaust; the outbreak of violence, terrorist outbreaks, ethnic cleansing, exclusionary and intolerant fundamentalisms. (author's translation)

It can be seen from the graph below, from the Violence Document (2018), material produced by the Institute of Applied Economic Research (Ipea) and the Brazilian Public Security Forum (FBSP), that homicide rates exist on continents, but in At different levels, such as comparing the index of the Americas with that of Europe, we can see a high differentiation in the homicide rate.



Graph 1 - Evolution of world and continents homicide rates per 100 thousand inhabitants, according to United Nations Organization (2000 to 2013)

Font: FMI/World Economic Outlook Database, ONU/Divisão Estatística, ONU/Office on Drugs and Crime e OMS/Mortality Database. Elaboration Diest/lpea and FBSP described in Atlas da Violência (2018, p.9).

It can be seen that in Africa and the Americas the rates of violence from 2000 to 2013 fluctuate, and in the Americas increased a lot and in Africa, the rate decreased, but even so, compared to other continents, it is a reality that absurdly shows the violation of human rights.

Of the cases of violence in the Americas, Brazil is one of the largest providers of these rates:

Brazil is the “champion” country of murders in the world: in absolute numbers, more than 58,000 people die murdered each year. Most are young people between 15 and 29 years old - an account that amounts to a plane crashing every two days. But there is something worse than this tragedy: society’s indifference to thousands of lost lives (Werneck, 2017). (author’s translation)

However, it is known that the statistics are not accurate and that the numerical data on violence in the country, due to several factors, are much more than those published.

The Violence Document (2018, p.32) also describes that:

The homicide victimization of young people (15-29 years old) in the country is a phenomenon denounced over the last decades, but it remains unanswered in terms of public policies that effectively address the problem. The 2016 data indicate the worsening of the picture in much of the country: young people, especially men, continue prematurely losing their lives. (author’s translation)

For Werneck (2017), Executive Director of Amnesty International, the country has received numerous nominations to improve its human rights actions, but has accepted some in full, some in part, but has failed gravely not only to implement actions and Initiatives such as ensuring that rights already granted are violated or even abolished, the country is failing to avoid setbacks to rights already won.

Among the results of this omission and inefficiency is the increased vulnerability of people and groups, especially those fighting for the right to land, territory and natural resources - such as indigenous peoples, quilombolas and rural leaders - and young people. blacks, the main victims of homicide and inhumane prison conditions in Brazil (Werneck, 2017). (author’s translation)

Violence takes place in everything and everyone, whether in urban or rural areas, in large urban centers, suburbs or slums, it is present, affecting people, groups, minorities, men, women, children, the elderly, young blacks, indigenous people, communities, even human rights defenders in the country.

The conclusion is that racial inequality in Brazil is clearly expressed in terms of lethal violence and security policies. Blacks, especially young black men, are the most common profile of homicide in Brazil, being much more vulnerable to violence than non-black youth. In turn, blacks are also the main victims of lethal police action and the predominant profile of Brazil's prison population (Atlas da Violência, 2018). (author's translation)

Human rights in Brazil are part of a world of contradictions, as the country presents laws on the subject in an exemplary way however the biggest problem and social obstacle are the effective enforcement of these laws.

4 Reflections on Public Policy in Brazil and Social Work

Article 6 of the Federal Constitution of Brazil of 1988 describes that: "Are social rights education, health, food, work, housing, transportation, leisure, security, social security, protection of motherhood and to childhood, the assistance to the helpless, in the form of this Constitution " (Brasil, 1988).

The Constitution assigns the State the task of promoting, by means of public policies, the universalization of access to economic, social, political and cultural rights and the elaboration and implementation of consequent policies that ensure the equitable distribution of the right to education, health, housing, public transport, the healthy environment, leisure and free cultural production, goals in line with both the international human rights agenda and the Millennium Goals (Adorno, 2010, p.8-9). (author's translation)

According to Teixeira (2002, p.2), "Public policies" are guidelines, guiding principles of action by the government; rules and procedures for relations between public power and society, mediations between actors of society and the state. They are, in this case, policies explicit, systematized or formulated in documents [emphasis added] (laws, programs, financing lines) that guide actions that usually involve the use of public resources. However, there is not always compatibility between interventions and statements of will and the actions developed. (author's translation)

In order to guarantee all rights, a broad social protection policy is necessary, so the Federal Constitution contemplates in its article 194 the meaning of security in the country: "Social security comprises an integrated set of initiatives of the Public Authorities and to ensure the rights related to health, social security and social assistance " (Brasil, 1988). (author's translation)

Based on the Organic Law of Social Assistance (LOAS), Law No. 8.742, of December 7, 1993, as amended, expanded and consolidated with Law No. 12.435 / 2011, provides for the organization of Social Assistance in the country, in this sense the policy social assistance is governed in a decentralized manner according to the Unified Social Assistance System (USAS), with social participation through the creation and implementation of countless councils where the public power, non governmental organizations and civil society oversee, opine, monitor and discuss policies public (Brasil, 2011). It's a participatory management model it articulates the efforts and resources of the three levels of government, that is, municipalities, states and the Union.

Social assistance not having a contributory character, that is, in Brazil does not depend on previous contribution, thus have this guaranteed right, all those who need it.

USAS organizes social assistance actions into two types of social protection. The first is Basic Social Protection, aimed at preventing social and personal risks, by offering programs, projects, services and benefits to individuals and families in socially vulnerable situations. The second is the Special Social Protection, aimed at families and individuals who are already at risk and whose rights have been violated due to abandonment, abuse, sexual abuse, drug use, among others (Brasil, 2015). (author's translation)

Guarantee freedom, equality, dignity, rights, as well as promote social justice, reduce social inequality, provide protection, welfare, security, prevent situations of injustice, violence, discrimination, abuse of power or disrespect, as well as confrontation of the innumerable social expressions of the social issue, they are part of the social-ethical commitment of the social worker who finds socio-occupational spaces in public policies.

For lamamoto (2014a, p.18), "These new times reaffirm, therefore, that the accumulation of capital is not a partner of equity, does not rhyme with equality. There is an aggravation of the multiple expressions of the social question, the historical basis of the social requisition of the profession". (author's translation)

Given the absence of limits to the expansion of capital and its destructive potential of nature and work, there is a growing demand for public policies such as health, housing, education and social assistance.

And, this is where the crisis reaches Social Work and its professionals who daily face the challenge of operationalizing Social Policies that focus, threaten the right and citizenship [...] (Yazbek, 2016, p.9). (author's translation)

Yazbek (2016, p. 6), also describes about this panorama where the social worker inserts and faces:

Scenario that intensifies and deepens for Public Social Policies, which are becoming less universal and more focused, demands related to the realization of users' rights, privileged scope of professional practice and place where the Social Worker is subjected to scrapping processes. and precariousness of their work and faces the challenge of developing resistance actions and building strategic alliances towards another corporate project. (author's translation)

According to Yazbek (2016, p. 9), the scenario of the crisis in Latin America and specifically in Brazil, causes social service to be conditioned to a historical and structural process of inequality, which inevitably and "[...] continuously restores clientelist and secular welfare traditions".

It can be seen that for the realization and legitimacy of human rights in Brazil, constraints between the rhetorical and their transposition into concrete public policies are inevitable and drag on for decades in the country, causing the social service to be limited, not in a way institutionalized and mediating practices from a critical theoretical perspective and a transformative discourse.

Ilamamoto (2014a, p.19) emphasizes that: "Thinking about Social Work in contemporary times requires open eyes to the contemporary world to decipher it and participate in its recreation". (author's translation)

In this sense, participating in its recreation, reconstruction or even creating new public policies and preventive actions is not limited to a professional category, but depends on a whole process of participation and social integration, but not in a fragmented manner where it does its part and function in isolation, but essentially together.

Conclusion

For Wittgenstein it is in a given context that the meaning of a word will have value, that word can be human rights, democracy, social equality, social inclusion, social justice or other diverse and its use will only have importance and coherence in a given social context culture. Thus, language games show that, if there is agreement between the communicants, it will make sense to follow the rules that are not imposed, but which are part of the process of interaction on the way of life. If the group considers the concept of human rights to be an essential value, it will be considered, otherwise other agreements will be put into practice and put into practice.

Now, no one can pretend with the incidence of the principle of isonomy to standardize the human being. Clearly, only diversity can enrich a people. For natural and cultural differences, the solution is respect and tolerance. For the inequalities of social condition, sisters of exclusion and unfair direction of opportunity, the result of misrule, the solution is undoubtedly indignation and action. There is equality between citizens only with the concrete reduction of inequalities (Barros, 2009, p.24). (author's translation)

Language games in the world are can be standardized, since diversity is immense in every way and must be enriched and valued, natural and cultural differences are real and inevitable, the biggest problem occurs when disrespect, intolerance, preconception, discrimination, exploitation and power make use of the language of certain groups who, from their language games, create certain rules that disadvantage or exclude other language games.

For Habermas (2010, p.31), "A language is not the private property of an individual, but produces a context of shared meaning in the intersubjective plane, embodied in cultural expressions and social practices [...]".(author's translation)

The construction and permanence of an equitable and just world, based on human dignity based on equality and social justice, will only be possible when the issue of human rights becomes a real priority, both in the political and economic systems, when political power and economic development do not prevail over social development.

The establishment of a common world, the building of just societies, on the basis of every human right to dignity “[...] would only begin to be made viable as the right to have rights became a global theme, governance of the world order, transcending sovereignty” (Lafer, 1997, p.58). (author’s translation)

The scenario of the world crisis, in Latin America and specifically in Brazil, causes social service to face a historical and structural process of extreme social inequality that affects everyone, a crisis that deeply cuts across the welfare state and the ineffectiveness of policies public.

Iamamoto (2014b, p.175), will describe: “But the most disturbing feature of the new social issue is the reappearance of workers without work: those useless to the world or supernumerary, that is, people who have no place in society because are integrated and maybe not even integrable [...]”.

The term new social question is deepened by Castel in his 2005 book “Social Insecurity: What It Is To Be Protected”, which emphasizes, in general terms, that there are multiple manifestations of the social question, involving segments beyond workers. and unprotected, there are more vulnerable and marginal social categories of the dominant order. Thus we cannot look at society from the perspective of the old social order where there were two antagonistic classes, as Marx claimed: the bourgeoisie and the proletariat. In contemporary society there are new social configurations that require new interpretations and analysis (Bandeira, 2013 quoted by Montibeller, 2015, p.64). (author’s translation)

Thus in the face of new social configurations, several challenges face demands related to human rights in the world and in the Brazilian reality, as well as to social service.

The construction and permanence of an egalitarian and just world, based on the principle of human dignity based on equality and social justice, will only be possible when the language games of human rights are in fact a priority of both the political and economic systems that is, when political power and economic development do not prevail over the language of social development.

Given the social complexity of the globalized world, the challenges faced by social work are unquestionable as the profession faces different language games in social and political contexts that diverge between human needs and ideological interests in a constant struggle for social advances and setbacks.

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