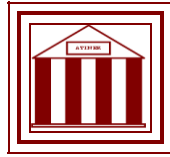


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**The Ecumenical Constitution of  
Liberation Theology and its  
Reflections in the Construction of  
Human Rights in Brazil**

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## **The Ecumenical Constitution of Liberation Theology and its Reflections in the Construction of Human Rights in Brazil**

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### **Abstract**

The Constitution of Human Rights in Brazil was conceived in the fight against the dictatorial system that existed in Brazil for 21 years (1964-1985), having as protagonists in the denunciation of tyrannies, the Christian Churches, especially the Roman Catholic Church. And many of the social agents who had fought for its establishment had in Liberation Theology (TL) a fundamental theoretical tool. Since then Human Rights have been discussed and transformed into legal institutes or have even been created in the perception of a great part of the population as something that leads to the formation of the citizen person. The proposed work aims to conduct an analytical study on the ecumenical basis found in much of the conceptual principles of Liberation Theology and its consequent reflexes in the country's political discussions related to national programs of Human Rights.

**Keywords:** Human Rights. Roman Catholic Church. Liberation Theology

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## Foreword

Human Rights in Brazil have been constructed since the mid 70s when a great part of society was fighting against the authoritarian regime which was in power between 1964 and 1985. During this period, human rights are gestated from the reality of repression and the murders the military imposed on the dissidents, being political or not. It is known that Brazil has a heritage of over 400 years of indigenous and black slavery. Public institutions are not governed by impersonality, but by relationships of cronyism which come from the colonial period. Today the taints of the lack of respect for human rights are still visible in the prison system, in the sectors of police performance, in education, among other state institutions.

By disregarding values and essential criteria concerning human dignity, one cannot recognize an established conception of life. The character of these values and standards is progressive and corresponds to each moment of the social and cultural stage of a people, as it is seen in the country's successive generations. And just as the generations are changing, the ways of thinking about certain situations and visions of a certain reality are also changing. Therefore, the construction of Human Rights in Brazil is permeated by the contributions of many ways of perceiving social reality. One of these forms was characterized as the reality of life under the aspect of Christian faith, namely, Liberation Theology, the Latin American indigenous thinking which helped in the theoretical formulation of Human Rights in Latin America from the social rights of the excluded.

This article intends to present the context of the basis of Human Rights from the ecumenical constitution of Liberation Theology itself in a narrative form. In order to do so, it is necessary to list briefly the environment that allowed the emergence of the Brazilian Constitution of 1988, a corollary of the struggles waged by the social movements of the 1970s and 1980s. The ecumenical situation of broad departments of the Christian churches must also be emphasized in the struggle against the dictatorial regime, since this is the sphere where the emergence of both a systematic and rigorous approach to Latin American theology and a social approach to Human Rights beyond a colonialist perspective will be encouraged.

## The Brazilian Constitution of 1988 as a State achievement

Brazilian law combines social demands of economic order and civil law to conceptualize the substantiation of Human Rights. The maximum bastion of this binding is substantiated in the Brazilian Constitution of 1988, which is characterized by a realization of State, a goal that must be achieved by society as an essential body of democracy.<sup>1</sup> The security of human rights is

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<sup>1</sup> Brasil: Presidência da República: subchefia para assuntos jurídicos (2012). *Constituição da República federativa do Brasil de 1988*. Available at: <[http://www.planalto.gov.br/ccivil\\_03/constituicao/constitui%C3%A7ao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constitui%C3%A7ao.htm)>. Access on: May 3<sup>rd</sup>, 2012.

inextricably linked to the democratic principle of respect for the legal entity. In this Constitution, the republican form of government is defined, which requires the indissolubility of the federation of autonomous entities among themselves, called States and Municipalities, claims the people as the source of emanation of all legitimate power, primary foundation of the Democratic Rule of Law, stipulating the choice of their governors by universal suffrage, ensuring the protection of social and civil rights in the very State. This realization of State aims for the fulfillment of guarantees that enable a free, just and solidary society.

In practical terms, the realization of this State, recommended by the Brazilian Constitution, occurs initially at the legal level, i.e., the restriction of prejudices regarding origin, ethnicity, color, age, gender, religion and any other discriminatory views. It attempts to ensure good citizenship, the possibility of the real exercise of civil rights to promote equitable social rights, according to Article 1, line II, of its Basic Law.

Citizenship is characterized based on three substantive elements, namely, civil rights (necessary for individual freedom), political rights (necessary in the participation of the exercise of political power), and social rights (necessary for the freedom of the body as an entity of a material nature). The Brazilian Constitution of 1988, unlike previous ones, 1824/1891/1934/1937/1946/1967/1969, begins with the notion of mankind and is drafted to ensure the achievement of that end. Such document is based on the principles of the Universal Charter of Human Rights, influenced by the constitutions of Weimar, by the Portuguese and Spanish law, in order to protect the rights and safeguards of man and citizen as much as possible.

### **The social construction of the Brazilian constitutionality of 1988**

The emergence of the Brazilian Constitution of 1988 is the result of many decades of struggles and confrontations among social forces which have been competing for spaces of political articulation within the Brazilian society since the nineteenth century. These disputes mark Brazil as a country of contrasts. Since its independence, its economic dependency has been a striking feature that has only recently begun to change. It is rich and at the same time is very unequal. It is multiethnic while many white sectors try to homogenize the cultural and political awareness. It is modern while it has archaic social structures. And so on. The Constitution itself is structured based on this discontinuous way of taking the social responsibility of the State and its effective condition to assure its citizens the guarantees of law. Hence the legal interpretation that the Constitution is a political achievement to be sought much more than a real guarantee to be implemented ever since the very moment it was approved. This Basic Law would direct the formation of the laws of the legislative power from the needs of society, aiming at the realization of a Democratic Rule of Law in an effort to ensure a state of effective social welfare.

The period of formation of the Brazilian Constitution coincides with the emergence of social movements which abundantly began from the mid-1970s on. The earlier period was marked by the rigidity of coups and the consequent authoritarian regimes that were developed throughout Latin America. In Brazil, the military force took power in 1964, remaining until 1985 when there was the democratic reopening. It is in this context that the social demands arise and culminate in the constitutional formulations of 1988. During the 21 years in which the military forces were in power, advanced considerations regarding human rights were gestated, primarily from the performance of sectors of the Christian churches and organizations linked to the promotion of human dignity. The violent and inhumane repression that the organs of military dictatorships imposed on political dissidents fomented the actions of religious people in society as an attempt to denounce the inhumanity behind these tactics, which were usually based on physical, psychological and moral torture.

### **The effervescence of Human Rights in Latin America**

It was through the work of the churches that Human Rights have been widely spread in the Brazilian society and also abroad. It was in the allegations of torture of political prisoners that the perception that the suppression of dissent ends the possibility of any form of democracy was fomented. It is known that the military in Latin America were trained and funded by U.S. policies to combat communist influence that perhaps might be identified. This picture was set in the context of the Cold War. Not only authoritarian governments were supported, but also protestant missions of conversion from the United States to Latin America were encouraged, such a thing served as an ideological element to spread the American way of life and to fight the supposed atheism of communists who wanted to destroy the Christian faith.

Human Rights in the context of Latin America were and have been a critique of the universalism of the Declaration of Human Rights, developed in the North-Atlantic context, as the *other* of this context. Not only Latin America but also Africa and Asia were recognized as impoverished continents in the twentieth century. These contexts have been victimized by the colonization that despoiled their national wealth on behalf of free enterprise. The colonialist enterprise extended its strong arm in the consolidation of National Security Dictatorships of the Southern Cone of Latin America, especially after the Cuban Revolution in 1959, accomplishing the necessary imposition of a social and political stability, reliable for international investment, which would be characterized by the investment of the neoliberal policies of the late 1980s and early 1990s.

The bilateral scenario which is set during the Cold War focused on the scenario of deterioration of social and economic conditions of most of the Latin American population, which were marked by the exhaustion of the economic model of industrialization that persisted, basically, since the end of the Second Great War. The Cuban Revolution has emphasized the qualitative change of



the interventionist characteristics of the U.S. The idea that the whole Latin America could be “*cubanized*” led the U.S. to finance the State coup of 1964, in Brazil, and to promote the invasion of the Dominican Republic in 1965, ushering in a new kind of relationship with the region, the counter-insurgency one.

This process of a systematic U.S. intervention in the Latin American context is known as the “*pentagonization*” of Latin America and was the expression of policies of gradual expansion of networks of relationships linked to the U.S. government, which comprised the exchange of information by the institutions of intelligence, supply of weapons, training aimed at internal security, not only in the countries of the continent but also through the entry into the U.S military schools created or remodeled for such purposes, also the offers of specific lines of financing and the direct participation of American officers in suppression actions.

In this network, there was the participation of sectors, protagonists and institutions that, in each one of the Southern Cone countries, were connected with the security functions and information. Therefore, the “*pentagonization*” pointed to the state security forces (police forces, military) or para-statal agencies (paramilitary) and consisted of the instrumentation of those in order to maintain the local *status quo* and protection of the interests of the U.S. corporations and their members through these networks.<sup>1</sup>

It is believed that during 1961 and 1977, approximately 33,000 military personnel have received training in counter-insurgency programs in the schools of American war.<sup>2</sup> This form of action against insurgent groups became known as the National Security Doctrine (*DSN*).<sup>3</sup> This doctrine helped to reinforce the rhetoric of American democracy as a universal value, which justified the interventions at any cost. This rhetoric was characterized by the contradictory action of fostering policies that encourage internal economic freedom through action and funding – according to *DSN* models – of military forces that acted against the sovereignty and freedom of the countries of the Latin American Southern Cone.

The U.S. intervention took place from the time when the colonial campaigns were facing crises after the end of World War II. In order to safeguard what was known as the backyard of the U.S., i.e., the countries of Latin America, the policies of the known Monroe Project, which defended the

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<sup>1</sup>Padrós, E. S. (2007). As Escolas Militares dos Estados Unidos e a pentagonização das forças armadas da América Latina. *Outros Tempos*, 1, 13-31. 14. Available at [http://www.outros tempos. uema.br/vol\\_especial/dossieespecialart02.pdf](http://www.outros tempos. uema.br/vol_especial/dossieespecialart02.pdf) [3 May 2012].

<sup>2</sup> Comblin, J. (1978). *A Ideologia da Segurança Nacional. O Poder Militar na América Latina*. Rio de Janeiro: Civilização Brasileira. 140.

<sup>3</sup>Lernoux, P. (1982). *Cry for the people. The struggle for human rights in Latin American. The Catholic Church in conflict with U.S Policy*. New York: Penguin Books. 155-280.

America for Americans; sought to strengthen the Latin American context as a potential partner of the U.S. economy and did so by sponsoring the counter-insurgency of nationalist groups. It is important to point out that, the Latin American nationalism has nothing to do with the fascist bias that so marked the European nationalisms of the twentieth-century, but was a nationalism which was primarily characterized by the rejection of colonialism.<sup>1</sup>

In this context, Liberation Theology (*TdL*) will arise as the most systematic expression of a theoretical labor built ecumenically. Entangled in the struggles for anti-colonial emancipation, many groups resorted to armed insurgency, like Colombia, Nicaragua, Brazil and Argentina. In this context, theological reflection began to consider the real needs demanded by the historical situation. More than that, it began to conduct systematically what became known as the reflection from the praxis of the Latin American context. This theology was guided by the link to the contextual place as the privileged place to articulate faith and reality, that is, an understanding of faith which is epistemologically articulated from the materiality of life, galvanized by the social and anthropological sense of liberation, social and political phenomenon that characterized Latin America in the nineteenth century and during part of the twentieth century, through liberation struggles of the colonies from the political yoke of Spain and Portugal.

### **Liberation Theology and Human Rights**

Liberation Theology was one of the theoretical ingredients that helped to foster Human Rights in the Latin American context. The struggle of the Christian groups - both Protestant and Catholic - was based on crucial events that marked people's lives so much that up to this day they cry for a worthy burial, i.e., the repression, the torture and the killings by agents, militia, troops and government programs that have never been clarified.<sup>2</sup> Liberation theology forged - as a theory that is genuinely Latin American - tools that enabled critical denunciation of violations of Human Rights, such as indiscriminate repression and violence, political persecutions, demoralization through ideological grooming and deletion, free-action of parapolice groups, prisons for an indefinite period of time, suspension of Habeas Corpus, kidnappings, disappearances, exile, the most varied tortures, the absence of the right to self defense and, especially, persecution of churches.<sup>3</sup>

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<sup>1</sup>Fonseca, G. D., W. Villalpando (1976). *Defensa de Los Derechos Humanos*. Buenos Aires: Siglo XXI. 49.

<sup>2</sup>Recently, the Brazilian government established a Truth Commission that aims to clarify the processes of the authoritarian government and, therefore, try to know the whereabouts of missing people during the 21 years of military dictatorship. Brasil. Presidência da República: subchefia para assuntos jurídicos. *Comissão Nacional da Verdade*: Lei n. 12.528, de 18 de novembro de 2011. Available at [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2011-2014/2011/Lei/L12528.htm](http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2011/Lei/L12528.htm) [4 May 2012].

<sup>3</sup>Comisión Evangélica Latino Americana de Educación Cristiana (1979). *Masacre contra el pueblo y experiencia eclesial*. Cuadernos de estudio. 6-28.

The churches began to denounce the persecutions and disappearances. A known case is of the Brazilian religious man Tito de Alencar, a Dominican friar who was tortured for supporting the insurgents, who could not bear the psychological trauma and ended up committing suicide in France. Besides this one, many other cases are known and unsolved, as the case of Paul Wright, who disappeared in the dungeons of the dictatorship, which led his brother, the Presbyterian pastor James Wright, to join the cardinal, archbishop of Sao Paulo, Dom Paulo Evaristo Arns, along with Rabbi Henry Sobel, president of the Rabbinate of the Israelite Congregation of São Paulo State (CIP), to research into documentation about the torture and killings during the military dictatorship from 1964 to 1979. As a result of this work, in the words of Don Evaristo Arns, that which was done by two brothers bound by blood and by the ideals of human rights, resulted, in 1985, in the book “Brasil: Nunca Mais” (Brazil: Never Again), considered a classic of Human Rights in the country in which torture and even the torturers are denounced based on extensive documentation.<sup>1</sup>

In addition to these criticisms and denunciations against the authoritarian regimes, in parallel with the theological approaches which dialogued with the contextual perspectives in various fields of social sciences, philosophy, sociology, geography, history and psychology, among others, the churches were issuing reports and public documents which aimed to draw the society's attention, documents which were the result of conferences, councils, synods or international consultations. To exemplify we could cite the following statements: Declaration of the Colombian Church on torture (1978), Open Letter from the Exiles of Guatemala to the director of “Uno más Uno” (1978); Denunciation against Genocide: Methodist Church addresses K. Waldheim about the case of Nicaragua (1978);<sup>2</sup> The Pastoral Conferences of Medellín (1968) and Puebla (1979)<sup>3</sup>, the Public Statement of the 3rd Annual Meeting of the Ecumenical Movement for Human Rights (1982), creation of the Journeys for Human Rights from 1984 on, by the Christian Movement for Human Rights in Latin America (CDHAL)<sup>4</sup>.

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<sup>1</sup>Archdiocese of São Paulo. *Torture in Brazil: A Shocking Report on the Pervasive Use of Torture by Brazilian Military Governments, 1964-1979*. Institute of Latin American Studies, University of Texas, 1986. The book helped to denounce, even during the military regime, the practice of torture and other human rights violations, revealing the name of 444 torturers. Between 1976 and 1985, the World Council of Churches (WCC), which brings together the Protestant churches, and the Metropolitan Curia of the Archdiocese of São Paulo, at the time led by Dom Paulo Evaristo Arns, provided the financial and political support to the project in order to detail the operation of the authoritarian and repressive regime. Lawyers were hired to legally remove the files during the day and the documents were photocopied in the evening. Thus, the documents were official and the value of the denunciation was legitimate.

<sup>2</sup>Comisión Evangélica Latino Americana de Educación Cristiana (1979). *Derechos humanos: a sangre y fuego*. Cuadernos de estudio, Lima.

<sup>3</sup>Boff, L. (Ed.) (1991). *Direitos Humanos, Direitos dos Pobres. Desafios da vida na sociedade*. São Paulo: Vozes. 59-64.

<sup>4</sup>Movimento de Cristãos pelos Direitos Humanos na América Latina (CDHAL 1987). *A solidariedade nas práticas de libertação na América Latina*. São Paulo: FDT. 188-192.

## The ecumenical constitution of Liberation Theology

Liberation theology is characterized as a broad and differentiated phenomenon of interpretation of life under the aspect of Christian faith from the political and cultural context of Latin America<sup>1</sup>. This context is marked by the notion of liberation. The term “liberation” comes from a specific anthropology of the Latin American continent, which was increasingly called for in the struggles for emancipation in several contexts in the decades after the World War II<sup>2</sup>. Theology, in the churches’ tradition, is seen as an “intelligence of faith” and, therefore, began to answer the existential questions with a new language, that of liberation<sup>3</sup>. This new language has emerged in an ecumenical and interdisciplinary form. There were contributions from Roman Catholics, Protestants, African-Brazilians, Indians, etc. It is true that, in the course of time, the perception of what liberation meant – at first, understood primarily as economic liberation – changed and became liberation of gender, culture, religion, sex, ethnicity, among many others.

This new language sought to justify the experience of excluded social groups engaging in the reading of the Bible from the poverty and exclusion context. This way of reading the Bible and acting to change the situation has been called Liberation Christianities<sup>4</sup>. Thus, there is not only one way of articulating the discourses and practices; the multifaceted ways of interpreting the life of faith in a context of social asymmetry must be observed. In all these biases there is the same and fundamental problem to be understood: poverty. And it is specifically concerning this issue that many elaborations seek to contribute to its understanding. In this context where poverty is a fundamental reference in the theoretical articulation, the demand of the rights of the poor as a human right is striking<sup>5</sup>.

It is important to note that Liberation Theology is a metalanguage exiled from a place of epistemological authority. It is a contextual anthropological delimitation upon which many perspectives seek to exercise the linking between the principles of faith and the concrete existence, as something socially and historically constructed. The presence of nuances is evident; however, there is a level of consensus among the theoretical constructs

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<sup>1</sup>Boff, L. (1978). *Jesus Christ Liberator. A Critical Christology for Our Time*. Nova York: Orbis Books.

<sup>2</sup>Flores, A. V. (1991). *Antropologia da libertação latino-americana*. São Paulo: Paulinas.

<sup>3</sup>Alves, R. (1969). *A theology of human hope*. New York: Corpus Books. This book is known as the first attempt at a theological systematization of this way of facing life from the standpoint of Christian faith. Its original title is “A Theology of Liberation”. It is the doctoral thesis of the Presbyterian Ruben Alves, who under the publisher’s pressure demanded that the title of the thesis should be changed for the publication in English. Thus, the Peruvian Catholic priest Gustavo Gutierrez was the first to publish a book titled “Liberation Theology”. Gutierrez, Gustavo. (1988). *A Theology of Liberation. History, politics, and salvation*. Maryknoll, Orbis.

<sup>4</sup>Löwy, M. (1996). *The War of Gods. Religion and politics in Latin American*. London; New York: Verso. 9.

<sup>5</sup>Boff, L.; C. Boff (1984). *Salvation and Liberation: In search of a Balance between Faith and Politics*. Nova York: Orbis Books; Melbourne: Dove Communications.

that are considered reasonable, which make it possible to use the metalanguage for this concept: Liberation Theologies, as well as Human Rights. Thereupon, today it is said that there are liberation theologies. The use of the plural indicates the very limitations of this approach.

### **Concluding Remarks**

Human Rights in Latin America do not stem directly from a legal application of the indications mentioned in the Universal Declaration of Human Rights of 1948, but through the social and historical construction that links the social right through the abstract element of the articles of the Declaration. It is known that often an abstract parameter is necessary as a heuristic in order to formulate a concrete notion. It has been this way regarding the notion of human being, and, therefore, regarding the very notion of Human Rights. For the concrete and full realization of human rights it is necessary to have as presupposition an abstract and anti-historical notion to grant the direction of what is wanted<sup>1</sup>. Thus, in Latin America and fundamentally in Brazil, the Christian groups that discussed Human Rights had, in the very formation of the notion of a contextual theology, the task of theorizing about social rights which began, under the authoritarian government, to thematize the problems arising from a policy marked in terms of human dignity and sovereignty, besides the principles of citizenship placed under the perspective of bourgeois liberal foundations.

The rise of a broad and diverse social movement in the mid-1970s, which occurs after a decade of repression and strong economic and political intervention of the U.S., coincides with the theoretical formulation of a theological approach that interpreted the lack of dissent as a reflection of an institutionalization of the structures of death<sup>2</sup>, against which it was necessary, following the models of the prophetic tradition, to denounce the inhumanity of the policies of the repressive state, which defends policies guided by the social production and private accumulation model. This process will mark the withdrawal of the authoritarian regime and the emergence of a Democratic Rule of Law, guarantor of social and individual freedoms through a complex and ambiguous constitution.

Since the first government of Fernando Henrique Cardoso, and with more evidence since the government of Luis Inácio Lula da Silva, the Human Rights advocated in the preamble of Constitution of 1988 have been concretized through laws, provisional measures and constitutional amendments that validate Human Rights, in addition to the national plans of Human Rights. In the current government of President Dilma Rouseff, one can observe the initiative to regulate the past, the policy of clarification on the missing victims during the authoritarian regime.

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<sup>1</sup>Traer, R. (1991). *Faith in Human Rights. Support in religious traditions for a global struggle*. Georgetown University Press.

<sup>2</sup> Lesbaupin, I. (1984). *As classes populares e os Direitos Humanos*. Petrópolis: Vozes. 87.

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