

The human right to education and health: A reflexive perspective of Frankfurt's critical theory



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Cleudes Maria Tavares Rosa

Postdoctoral in Human Rights from the Federal University of Goiás, Brazil (UFG), Doctor in Education (UFG), Master in Sociology (UFG), Specialist in Civil Law (UNIANhanguera), Graduated in Social Sciences (UFG), Bachelor of Law (PUCGOIÁS), Lawyer (OAB GO 42550), Coordinator and Professor of Sociology at PUCGO, Researcher at PUCGOIÁS, NEVIDA-FE (UFG/CNPQ), CEPAE (UFG/ UFSCAR), UCTO (CNPQ).

LATTES: <http://lattes.cnpq.br/5957242989246947>

ORCID: <https://orcid.org/0000-0002-2364-6117>

E-mail: cleudestavares@gmail.com

Maurides Macêdo Kern

Postdoctoral degree from the University of Texas, Doctorate in History at PUC-SP, Master's degree in History at UFG, Specialization in Social Policy at PUC-GO, Specialization in Criminal Procedural Law at UFG, Specialization in Criminal Law and Criminal Procedure at the Academy Superintendence of Goiás Police, Specialization in Social Policy by PUC-GO. Graduated in Law from PUC-GO, Degree in History from PUC-GO, Graduated in Social Studies from PUC-GO. Lawyer (OAB-GO) since 1986. She is a professor, researcher and advisor in the Master's and Doctorate

in Human Rights at UFG. She is a retired full professor at the Federal University of Goiás and retired full professor at PUC-GO.

LATTES: <https://lattes.cnpq.br/8107202394331830>

ORCID: <https://orcid.org/0000-0002-1279-8254>

E-mail: maurinha1312@hotmail.com

Alessandro Rezende da Silva

Post Doctor in Human Rights, Federal University of Goiás, Brazil (UFG). PhD in Social Sciences, Facultad Latino Americana de Ciencias Sociales (Flacso/Ecuador). Master in Political Science, Unieuro, Brazil. Graduated in Social Communication, IESB, Brazil.

LATTES: <http://lattes.cnpq.br/1265073533241501>

ORCID: <https://orcid.org/0000-0002-5381-2155>

E-mail: alessandroligadf@gmail.com

ABSTRACT

The work tensions the categories education, training and human rights, critically relating them to the constant prediction of universalist international norms. These neglect their own imposition in diverse socio-cultural contexts. In this way, they sustain, by uncriticality, the ideology of the groups of economic power in capitalist society. Critical education is what will contribute to a critical interpretation of human rights.

Keywords: Education, Human right, Training, Ideology, Fransfurtian Critical Theory.

1 INTRODUCTION

The The fruitfulness of the categories Education, Training and Human Rights will be studied in the present work, in spite of their theorizations and achievements linked to the vicissitudes and ideologies that permeate the bourgeois capitalist society. Such categories underlie the cultural processes and, it is reiterated, the ideological processes of this society.

The objective is to understand the relationship between education and human rights as a cultural foundation that organizes society, understanding the former as the foundation that constitutes the latter. It is emphasized that, since the formation of human groupings in pristine ages, law has been



an imposition of the universal on the particular. In order to strain this relationship, we will resort to the Negative Dialectic of Theodor Adorno (2009), and Frankfurian critical theory to understand how codification formally sustains human rights, however, materially criticism and resistance are required for its concretion.

The codification of human rights is related to the contexts of barbarism that marked bourgeois capitalist society, which has as its emblem Auschwitz. It should be noted that conflicts and struggles for human dignity led to systems of guarantees codified¹ from Auschwitz, however, social conflicts have long been gestating the struggle for the constitution of such a right.

Brushing the "history against the grain" (Benjamin, 1994, p.225), the realization of the barbarism embedded in bourgeois society led Adorno and Horkheimer (1985) to argue why humanity so technically developed still manifests a regression in terms of humanity to the point of gestating Auschwitz.

Auschwitz is the landmark of manifest barbarism. This defines the necessity of the existence of the system of guarantees of struggles and resistance to that bad state of affairs. And it culminated in the Universal Declaration of Human Rights (1948). The conception of the system is criticized for the closure of the understanding that it provides. Adorno and Horkheimer (1985) are used, because this conception of a system – values and social division of labor (Flores, 2009) –, closes in an explanatory totality and denies criticism.

It is necessary to consider that the narrative of the human rights system comes from international treaties, such as the Universal Declaration of Human Rights (1948), which endowed private individuals with rights. Endowment effected by the universal, in it the foundations of struggle for the process of humanization of humanity itself. It cannot be overlooked, however, that in these important normative frameworks of human rights is based ideological foundation, because they are abstract, the universal. On the other hand, the original specificity refers to the cultural question: its origin is rooted in the western side of the planet, in a context of high technical development, challenged by the cultural barbarism of Auschwitz.

Flores (2009) discusses this issue pointing out the need to (de)colonize what is a human right, its ethical and legal basis aiming at access to goods, material and immaterial, as a minimum provided for the exercise of what is dignity. The (de)colonizing would come from being the human right understood as human, so every individual, by human being would have it. Disregarding, in this context, the diversity of worldviews and interests of diverse peoples. Therefore, the scope of the abstraction of

¹ It refers to the Universal Declaration of Human Rights. Available in <http://www.unhcr.ch/udhr/lang/por.htm/spanish> . Accessed on 20/5/22; International Covenant on Economic, Social and Cultural Rights. Available in http://unhchr.ch/spanish/html/menu3/b/a_cescr_sp.htm. Accessed on 20/5/22; International Covenant on Civil and Political Rights. Available at http://www.unhcr.ch./spanish/html/menu3/b/a_ccpr_sp.hhtm. Accessed on 20/5/22.



the statements and of the language itself present in this universality of what is the human right is criticized.

This was the same socio-historical context that motivated the prosecution of the Frankfurters, exiled by the barbarism that marked Europe, specifically Germany at the time. It is necessary to remember the indignity that marked this moment, in which Adorno and Horkheimer, point out that:

Critical thinking, which does not stop even in the face of progress, today demands that one take sides in the last remnants of freedom, in the tendencies that still exist towards a real humanity, even if they seem powerless in the face of the great march of history (Adorno and Horkheimer, 1985, p.9).

This march went against the collapse of bourgeois society and the tendencies of the spirit of the age were destructive. Adorno states: "I understand by barbarism something very simple, that is, that, being the civilization of the highest technological development, people are backward in a peculiarly shapeless way in relation to their own civilization" (Adorno, 1995a, p. 155). This situation is manifest when the majority experiences formation in terms of the civilization in which it is inserted, but are "carriers of primitive aggressiveness, or primitive hatred [...] an impulse of destruction" (Adorno, 1995a, p. 155), which could lead civilization to explode. Barbarism is explicit physical violence, but it is also so in subjective terms because of its coldness and indifference towards the other, the different.

Looking at the issue of violence requires reflection on the constitutive aspects of violence in a socio-historical perspective. The reason for this elaboration reverberates in Human Rights. It will not be reconstructed its formal origin, or its conservative rhetoric of legitimation, but, rather, as a category of self-imposition of duties (Flores, 2009) constant in social struggles in search of human dignity. It will also seek the contribution of the critical theory of society, specifically the thinkers of the Frankfurt School. Adorno and Horkheimer, in the sense of the argument made throughout their works regarding the project of humanization of man. And, in the Negative dialectic (2009) Adorniana. As elements of culture, both education, training and human rights must be examined with critical distance, in the search for their contradictions, as a requirement of criticism of idealization, because it does not accommodate itself to generality and by this means does not impoverish the experience by considering that "from it would be liberated a just state, which is neither system nor contradiction" (Adorno, 2009, p.18). We agree with Adorno (2009), when stating that the concept does not demarcate the identity constituted historically and, therefore, dynamic. And it denies the traditional theory².

² The traditional theory, according to Horkheimer (1980), received this denomination because, over social and historical time, its philosophers had sought a method of thought that tried to know, to explain the world, knowledge itself and, when discussing what theory was, conceived that "[...] its real validity lies in the consonance of the propositions deduced with the facts that have occurred" (p. 117). Horkheimer criticized the representation of the essence of the theory and did so from the Cartesian method. In this, reason was sought in order to, from a reflection and by specific requirements of the process of knowing and explaining, give answers, *a priori*, to the questions that human reason itself has asked. The path taken by



In the preface to the book "Dialectics of Enlightenment", an essayistic work, this concern is manifested in the analysis of capitalist society, called by the authors as managed society: "[...] Why is humanity, instead of entering a truly human state, sinking into a new kind of barbarism?" (Adorno and Horkheimer, 1985, p.11).

Violence is inherent in the human condition, this human, violent, has centered his power of destruction toward nature and other individuals; he attempted domination. It is urgent, however, to understand that violence is regression, denial of humanity itself. Zanolla (2015), in relation to barbarism points out that Adorno (1995a) discusses it as an objective referred to the social factors and situations that contribute to violence in the structural scope, the order of productive relations and, in the human aspects inherent to the constitution of subjectivity, which involves recognizing factors that concern the psychic dynamics of individuals, their soul, or spirit, in the philosophical sense of human uniqueness, be it its desires, needs, feelings, and emotions.

It is understood that in his process of domination, this individual, subject of his trajectory, intended autonomy. It constituted knowledge about nature in the sense of understanding and dominating and constituted culture. For the critical theory of society, the subjective perspective in the process of constructing culture has to be considered. This individual begins to restrain himself in his exercise of freedom by the limits imposed by the culture, constituted by him to dominate nature. Consequently, the previous freedom experienced was undermined by the consensual moment of subjection of the libido and pursuit of pleasure, which came to be culturally controlled. Culture began to subjugate human instincts, their libido, the unrestricted satisfaction of their needs had come to be molded and repressed, contained.

The repressed content of this libido, warns Freud (2010b), can resurface, because the cultural process that is constituted, centered on the repression, is all the time in struggle with the instinctual freedom sought. And if this instinctual freedom is contained by the weight of culture, the repression of instincts occurs in the biological and historical realms (domination is social and unfolds in all individuals of that society, in the name of the tolerable demand demanded by the culture or society³).

human reason, in the attempt of answers, culminated in its own problematization. In the course of philosophy, from Plato to Hegel, passing through Bacon and Descartes, leaving no room for German idealism, reason resorted, according to Horkheimer, to the "*hypóstasis* of the *lógos*" (1980, p. 124) and called it a traditional theory. Tiburi (1995, p. 12) understood such hypostasis as "reason in a general way without a specific reference to the very broad meaning of the Greeks". Refuting this hypostasis, critical theory attempted to understand thought as "hypothesis and not as certainty" (p. 12). Adorno (2009) criticized the philosophical tradition on the primacy of thought, the content from Plato to Husserl and the critique of dialectics as "something positive that is established through the thought of negation" (ADORNO, 2009, p.7), seeking the discontinuity of the conception of dialectics as mere negation. The Adornian negative dialectic breaks with the principle of unity and mastery of the supraordinate concept and alters the dialectical position in relation to some philosophical categories, altering them qualitatively with the search for the idea of a negative dialectic in relation to these categories. Adornian critical theory, specifically the negative dialectic, proposed to rethink in a critical way "the relationship between exposition and thing, form and content, subjectivity and objectivity; fundamental for a thought that intends to free the dialectic from its affirmative conceptual nature" (ZANOLLA, 2015, p. 456).

³ Freud (1992, p. 639-640) discusses "human civilization, an expression by which I mean everything in which human life has risen above its animal condition and differs from the life of animals – and I contempt for having to distinguish between



The critical theory of society is constituted from the discussion of its authors with two references, among others (Kant, Hegel, etc.), which complement each other: the Marxian with the objective analysis of society and the Freudian with the subjective. In Marx, man is humanized by the mediation of work in the search for satisfaction of his needs, which once satisfied generate others, and constitutes the first act of history. Adorno discusses, in *Theses on necessity*, that this is a social category, and points out that necessity, as a socially mediated drive, is explained theoretically as if it were natural, being, however, socially constituted. It warns that the needs are not static, as well as are not related only to food and housing, and it is therefore necessary to "[...] to recognize that the subsistent needs themselves in their present form are the product of class society" (2015, p. 231).

It is necessary to think about human dignity, and to think of it from the foundation of values. Flores (2009) warns that values are inserted in social norms and processes of division of labor. These prescribe behaviors, duties from interests of economic power. Thus, it is necessary to pay attention to the critical sense directed to the human right, because not all access to goods are amenable to materialization from the norm. Moreover, not every formalized or normalized human right provides such access. Also, one cannot neglect the process of access to human dignity, access to goods, material and immaterial, are identical throughout the world. There are cultural differences that must be respected. Although everything that exists and lives must be respected, it is therefore necessary to recognize that every relationship would be based on a broad human development. This would lead to the presupposition of a democratic, solidary, humane society.

Adorno is taken up and that pointed out by him that "[...] in no need should one clearly separate what is human and what comes as a consequence of repression" (Adorno, 2015, p. 231). In Freud, man is an animal and humanizes himself to the extent that he postpones satisfaction and restricts the search for pleasure and transforms the initially playful activity (pleasure principle) and begins to avoid pain. Instinctual repression occurs, and again, Adorno extols the "danger of domination settling in human beings through their monopolized needs [...] is [...] a real tendency of late capitalism" (Adorno, 2015, p. 231).

culture and civilization – presents, as we know, two aspects to the observer. On the one hand, it includes all the knowledge and capacity which man has acquired for the purpose of controlling the forces of nature and extracting the wealth from it for the satisfaction of human needs; On the other hand, it includes all the regulations necessary to adjust the relations of men to each other, and especially the distribution of available wealth. The two tendencies of civilization are not independent of each other; in the first place, because the mutual relations of men are profoundly influenced by the amount of instinctual satisfaction which the existing wealth makes possible; secondly, because, individually, a man may himself come to function as wealth in relation to another man, to the extent that the other person makes use of his capacity for work or chooses him as a sexual object; thirdly, moreover, because every individual is virtually an enemy of civilization, even though it is supposed to constitute an object of universal human interest." Here, reference is made to the essay "Culture and Civilization" by Adorno and Horkheimer (1979, p. 97), for culture "as the product and form of the soul, and civilization as exteriority, absolutizing the former and setting it against the latter, and often opening the doors to the true enemy—barbarism." There is no divergence of meaning between Culture and society, since we understand society as civilization.



Exclusion and inequality are inherent in capitalism, so it is necessary to overcome not only colonialism and patriarchy, but also to believe that an inclusive capitalism is a contradiction in the speech of its defenders. To this end, structural changes that guarantee the sovereignty of peoples and struggle in the territories are urgently needed, as well as a solidarity economy based on equality, sustainability and the full exercise of citizenship. In this way, the technique and everything that is nefarious that involves the relations in capitalist society, the coldness, the indifference

In Marx (2002), the history of man is the history of his production of life conditioned to the corporeal organization and grouped. In Freud, it is the struggle of reason against non-reason, and in Adorno, it is the repression of the animal contained within itself in favor of civilization and guided by reason. Adorno elaborates together with Horkheimer an explanation of how reason over time degenerated into (un)reason and propitiated the regression of man, at times when the civilizational and technological process seemed so advanced. It is that in the process of seeking knowledge man has learned from nature, has mastered it and has mastered other men. In this sense, "What men want to learn from nature is how to employ it to completely dominate it and men" (Adorno and Horkheimer, 1985, p.20). Nothing else mattered but narcissism and vanity. It is necessary to speak of knowledge, but with it we must subjugate the other, different, violate it so that it submits to the interests of the dominator.

In *Dialectics of Enlightenment*, Adorno and Horkheimer (1985) discuss enlightenment "as a process of intellectual emancipation resulting, on the one hand, from overcoming ignorance and laziness to think on one's own and, on the other hand, from the critique of the preventions inculcated in the intellectually lesser by their greater" (Adorno and Horkheimer, 1985, p. 7). Autonomy should be understood as clarification, a beacon for understanding social processes in which violence becomes barbaric, leading to the dehumanization of individuals. This barbarism is due to the mechanisms of coldness towards the other and to the objective aspects of capitalist society, in which the market and economic power are structured around finance and consumerism. Relations are organized similarly to the business world and the human relationship in which emancipation could occur seems to be non-existent for this society instrumentalized by profit. The critical human right tensions such relations regulated by the market route and defends that the State must guarantee inalienable social rights.

2 CULTURE AND VIOLENCE

Culture has to be weighed up. This as a process, is the mediation effected by the individual, between himself and nature. It is possible to distinguish through the culture created by individuals that they renounce their libido in favor of socially expressed activities, and that can lead them to assume themselves subjects; that is, it is also by the repression of instincts that culture is constituted (FREUD, 2010b). By this determined negation, thought expresses the absence of freedom constituted by cultural



brakes. Hence it is understood that minority, the impossibility of reflecting for itself, is a guarantee of the permanence of rooted violence, and by this the individual understands himself as a subject. In this sense, it is possible to apprehend the formative experience as "movement by which the realized figure would be confronted with its own formation" (Adorno, 1995. p. 25). Now, if such a subject is unfit for the exercise of reflection, he repeats the behavior, based on violent, aggressive acts. This repetition extends as a web, a constellation, and can provoke processes of identification. The psychoanalytic concept of identification refers to "the oldest manifestation of an affective connection of one person with another" (FREUD, 2016). It is that thinking about violence, in its regressive manifestation of physical force, hereinafter referred to as barbarism, implies thinking not only about the objective conditions in which it manifests itself. It is also subjectively investigating its subjects. According to Adorno, "the fact that we need to become aware of this desperate element ... must go beyond objective assumptions (...) it is necessary to seek the roots in the persecutors" (1995a).

In *La personalidad autorit ria*, Adorno (1965) demonstrates that authoritarianism, from the psychological perspective, is the general tendency to place oneself in a situation of domination or submission, in front of others, as a consequence of insecurity of the 'I' or fear of being weak, or by feeling of guilt. In this perspective, the authoritarian considers the other as a rival and if this is considered 'superior' he must be feared; if it is considered 'inferior', it should be dominated. Thus, "authoritarianism means a defensive predisposition to conform uncritically to norms and movements of the power invested by the subject of authority" (Adorno, 1965 p. 5). It is necessary to emphasize the profile of the authoritarian individual, relating him to the different other: the lack of feeling, indifference and coldness, the identification with power, the manifestation of a destructive spirit by the indifference manifested in intolerance and prejudice, the democratic mask when the individual is anti-democratic, the understanding that the other receives some advantages and that because he is inferior and different he should not have rights that are considered by the authoritarian as advantages. Adorno (1965) points out these characteristics as the power of the fascist, authoritarian personality.

Authoritarianism comes from the distorted idea that a leader must have a marked and dictatorial presence in this society in which social discrimination becomes one of the causes studied by Adorno, emphasizing anti-Semitism. The definition of authoritarian in Critical Theory has reference to the individual of 'potentially fascist' character, who is dominated by subjective factors, such as fear and culpability, and by objective and material factors in which logic, predominantly capitalist, interferes in human clashes and conflicts in all spheres of society.

Thinking about the violence manifested in Brazilian society implies thinking about its colonization process. This society, since its colonization, has experienced processes of domination: sweet, symbolic, imposition of a single language, religion, standard of food economy and clothing, through the inculcation of an ethnocentrist civilizing process, according to which the other peoples,



Brazilian or African, would be inferior, incapable and needed to be updated to the European standard of civilization. And, with the manifestation of brute force, barbarism, in which "the regression to primitive physical violence" (Adorno, 1996), and without apparent link to rational objectives, was recurrent so that the native peoples and those who were brought to submit to the European logic of territorial and cultural expansion.

The native population resisted, hindering the process of domination. The alternative to achieving exploitation was black slave labor. The blacks who arrived here were weakened by the journey because of the inhumane conditions to which they were subjected. As they did not know the territory, the languages, each other, submitted to the new condition of life. But there was resistance, escapes, occupation of geographical spaces that allowed the formatting of a hybrid culture, whose manifestations were influenced by the cultural residues that these peoples, native and black, retained, constituting, therefore, a new culture composed of the cultural remnants and the available resources. It is emphasized that such peoples are the forgotten hope on the periphery of the capitalist world. It is from this resistance, from their emancipatory struggle, from their social movements, from their original peoples and from grassroots communities that a new world can emerge, "where the shadows that extend around our way of knowing the world are broader than the lights that supposedly illuminate our questions" (Flores, 2009, p.47). These peoples lived experiences of exploitation and oppression and constituted new hybrid cultures that formed their practical *telos* and characterized the resistance to violence suffered by their condition as slaves. In this aspect, it enabled non-identity and the denial of its objectification, hence hope forgotten.

The process of objectification, according to Adorno (1995), begins with the idea of severity, in the mistaken process of interpreting virility as the ability to endure pain. By understanding himself hard, enduring pain, physical or emotional, the individual understands and explains himself as a thing and begins to have expectations and demands that the other is also him, objectifies him. He who denies such a process of objectification, in himself and in the other, exercises his humanity. The native Brazilian peoples and the blacks denied its objectification. They marked humanity in themselves. Over time, violence and authoritarianism with all their force have been manifested in Brazilian society.

3 BARBARISM AND AUTHORITARIANISM

In the Brazilian case, authoritarianism manifested itself considering the other as 'inferior', which needed to be subjugated by force, by the barbarism that manifests itself in this modeling of the other, of the different, to the expected standard; or, sweetly, by the legislation imposed by the police power of the State (Weber, 2004). In authoritarian relations, there is repeatedly the repression of the differentiated for the continuity and homogeneity of the administered society. Authoritarianism, expressed by the authoritarian, cannot even be recognized by him.



It is necessary to argue the formation, *the Bildung of* these authoritarian individuals in the administered society, in which calculation and prediction have been consolidated as the reason for being and existing of that same society. The blind adherence to the collectivity in a process of identification without critical self-reflection reveals in a certain way the barbarism and the 'objectified consciousness' in which individuals identify with the object, alienate themselves and adapt to the thing, to the object of desire, without the clarification necessary for the understanding of the facts, because "it remains blind to everything that has come to be, in the face of all the comprehension of rationality itself, and absolutizes what is-so" (Adorno, 1995a, p. 118). This kind of consciousness produces 'people bruised by technology', cold towards each other. The technological world has potentiated the distancing between men, social isolation and prejudice about every way of being and expression of what is different from what is established by media standards. This generated a process of exclusion and regression from enlightenment to reification in which individuals blindly alienate themselves, without the power of manifestation against this social barbarism.

Thinking about Brazilian barbarism and authoritarianism also implies reflecting on objective social conditions. Both entrenched authoritarianism and continuous barbarism require the analysis of how the subjects of history have materially reflected and reproduced their manifestations: in crime against the person. The crime against the person has legal provision in the Brazilian Penal Code, from article 121 to article 129. And since the end of the last decade of the twentieth century, this type of criminal manifestation has grown. It grew up and placed on the agenda of sociological, psychological, legal, philosophical and theoretical-critical analysis with the analytical look at the negative Adornian dialectic (2009) why the cordial man has been subsumed to the new manifestations of explicit barbarism. We are not interested here in the typological discussion of such barbaric manifestations; rather, it is important to understand the reason for its continuity. And we return to Frankfurt's critical theory, especially Adorno and Horkheimer, when they discuss the foundations of enlightenment and the possibility of it leading society towards humanity. If violence is a constitutive part of the animal portion of man, from the beginning it manifested itself in his struggle for the satisfaction of needs, and it was by domestication through labor that such satisfactions were achieved. Man interfered in nature and dominated it, dominated other men and, in the process, it was urgent to explain natural phenomena and, in the explanation, by the first mimesis, to constitute cultural brakes, with them the moral ones, for the others leading them to the domestication of instincts and the principle of reality. It was through myth that the forces of nature were objectified and, mimetically, by it regulated behavior and reduced anguish in the face of the unknown. Adorno and Horkheimer (1985) point out that, by the previous relation of submission, by mimesis, man intended and explained the phenomena by instrumentalizing reason. This began to order the walk towards domination.



This violence is symbolic, not being totally so, at the moment when Ulysses, to hear the song of the mermaids, ties himself up and covers the ears of the rowers: these are two moments of violence. The first, domesticating by force its animal portion that could become entangled by the senses. He takes risks, since this violence against him can lead him to succumb to interest and get lost, or not. It is called here sweet violence, although the materialized act is of aggression to the body, already despised in the process of understanding the world and life, the explanatory prevalence was still centered on the myth, separated from the subject who acted in search of knowledge. The second moment is material violence, regressive, against the other, the oarsman, different from Ulysses, the then subject of knowledge. To this, the bonds, the submission, the manipulation, the physical violence, materialized and henceforth constitutive of the process of administration of society. If Ulysses is the subject of knowledge and imposes on himself rational control mechanisms, the process of knowledge will advance disregarding the violence that this subject will impose on himself, on his body, to know and explain what was previously explained by the myth. Now, separated, fractionated only in reason, is that the disregard of sensibility becomes reality, materializes. This loss of sensitivity configures what Adorno called an authoritarian personality. It is from this context that we intend to explain the exacerbation of violence in Brazil, but not only the violence materialized in crimes against the person: homicides, robberies. The crimes will be associated, here called diffuse: violation of environmental rights, non-materialization of the rights to health, violation of public education, free, inclusive, innovative by cutting funds, by reducing the content and critical disciplines, leaving only the sciences that leave no remains, organized in schematized, technical, uncritical programs and that do not allow thinking to think. All protected by the 1988 Constitution.

Diffuse rights can be defined, in the words of Freddie Didier and Zanetti Jr., as:

(...) those trans-individual (meta-individual, supra-individual, belonging to a collectivity), of an indivisible nature (they can only be considered as a whole) and, whose holders are indeterminate persons (that is, indeterminacy of the subjects, there being no individuation) linked by circumstances of fact, there being no common bond of a legal nature, e.g., the spoken, written or televised press, affecting an incalculable number of people, without there being a basic legal relationship between them, the protection of the environment and the preservation of administrative morality. For this reason, the *res judicata* that arises from the judgments of origin will be *erga omnes* (for all), that is, it will reach everyone equally (art. 103, I, CDC) (Didier and Zanetti Jr., 2010. p. 74).

In the formal aspect, the defense of these is under the plural legitimation: because there are several legitimized entities; and, mixed because they are entities of civil society and the State. It is conferred on public, private and depersonalized entities, including the individual, in popular action. Since the collective legitimacy is responsible for acting in its own name in the defense of rights that belong to human grouping (indeterminate persons, collectivity, community, holders of individual rights considered abstractly, according to art. 81, CDC, and subparagraphs); Such a human grouping does not have legal personality, so it is not authorized to act in court to defend its rights, and it is up to the



legitimate collectives to do so. These have autonomous, exclusive, simple and competing legitimacy: political parties, unions, entities and class associations, the Public Defender's Office and the one that holds the exclusive legitimacy for the initiation of the civil inquiry that is the Public Prosecutor's Office. This will act in the filing of actions that have social relevance, and according to the Constitution of the Republic in the defense of the legal order, social interests and individuals, only if unavailable. It is emphasized that all legitimates do not need to be provoked to allege violations of such rights. The issue of the non-materialization of such rights is pointed out here. Article 6 of the Constitution determines that the right to health be of all Brazilians and extended to all foreigners who are on home soil. And, although Brazil has the largest public health coverage in the world, with constitutional provision in all its aspects: health, social security and social assistance, according to articles 194 to 204 of the Magna Carta, it incurs in the non-materialization of these and, moreover, incurs in sweet violence manifested recurrently

In the objective perspective of its manifestations, authoritarianism is the manifestation of the resolution of dissent by force, barbarism. And either the crimes against the person, or the non-materialization of constitutionally guaranteed rights, incurs in manifestation of authoritarianism. The first, objectively committed when an individual personifying the State, holder of the "monopoly of the legitimate use of physical force" (WEBER, 2004), in confrontation, liquidates the other. And the second, right to health and a healthy environment, as guaranteed by Article 225 of the Constitution of the Republic, violence is sweet. For the other, in this context is generic, abstract, and authoritatively the violence, which manifests itself materialized, barbaric, is given by the non-possibility of supervision in the state provision of the quality of a healthy environment and health to all. Training plays a central role in the possibility of change. It is necessary to form in the sense of the constitution of humanity, for love. Are we back at Auschwitz?

4 UNDERSTANDING BRAZILIAN AUTHORITARIANISM

It is thought the Amendment to the Constitution of the Federative Republic of Brazil of number 95. This was approved in December 2016 and led to a reduction in investments, created the limitation, called the ceiling of spending of the Brazilian State, which culminated in 2019 in a reduction of R \$ 20 billion in the so-called untying of the minimum expenditure of 15% of the Union's revenue with health. According to the calculation, if in 2019 there had been the application at the same level provided for in the multi-year plan as it was in 2017 (15% of the net current revenue of each year), health would have received R \$ 142.8 billion and not R \$ 122.6 billion, this retreat marked the lack or absence of defense of diffuse interests. Moreover, the budget remains frozen for 20 years and the Unified Health System had lost R \$ 400 billion of investments, as was the statement of the president of the National Health Council in 2021. This defunding has consequences for the lives of the working classes, with



the erosion of labor law, social security, with the unemployment of more than 14.4 million Brazilians, with the reduction of the amount invested from R \$ 595.00 per person in 2014 to R \$ 555.00 in 2020, plus hunger, polluted water (garbage, sewage, chemicals and even heavy metals such as mercury), inflation. All are elements that lead to physical and mental illness, the lack of psychologists is highlighted, and medicalization increases. These are aspects of political and economic domination in the society of total administration.

In this aspect, it is urgent to elaborate the interventions, through the sociocultural mechanisms of domination. One of the mechanisms, in particular, awakens the demand for tension and the search for contradiction: the question of state provision and legal and legal organization of school education is elaborated, since this has been, since the beginning of capitalism, sought as a possibility of social ascension and new opportunities. It should be noted, however, that it was organized based on the defense of bourgeois interests in the capitalist society that executes them, as a 'covering veil' (Adorno, *apud* Cohn, 1994) provided via minimal contents, reduced to instrumentality and technical disciplines to consider the demands present in the administered world. This situation leads to the expansion of the "reserve army" without specific and necessary conditions to serve the increasingly competitive market. It is also tensioned in the process of school education, specifically to the criticism made by Adorno as to what is formation. Such reflection on education requires the interweaving of other knowledge, not only technical qualification for the world of work and its relations derived from it, but education for humanization and autonomy as "power for reflection, self-determination, non-participation" (Adorno, 1995a, p. 125).

It is considered, in the Constitution of the Federative Republic of Brazil as one of its principles and social right, according to article 6 of the same Constitution. Moreover, it is Education as a common good and universal right that builds and transforms relationships. And, the National Program of Human Rights-3 of 2009, proposed as a guiding axis to universalize such rights, based on the understanding of being the unequal Brazilian society. In this sense, it expanded the proposal with Strategic Objective V, access to quality education and guarantee of permanence in school. Ten (10) years ago and in this time frame, Human Rights seem to have suffered a universal retreat in Brazil. And, not advanced as it was positive in the PNDH-3.

Education aims at humanization and consciousness, says Adorno, "to think according to reality, content – the relationship between the form and structures of thought of the subject and what he is not" (1995a, p. 151). Thus, it is necessary to reflect on the pseudo-formation and education present in capitalism that modifies the way of being and acting of the subjects. These changes, when constituted, are articulated to the economic interests present and diluted in the cultural industry, which subliminally defend the technique and its hypervalued contents. Therefore, attention is paid to the warning made by



Adorno: "it is not the technique that is the disastrous element, but its entanglement in the social relations in which it is involved" (Adorno *apud* Cohn, 1986, p. 69).

According to Adorno, "the school is, for the development of the individual, almost the prototype of social alienation" (Adorno, 1995b, p. 98). Hence the need to understand the ideological character present in capitalist society with its mechanisms of domination that perpetuate the unjust conditions of existence of the subjects in this exclusionary social environment and trivialization of education as a culture. Therefore, it is necessary to elaborate and reflect on the emptying of investments and the erosion of the rights to health, public social security and public education. Who do they serve?

The (de)formative project present in the administered school imposes a guiding standard for implementation and leads to standardization of themes that lead to a control, including of consciousness. Since entangled in technique, in the search for market success, in the world of consumption that organizes and directs even the look on the other, the individual inserted by the rational logic of the administered world has even his subjectivity conditioned. In this sense, the moment leads to the question of whether "debarbarizing has become the most urgent issue in education today. The problem that arises in this measure is whether through education it is possible to transform something decisive in relation to barbarism" (Adorno, 1995a, p. 155). Adorno's question is as to what humanity, considering technological development, as opposed to civilizing retrogression with a 'primitive aggressiveness' tends to the destruction of men and nature in the name of technical and scientific progress. Such a destructive process should lead, from the reflection about it, to the elaboration of "education as of a true conscience" (Adorno, 1995a, p. 141). By this awareness, one could question humanity itself, what is done, the demands placed and imposed, seeking ways to overcome barbarism, "(...) overcoming children's representations and infantilisms of the most different kinds" (Adorno, 1995a, p.162). These representations were constituted throughout the social and historical process through culture.

The search for a way out of this situation that was constituted and reconstituted historically in Brazil is through Education: returning to Adorno, a broad Education, focused on contradiction and resistance, is to reflect on what we ourselves do or the demands we place on ourselves and overcome child representations and infantilisms. To educate is to elaborate the past, it is to reflect on the "absence of feelings in the face of situations of greater gravity" (Adorno, 1995a, p.30). Therefore, it is to stop idealizing in the sense of understanding that it is necessary to elaborate Education for experience, it is a self-reflexive process, in which the relationship with the object forms the mediation by which the subject is formed (ADORNO, 1995a). The formative experience must be constituted in an emancipatory sense, as a moment of openness to experience, because thought needs to recover it, since the experience marks the instantaneity of contemporary life and the experience requires reflection, therefore broad education.



And what contribution will the school bequeath? It is necessary to return to the concept of Enlightenment and autonomy that must be seen as the understanding of social processes in which authoritarianism, coldness, distancing from the other becomes barbaric, leads to the dehumanization of individuals. This barbarism is due to the mechanisms of coldness towards the other and to the objective aspects of capitalist society in which the market and its economic power reign around finance and consumption, the commodity and the personal brilliance of individuals, who have themselves become commodities in the glamorous world of social networks. Now, each one is a star of himself. Relationships are bargaining contracts: aren't the number of followers and libertarian discourse antagonistic? And the relationship in which human emancipation takes place, now quantified by the number of followers, by the training and scenario of the presentation, the most accessible vocabulary, and initiates the counterblow to the possibility of enlightenment, and this, setback upon setback can continue to sustain the contradictions, and seems non-existent and inaccessible in this society instrumentalized and instrumentalizing by bourgeois rationality.

When we think of Auschwitz, *we think of* barbarism, explicit violence. The worldwide infection by Covid-19 is being considered and together and before the exploitation of the individual by another individual in capitalism, since the century. 16. As well as, in the little consciousness, as non-reflexive thought determined by the bourgeois rational logic present in the administered society; and, still for her, in the economicist perspective of optimization of scarce goods, governments omit themselves from the proposition and execution of public policies, of horizontalization of rights, because Brazil has the largest public health coverage in the world, but investments have been scarce; The reforms were sustained even under the banner of eternal progress with the social protection system, with the world of work that no longer guarantees human dignity. Education has meaning as critical self-reflection. Critical theory points out that cultural formation would consist of the experience of formations between "the philosophy of life" intertwined with broad contexts, art, historical facts. It is emphasized that the reflections of these relations thus structured will not prevent or break the nexus between the object analyzed and the ongoing reflection (Adorno, 1995a). Cultural formation must be acquired by effort and interest, by "the ability to open oneself to elements of the spirit, appropriating them in a productive way in the consciousness, instead of occupying them solely to learn as a cliché prescribes" (Adorno, 1995a, p.64). Zanolta warns of the issue of education, as a process, being built in "cultural, social and human terms" (Zanolta, 2015, p. 108). In this sense, it goes against the proposal of the critical human right, since normatized values, as a strategy of defense against dehumanization and commodification, call for placing the human person at the center of every organization of life. It is reiterated "hence that human rights cannot be understood outside the social, economic, political and territorial contexts in which and to which they occur" (Flores, 2009, p.46).



In this sense, it is education that makes possible the dialogue that grounds the understanding of what is human right and its consequences, in a critical way and in the search for movement, the historical, sociological, philosophical, psychoanalytic and political contextualization of the phenomenon to turn its dialectical contradictions attending, according to Adorno (1993) to the distancing of the continuity of the known.



REFERENCES

- ADORNO, Theodor W. La personalidad autoritaria. Buenos Ayres: Editorial Proyección, 1965.
- ADORNO, Theodor W. Minima moralia: reflexões a partir da vida danificada. Trad. Luiz Eduardo Bicca. Rev.de tradução: Guido de Almeida. 2. ed. São Paulo: Ática, 1993.
- ADORNO, Theodor W. Sociologia. *In*: COHN, Gabriel (org.). Sociologia. São Paulo: Ática, 1994.
- ADORNO, Theodor W. Educação e emancipação. Trad. Wolfgang Leo Maar. 4. ed. Rio de Janeiro: Paz e Terra, 1995a.
- ADORNO, Theodor W. Palavras e sinais: modelos críticos. Trad. Maria Helena Ruschel. Supervisão: Álvaro Valls. Petrópolis: Vozes, 1995b.
- ADORNO, Theodor W. Prismas: crítica cultural e sociedade. Trad. Augustin Wernet e Jorge Mattos Brito de Almeida. São Paulo: Ática, 1998.
- ADORNO, Theodor W. Notas de literatura. Tradução e apresentação de Jorge M. B. de Almeida. São Paulo: Duas Cidades; Editora 34, 2003a.
- ADORNO, Theodor W. Sobre a indústria da cultura. Trad. Manuel Resende *et. al.* Coimbra: Angelus Novus, 2003b.
- ADORNO, Theodor W. Escritos sociológicos I: obra completa, 8. Traducción: Agustín González Ruiz. Madrid: Ediciones Akal, 2004.
- ADORNO, Theodor W. Dialética negativa. Trad. Marco Antonio Casanova. Revisão técnica: Eduardo Soares Neves Silva. Rio de Janeiro: Zahar, 2009.
- ADORNO, Theodor W. Teoria da semiformação. *In*: ZUIN A. S., Antônio; PUCCI, Bruno; LASTÓRIA, Luiz A. Calmon Nabuco (orgs.). Teoria crítica e inconformismo: novas perspectivas de pesquisa. Campinas, SP: autores associados, 2010, p.7-40. (Coleção Educação Contemporânea).
- ADORNO, Theodor W.; HORKHEIMER, Max. A dialética do esclarecimento: fragmentos filosóficos. Trad. Guido Antonio de Almeida. Rio de Janeiro: Zahar, 1985.
- BENJAMIN, Walter. A obra de arte na era de sua reprodutibilidade técnica. *In*: BENJAMIN, Walter. Magia e técnica, arte e política: ensaios sobre literatura e história da cultura. 7. ed. Trad. Sérgio Paulo Rouanet. Prefácio: Jeanne Marie Gagnebin. São Paulo: Brasiliense, 1994, p. 165-196. (Obras escolhidas, v.1).
- BRASIL. Decreto-Lei nº 2.848 de 7 de dezembro de 1948 – Código Penal Brasileiro. Disponível em: http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848compilado.htm. Acesso em: 2 out. 2020.
- BRASIL. Constituição da República Federativa do Brasil de 1988. Brasília, DF: Presidência da República, [2016]. Disponível em: http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm. Acesso em: 1º jan. 2019.
- BRASIL. Lei nº 8.137, de 27 de dezembro de 1990. Dos Crimes Contra a Ordem Tributária. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/l8137.htm. Acesso em: 2 out. 2020.



BRASIL. Lei nº 10.406 de 10 de janeiro de 2002. Institui o Código Civil. Diário oficial da União: seção 1, Brasília, DF, ano 139, n. 8, p. 1-74, 11 jan. 2002. PL 634/1975. Disponível em: https://www.planalto.gov.br/ccivil_03/leis/l3071impresao.htm. Acesso em: 21 mar. 2020.

BRASIL. Lei nº 13.105 de 16 de março de 2015. Código de Processo Civil. Disponível em: <http://www.planalto.gov.br/leis>. Acesso em: 31 maio 2020.

BRASIL. Lei nº 13.467 de 13 de julho de 2017. Altera a Consolidação das Leis do Trabalho (CLT). Disponível em http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13467.htm Acesso em: 3 dez. 2020.

BRASIL. Projeto de Lei da Câmara nº 30/2015- Senado Federal. Dispõe sobre os contratos de terceirização e as relações de trabalho deles decorrentes. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/material/120928> Acesso em 14 dez.2020.

BRASIL. Ministério da Educação. Diário oficial da União. Disponível em: <https://www.in.gov.br/en/web/dou/-/portaria-n-2.117-de-6-de-dezembro-de-2019-232670913>. Acesso em: 2 out. 2020.

DECLARACIÓN UNIVERSAL DE LOS DERECHOS HUMANOS. Disponível em <http://www.unhcr.ch/udhr/lang/por.htm/spanish> . Acesso em 20/5/22

DIDIER JR., F. & ZANETI JR., H. Curso de Direito Processual Civil: Processo Coletivo. V.4, 5 ed. Salvador: Juspodivm, 2010.

FREUD, Sigmund. O mal-estar na civilização, novas conferências introdutórias à psicanálise e outros textos. Trad. Paulo César de Souza. São Paulo: Cia das Letras, 2010b. (Obras Completas, v.18).

FREUD, Sigmund. Psicologia das massas e análise do eu e outros textos (1920-1923). Trad. Paulo César de Souza. São Paulo: Cia das Letras, 2011. (Obras Completas, v. 15).

FREUD, Sigmund. Inibição, sintoma e angústia, o futuro de uma ilusão e outros textos (1926-1929). Trad. Paulo César de Souza. São Paulo: Cia das Letras, 2014.

FREUD, Sigmund. Moisés e o monoteísmo: esboço de psicanálise e outros trabalhos (1937-1939). Trad. James Strachey. São Paulo: Imago, 2016. (Obras Psicológicas Completas, v. XXIII).

HORKHEIMER, Max. Teoria tradicional e Teoria Crítica. *In*: Textos escolhidos: Walter Benjamin, Max Horkheimer, Theodor W. Adorno, Jürgen Habermas. 2. ed. Trad. José Lino Grünnewald *et al*. São Paulo: Abril Cultural, 1980. (Os Pensadores).

MARX, Karl; ENGELS, Friedrich. A ideologia alemã. Trad. Luís Cláudio de Castro e Costa. Introdução: Jacob Gorender. São Paulo: Martins Fontes, 2002. (Coleção Clássicos).

PACTO INTERNACIONAL DE DERECHOS ECONÔMICOS, SOCIALES Y CULTURALES. Disponível em http://unhchr.ch/spanish/html/menu3/b/a_ceschr_sp.htm. Acesso em 20/5/22.

PACTO INTERNACIONAL DE DERECHOS CIVILES Y POLÍTICOS. Disponível em http://www.unhcr.ch/spanish/html/menu3/b/a_ccpr_sp.htm. Acesso em 20/5/22.

WEBER, Max. Economia e sociedade: fundamentos da sociologia compreensiva. 4. ed. Trad. Regis Barbosa e Karen Elsabe Barbosa. Revisão técnica: Gabriel Cohn. Brasília, DF: Editora da UNB, 2004. 2v.



ZANOLLA, Sílvia R. da Silva. Dialética negativa e Materialismo dialético: da subjetividade decomposta à subjetividade pervertida. *Revista Kriterion*, Belo Horizonte, n.132, p. 451- 471, dezembro 2015. Disponível em: <https://www.kriterion.fafich.ufmg.br>. Acesso em: 23 dez. 2020.