This Summer Newsletter is dedicated to thinking through the relationship between human rights in the age of fragile democracies. We believe that this is a timely topic given the dramatic shift toward right-wing populism in many countries in the Global South and Global North alike. The articles here focus on Botswana, Brazil, and India, and examine the impact of this swing to the right on legal protections while also examining the relationship between human rights and economic relations.

These articles also raise questions about what is new about this moment, if anything at all. Indeed, some of the articles here suggest that the fundamental arrangements of power in places from India to Brazil have led to continuities in dispossession, violence, and disenfranchisement. As such, these scholars implicitly and explicitly challenge narratives that cast this moment as a particularly troubling one for human rights. These contributions also move beyond a focus on the state of political discourse and move toward an examination of the actual policies implemented by right-wing governments, as well as the social movements that have challenged them.

Timothy Gill - assistant professor of sociology at the University of North Carolina - Wilmington,

Tianna S. Paschel - associate professor of sociology and African American Studies at the University of California - Berkeley
ASA 2019 Announcements

Human Rights Section Sessions

**Council Meeting**
Sat, August 10, 7:00 to 8:00am, Sheraton New York, Third Floor, Liberty 4
Please note: it is likely that we will hold this meeting off-site where we can have breakfast. I recognize 7 am ET is a difficult time for everyone, especially our PT colleagues.

**Session:** Innovations in Sociology of Human Rights: New Challenges and New Questions
Sat, August 10, 10:30 to 11:30am, Sheraton New York, Lower Level, Sutton Place

**Business Meeting**
Sat, August 10, 11:30am to 12:10pm, Sheraton New York, Lower Level, Sutton Place.

**Session:** Comparative Historical Sociology and Human Rights (Co-sponsored with the Section on Comparative-Historical Sociology)
Sat, August 10, 2:30 to 4:10pm, Sheraton New York, Lower Level, Sugar Hill

**Joint Reception:** Section on Comparative-Historical Sociology, Political Sociology and Human Rights
Sat, August 10, 6:30 to 8:00pm, Sheraton New York, Third Floor, New York Ballroom West.
Congrats to Section Award Winners!

The Section on Sociology of Human Rights' Gordon Hirabayashi Human Rights Book Award:


The Section thanks the 2019 Gordon Hirabayashi Human Rights Book Award Committee: Christopher N. J. Roberts (Chair), University of Minnesota; Matthias Koenig, University of Goettingen; and Zakiya Luna, University of California Santa Barbara.

The Section on Sociology of Human Rights' Best Graduate Student Paper Award:

Recipient: Andrew P. Davis, "Middle Status Conformity in the World Polity: Global Institutional Embeddedness and Sexual Violence in Civil Conflict." Honororable Mention: Ioana Sendroiu, "Human Rights as Uncertain Performance during the Arab Spring."

The Section thanks the Graduate Student Paper Award Committee: James Mahoney (Chair), Northwestern University; David Frank, UC-Irvine; and Tianna Paschel, UC-Berkeley.

Thank you to Newsletter Editors!

On behalf of the Section, thank you to this newsletter’s new Editors, Timothy Gill and Tianna S. Paschel. This Newsletter presents new, cutting-edge scholarship of great interest to sociologists of human rights, new books on sociology of human rights and announcements of the 2019 annual meeting. Through their efforts, Professors Gill and Paschel demonstrate that now is an important time to do sociology of human rights.

New Section Officers

As we approach the 2019 annual ASA meeting in NYC, we will welcome new officers of the Section:

Chair Elect: Christopher Roberts, University of Minnesota

Secretary Treasurer: Timothy Gill, University of North Carolina - Wilmington

Council: Yasemin Soysal, University of Essex; John Dale, George Mason University

Student Representative: Miray Philips, University of Minnesota

During the annual meeting, we will celebrate achievements of our Section’s members, including the Section’s Book Award and Graduate Student Paper Prize Award.

Gift Memberships!

The Human Rights Section is seeking to increase the number of our members. If the Section reaches its goals, it will earn another session for the 2020 annual meeting as well as more funding to hold its reception and other activities.

Please consider giving a membership! ASA members can purchase gift section memberships for students at https://asa.enoah.com (Login required). Once logged into the member portal, choose the “Purchase a gift section membership” link under the Contribute/Give heading. Students can be searched by name through the online member database. You can create a new contact record if you can't find your student in the database. The student will receive a confirmation by email of the gift section membership purchase. The gift buyer will also get an emailed receipt from ASA. The deadline for 2018 ASA gift section membership additions is July 31, 2019. There is no limit on the number of gift section membership recipients.
In mid-February, I ruptured quad tendons in both knees. A slip-and-fall on ice led to the ER, then surgery, the hospital, a return to the ER, a two-week stay in a skilled nursing facility for rehab, and then home with physical therapy twice a week, along with another visit to the ER where the physician greeted me with, “You again.”

On my back, looking up at the beautiful cold sky, I had two realizations. One, I should have worn a hat. Second, Bryan Turner is right about vulnerabilities and human rights. In that lightning-fast moment, I realized that I was as vulnerable as the next person to the risk of life-changing consequences, circumstances we all share.

There is a foundation to human rights—namely, our common vulnerability...While humans may not share a common culture, they are bound together by the risks and perturbations that arise from their (our) vulnerability” (Turner 2006: 9). Further, “We need social support and legal protection precisely because we cannot successfully respond to our vulnerability by individual acts undertaken in isolation. We need collective arrangements, including human rights protection (Turner 2006: 10).

Turner’s point that rights are collective arrangements is apparent in U.S. health care, where contracts and unequal bargaining power are prevalent and rights are absent. Skilled nursing administrators discreetly warned that soon I would be “cut.” They had learned that the insurance company had done the math and determined that it had fulfilled its part of the contract. I had little room to challenge this determination. During physical therapy, the partner of another patient shared that “getting cut” was typical. This partner explained that the patient had been cut because the insurance company decided the patient was not making progress. His doctor successfully argued that leukemia recovery is not linear, and the skilled nursing facility re-admitted him. Now she feared their “insurance was running out.” A physical therapist explained the next day that the partner stayed at the facility 24-7 because she was afraid he would be cut in her absence.

We live during a (another) time of divide and conquer. Contract is king. Frictions are constructed that foster suspicions and hatred. Members of some groups are denied the right to have rights. Borders are erected to deny human rights, even as citizenship rights are
denied to groups living within those borders. History is forgotten or is unknown. Some leaders want to deny not only our history, but our humanity.

Now is an important time to do sociology of human rights. Turner is right to point to our shared frailty as a reason for everyone to care about, support, and protect human rights. As we research and teach about theories of rights, how to study rights and their impacts, smoke and mirrors government leaders use when it comes to human rights, and factors shaping suspension as well as expansion of human rights, we should keep in mind the importance of our commitment to scholarship of human rights. Our scholarship is crucial not only to Sociology, but to the societies in which we live.

**Featured Article: “Fragile Hegemony and Faltering Democracy in Botswana”**

**By Jason C. Mueller**

Botswana is routinely heralded as an “African miracle” and a “role model” for developmental success (see Samatar 1999; Robinson 2013). This ‘miracle’ is fueled by intensive exploitation of vast diamond reserves, with large portions of export earnings and GDP coming from these precious concentrations of carbon (Grynberg et al. 2015; USGS 1994, 2013). However, not all is well in the ‘miracle’ state. Numerous social problems have emerged in recent years, with more on the horizon. This essay provides a critical overview of the Botswanan government’s lurch towards authoritarian, non-democratic, and anti-worker policies.

Since obtaining national independence, Botswana has been ruled by the Botswana Democratic Party (henceforth BDP). Botswana’s first President, Seretse Khama, and the ruling BDP were crystal clear in their platform: they were pro-capitalist, aggressively sought foreign investment, avoided rapid ‘Africanization’ of state bureaucracies, and promised would-be investors that they would not nationalize their natural resources (Samatar 1999). In the next several decades after independence: (1) Diamonds became Botswana’s key export to achieve economic growth; and (2), the BDP remained in power, promoting a national-popular discourse that proclaimed *all* Botswanans as beneficiaries of good-natured policy prescriptions of Seretse Khama and his BDP colleagues and successors.

In 1996, the Government of Botswana (henceforth GoB) began drafting a blueprint that would lead them towards democracy and prosperity over the course of two decades (GoB 1997). By 2016, Botswana was to become an equitable nation without poverty, “moral and tolerant…compassionate,” and a nation that was “open, democratic and accountable…[with] a system of decentralised democracy” (p. 56). In addition to press and speech freedom, civil society was to “play a full part in the development of the country” (p. 56). These professed goals stand in stark contrast to the BDP’s/GoB’s current agenda, which includes: [1] Forced population relocation of the indigenous San (often referred to as “Basarwa” and/or “Bushmen”); [2] increased hostility towards the Botswanan workforce; (3) consolidation of power within the executive branch; and (4) a crackdown on freedom of speech and expression, and broader civil society. I briefly take up these issues below.

1) The San have lived in Southern Africa for over 20,000 years, with 45,000-60,000 currently residing in Botswana (Sarkin and Cook 2010: 6). The San are considered an ethnic minority, with a majority of Botswana’s population identifying as ethnically Tswana. In 1961, the British Protectorate of Bechuanaland—present day Botswana—established the Central Kalahari Game Reserve (CKGR) to preserve both wildlife and the San way of life in the Kalahari Desert region (p. 12). Diamonds were first discovered within in the CKGR in the early 1980s, and, by 1986, the GoB was announcing plans to relocate the San. There have been three major periods of San evictions in the region—1997, 2002, 2005—along with other incidents of arrests and ill treatment (Survival International, n.d.; The Ecologist 2015). The GoB routinely claims to have no intent to
relocate the San to access natural resources, but these words ring hollow. The San won an historic case in 2006, with a Botswanan High Court Judge declaring that they were removed from their land “forcibly, unlawfully and without their consent” (cited in Ecologist 2015). The GoB routinely claims to have no intent to relocate the San to access natural resources, but these words ring hollow. The San won an historic case in 2006, with a Botswanan High Court Judge declaring that they were removed from their land “forcibly, unlawfully and without their consent” (cited in The Ecologist 2015). However, not only have numerous diamond companies and the GoB continually tried to set up shop within and around the CKGR, recent reports suggest that the GoB is looking to begin natural gas fracking in the region as well (Survival International 2013b). Furthermore, regardless of the 2006 court decision, the GoB continues to limit the San’s access to water boreholes, making it increasingly difficult to live a comfortable life within territories of their choosing (Survival International, n.d.).

2) The GoB shows increasing hostility towards organized labor, and workers in general. A nationwide public sector strike rocked Botswana in 2011. There were also recent strikes by workers in the air transport and public health industries. These strikes were met with contempt by the GoB, at times illegitimately dismissing workers for participating in said strikes (Freedom House 2013; Letsididi 2015; Mosikari 2011). In 2015/2016, the GoB pushed to expand the legal category of “essential service” sectors in an attempt to explicitly prohibit such workers from engaging in “industrial action” (Mmegi Online 2017; Sunday Standard 2017). One journalist recently described the situation in the following terms: “over the last 10 years, we saw a systematic hollowing out of state oversight institutions. Parliament became a rubber stamp of the Executive […] and while] the judiciary is the only branch of the state that still inspires some confidence among our people…we are seeing signs of interference and meddling by the Executive Office” (Mbuya 2017).

Gordon Bennett, a British attorney and lead Council representing the San in their earlier legal cases against the GoB was banned from returning to Botswana in 2013 (Sunday Standard 2018; Survival International 2013a). Similarly, Kenneth Good—an Australian-born scholar who spent 15 years as a Professor at the University of Botswana—was abruptly declared a “prohibited immigrant” and potential threat to national security, expelled from the country on short notice in 2005 (Pegg 2005). These cases clearly contradict the GoB’s professed dedication towards creating an open, tolerant, and accountable democracy.

The issues outlined above are stretching BDP hegemony to its limits. This must be considered in tandem with the fact that a “rapid, significant and permanent decline in diamond production” is likely looming just over the horizon for Botswana (Grynberg et al. 2015: 122). This will be accompanied by a decrease in government revenue and lower income and growth levels—potentially sparking social unrest as people compete for dwindling socio-economic resources (p. 125, 159-160). A languid national-popular discourse linking the ‘miracles’ of diamond-fueled-development to the long-term ‘visions’ of the BDP will eventually run out of steam. Additionally, while the GoB routinely herald diamonds as benefiting all Botswanan’s, this
The likelihood of rolling back the increasingly undemocratic practices in Botswana will require a broad coalition between workers of various sectors, human rights organizations, and socio-political movements. Forging alliances with transnational activist groups can also raise consciousness and promote solidarity. The chances of success increase when actors espouse new social imaginaries that link their particular struggles to the broader desire for a more equitable society—one that prioritizes people and planet over endless extraction-based ‘development.’ These challenges must occur at a distance from and within the state apparatus, shifting the balance of forces and creating institutions that have altogether different aims than their present orientation.

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(Continued)

discourse seemingly excludes the San. Instead, members of the GoB view them as strange anachronisms, comparing their living conditions to that of living “in the dark ages” (cited in Survival International 2010).

Workers in Botswana are starting to connect the issues of economic exploitation to broader social and political goals. The Secretary General of the Botswana Federation of Public Sector Unions (BOFEPUSU) observed that, since the nation-wide strike in 2011 “BOFEPUSU members and Batswana in general have become politically conscious. Their political awareness is growing” (cited in Dube 2016). Various oppositional parties have also emerged to challenge the BDP. However, these groups have significant internal contradictions, fraught inter-organizational relationships, and tentative (but potentially fruitful) relationships with broader union movements (see Mogapi 2017; Tiro 2019).
Marielle Franco, black intellectual and human rights activist, was the first queer woman of color to serve on the city council of Rio de Janeiro. She was elected in 2016 at 36 years old with the fifth-highest number of votes. A vocal opponent of police brutality and the destructive “pacification” of poor communities, Franco was brutally assassinated on March 14, 2018, by a police-issue firearm and state-owned ammunition. Born and raised in the Rio favela of Maré, at the time of Marielle’s assassination, she was one of only two people of color in the 51-member body, while 48.8% of Rio’s population is non-white.

At a community event in Maré following her murder, an elderly black man wept at the podium: “We thought [once she was elected] she would be safe…When they attacked us here, we would call Marielle. Now who do we call? Who?”.

Almost a year later, after substantial delays and allegations of police interference in the investigation, former military police officers Ronnie Lessa and Elcio Vieira de Queiroz have been arrested on suspicion of carrying out the assassination. Both men are tied to the dark Rio underworld where right-wing military officers and police rub shoulders with criminal militias and death squads. A series of connections also tie the men to President Jair Bolsonaro—Lessa lives two houses down the street in the same gated condominium complex, his daughter dated Bolsonaro’s youngest son, and photos have emerged of the men together. While the evidence does not currently attribute Marielle’s execution directly to Bolsonaro, the militias that killed the councilwoman have long found in the Bolsonaro family the apex of their political representation, and the most supreme expression of their hyper-violent ideology.
The assassination of Marielle Franco embodies the core belief of the political movement which propelled Jair Bolsonaro to power: the necessity and effectiveness of the illegal use of lethal force to “cleanse” Brazilian society of undesirables and reassert moral order. Bolsonaro has endorsed this cleansing explicitly, and specifically targets black and poor Brazilians as lazy or criminal, LGBT individuals as deviant and weak, the left as dishonest and corrupt, the indigenous as an obstacle to progress, and women as inferior and unfit to govern. In January, he passed a decree relaxing conditions for the purchase, registration, and ownership of firearms by civilians, and the Anti-Crime Bill put forward in March by his Minister of Justice and Public Security aims to grant the “licenses to kill” that Bolsonaro defended during the campaign, making it harder to prosecute police officers, militias, and armed civilians for excessive use of force.

Bolsonaro was swept to power by anxiety over rising crime, helped immensely by the questionable conviction and imprisonment of frontrunner and former President Lula da Silva (Indeed, the judge who convicted Lula was since appointed Minister of Justice by Bolsonaro.). Given his emphatic endorsement of extra-legal lethal force against the groups he blames for the country’s problems, and it should come as no surprise that his rise to power has been accompanied by a torrent of violence unleashed by his followers. Victims include a black capoeira instructor stabbed to death in Salvador for expressing support for the Workers’ Party; a gay stylist murdered and stuffed in his closet in Curitiba, his assassins leaving the messages “Long Live Bolsonaro” and “Friends Preaching Bolsonaro[’s way]”; a woman violently beaten in Recife after leaving polls wearing the “Ele Não” button of the anti-Bolsonaro coalition; and 15 fifteen indigenous individuals seriously injured after being shot with rubber bullets and chased from their homes in Mato Grosso do Sul.

Bolsonaro’s political movement should be taken extremely seriously as an effort to govern through fear, crime, and disorder, a climate exacerbated by his policies and incitements. The question of whether extrajudicial violence is effectively prosecuted by the state will determine whether or not Bolsonaro can carry out his political project under democratic auspices. If illegal assassination by armed militias or citizen vigilantes becomes sanctioned and encouraged, it allows Bolsonaro to benefit from an exterminated and terrorized opposition while also proclaiming innocence, avoiding dirtying the hands of state security agents directly, and the associated accusations of authoritarianism. It is precisely for this reason that the case of Marielle Franco has become a litmus test for the legitimacy of Brazilian democracy.

By all indications, the groups targeted by Bolsonaro will not go quietly. The day after her execution, tens of thousands of protestors blocked major urban arteries across Brazil as they marched in anguish and outrage, expressed in the screams of a black woman from Maré: “They will have to swallow Marielle!! They will have to swallow all of us!!”. Written on placards was a prophetic promise: “We are seeds! Marielle is present!!”. Marielle’s seeds have since borne fruit: rather than “cleansing” political institutions of black opposition, her assassination became a call to action, converting her into a powerful symbol of resistance which galvanized the opposition and inspired a new generation of leaders to rise. What began as meetings, discussions, and protests in the aftermath of her death has translated into an unprecedented surge of black, indigenous, female, and LGBT candidates winning elected offices at the local, state, and federal levels. They have taken up Marielle’s banner of defending vulnerable populations, combatting institutionalized racism, and occupying and transforming spaces of decision-making from top to bottom. Bolsonaro’s political project is now confronted by a multitude of dissenting voices and diverging visions emphasizing dialogue, pluralism, equity, and inclusion. The world is watching to see if Bolsonaro and his movement will keep their promise to silence them with brutal violence or if Brazilian democracy will prevail.

Corey Mengual is a doctoral student in the Sociology Department at UCLA.
Featured Article: Toward a Sociology of Dispossession

By Michael Levien

Land dispossession is not new, but has become increasingly contentious in many countries of Asia, Africa, and Latin America. While dispossession of land and natural resources was an integral component of colonialism, post-colonial states also dispossessed tens of millions of people for “development”—most significantly, for large dams. This dispossession, commonly referred to as “development-induced displacement,” typically impoverished the dispossessed and entailed severe human rights abuses that were ignored by international funders like the World Bank. Most sociologists of development also did not seem to notice this underside of the “developmental state.”

By the 1980s, however, powerful social movements against dams in India, Brazil, and elsewhere eventually put the issue on the agenda of development institutions and scholars. Applied sociologists formulated best practices for “resettlement and rehabilitation,” while critical social scientists critiqued the “high modernism” of state-led development and elaborated on social movement alternatives.

Just when such critiques began to register, state-led development gave way to neoliberalism. Although there has been much debate in recent years on the utility of the term, we still have no better one to capture the ideas and policies that—with significant variation in timing, speed, and character and interacting with diverse institutional environments—transformed the vast majority of the world from the 1980s onwards. Give neoliberalism’s emphasis on privatization over public ownership and planning, and its tendency to unleash speculative land booms, these transformations began to register in new forms of dispossession and, consequently, new waves of protests. No longer arrayed against public sector dams and infrastructure projects, new generations of protests emerged against dispossession for Special Economic Zones (SEZs), urban expansion, transnational farmland investments, and privatized industry, extraction, and infrastructure of various kinds. Very large private farmland acquisitions in Africa, Latin America, and Southeast Asia—many by Western investment banks—made “land grabs” a household term during the 2000s, putting it on the agenda of international institutions and NGOs. In China, breakneck growth and urbanization was meanwhile creating escalating conflicts over land, turning land grabs into the single largest source of rural “mass incidents.” In India, the last decade and a half has seen widespread farmer protests—popularly dubbed “land wars”—against various new economic projects like SEZs. Unlike the older struggles against large dams, these have actually succeeded in stopping many large investments and made the issue electorally salient for the first time.

This heightened contentiousness of land dispossession has generated a boom in land grab scholarship. Although most of this work remains in disciplines like anthropology, geography, and development studies, sociologists have increasingly brought their distinct disciplinary approach to the phenomenon. Madeleine Fairbairn (2014), for instance, has drawn on impressive research among western farmland investors to illuminate the drivers of the recent surge in transnational farmland investment, advancing our understanding of financialization in the process. Julia Chuang (2015), through long term fieldwork in rural China, shows how land dispossession for the “new socialist countryside” impoverishes peasant-workers, and threatens China’s model of migrant labor-fueled industrialization. Both have highly anticipated books to watch out for in 2019. While I have focused here on rural land dispossession, important recent work by Keisha-Khan Perry and Zachary Levenson have given us new insights into processes of urban dispossession outside of the US, in Brazil and South Africa respectively. Perry’s book Black Women Against the Land Grab (2013) shows how racism and real estate speculation combine to target
black communities with eviction for urban redevelopment in the city of Salvador, and highlights the leading role of black women in resisting these land grabs. Levenson’s (2018) work shows how temporary housing provision in Cape Town itself serves as a form of dispossession, reproducing racial segregation in post-apartheid South Africa.

My own work has focused on showing how the shift from state-led development to neoliberalism has transformed the character of land dispossession in India. In *Dispossession without Development: Land Grabs in Neoliberal India* (2018), I explain why states became land brokers for private real estate capital following the country’s liberalization in the 1990s, and show the consequences of this transformation for farmers and for anti-dispossession politics. This shift in what I call *regimes of dispossession* reached scale during the 2000s with the large-scale dispossession of farmland for private Special Economic Zones (SEZs), which became major outlets for speculative real estate investment and tax havens for India’s famous “knowledge economy.” Drawing on long-term ethnography in “Rajpura,” a village dispossessed for one of North India’s largest SEZs, the book illuminates the exclusionary consequences of dispossession under this new regime, including the destruction of agricultural livelihoods, the marginalization and precarious employment of rural labor, the exclusionary logic of privatized infrastructure, and the dramatic amplification of class, caste, and gender inequality through real estate speculation. The book argues that decreasingly developmental growth underlies India’s increasingly contentious land politics. While grounded in Indian specificities, it argues more broadly that we should disencumber ourselves from theories that render dispossession a necessary cost of development (modernization theory), a necessary stage in the development of capitalism (orthodox Marxism), or simply the predation of subalterns by capital (Harvey). It argues for a sociology of dispossession that is shorn of both uncritical modernism and agrarian romanticism, and attentive to the interaction between distinct regimes of dispossession and highly variable but generally unequal agrarian social structures.

There is evidently much variation in the drivers, consequences, and politics of dispossession across the world today, which poses many important questions. Why do the prevailing forms of land dispossession look different today in Brazil than India? What are the similarities and differences between urban and rural dispossession? Why, in some countries, are some land-consuming projects contested but not others? Why does opposition to dispossession, when it emerges, take different ideological and programmatic forms? Why do farmers succeed in stopping their dispossession in some contexts but not others? When they fail, how and why do the outcomes of dispossession for economic development and inequality—in all its dimensions—vary? Explaining such variation constitutes a major research program, to which sociologists are well-placed to contribute. Given the greater attentiveness of other disciplines towards the issue, we should do so with humility and make sure to familiarize ourselves with the significant amount of scholarship that already exists on dispossession in other disciplines and countries. However, sociologists also bring theoretical and methodological skills, including an interest in comparison, that uniquely position us to illuminate the dynamics of dispossession in the 21st century.

**Michael Levien** is assistant professor of sociology at Johns Hopkins University
Featured Article:
“Democracy and Racialized Violence: What Does it Mean to ‘reform’ the Penal State?”

By Maria-Fátima Santos

“You can’t fix something that was never broken to begin with,” said Cat Brooks, when connecting the function of policing and incarceration in the U.S. to maintaining “race-based capitalism.” Brooks, co-founder of the Anti-Police Terror Project and executive director of the Justice Teams Network, spoke these words on a recent panel organized at the University of California, Berkeley. Together in conversation with Brooks was Andreia Beatriz, co-founder of the grassroots community action group Reaja ou Será Morto/a (React or Die), which organizes nation-wide actions against widespread police brutality, mass killings and incarceration of poor and black communities in Brazil. One of the central themes of this engagement was discussion of the risks of reducing the problem of police violence, hyper-selective incarceration, and terror against black communities to one that could be “fixed” by technical administrative measures and reforms. How is penal “reform” to be understood when policing institutions, in countries such as Brazil and the U.S., had historical beginnings directly linked to the patrolling of black slaves, repression of rebellion, and the killing and taking over lands of maroon and indigenous communities? What are the political and market structures that different permutations of this deeply entrenched logic of anti-black violence have functioned to sustain?

In this addition to the newsletter, I highlight the significance of these questions for scholarship on human rights, social inequality, violence, and democracy. I do so by discussing some of the main threads in my current research on criminal justice reforms presently underway in Brazil and their relationship to the racialized dimensions of Brazilian penalty.
Over the past three decades, a central concern of national and international human rights organizations has been Brazil’s soaring rates of violence, impunity for widespread police brutality and torture, and large numbers of arrestees being held in confinement indefinitely within gruesomely overcrowded police stations and jails (Human Rights Watch 1990, 2017). These concerns have been inextricably linked to systematic corruption, bureaucratic inefficiencies, and the weak administrative capacity of Brazil’s courts. Human rights groups, policy reformers, bureaucrats, and legal scholars have highlighted these institutional “failures” as central and persistent obstacles to “substantive democratic consolidation” and advance of “rule of law” (IDDD 2015).

While much has been made of the persistent failures of the Brazilian courts, notably less attention has been paid to sweeping reforms currently underway. Since the 1990s, Brazil and the majority of other Latin American countries, have undergone the deepest transformation in criminal justice institutions and procedures in nearly two centuries, driven by concerns of accountability and “due process.” Legal scholars and reformers have hailed these initiatives as crucial advances for increasing “access to justice” and the “democratization of criminal justice” (Langer 2007). However, situating these initiatives in relation to the racialized dynamics of penality in Brazil presents crucial dimensions for understanding the relationship between criminal justice systems and democracy.

Over the same three decades that Brazil has undergone significant criminal justice reforms, the country has seen an unprecedented incarceration boom. Since Brazil’s return to electoral democracy at the end of the 1980s, soaring rates of violence have driven individuals of all economic strata to push for tougher responses to violent and non-violent crime. Under such conditions, expanding policing, judicial, and carceral institutions have functioned as a key legitimizing strategies for state authorities across political lines (Wacquant 2008; Ghiringhelli de Azevedo 2015). Reaching a rate of 325 per 100,000 inhabitants, the inmate population has increased eight-fold, jumping from 88,000 in 1988 to 689,000 in 2018—the largest in Latin America and third largest in the world (surpassed only by the U.S. and China) (World Prison Brief 2018). The enforcement of anti-narcotics legislation in particular has played a central role in justifying the expansion and militarization of the penal arm of the state, while selectively orienting this punitive power towards poor and black communities in the name of “public security” (Franco 2014; Alves 2018). Yet black Brazilians are those most directly impacted by pervasive violence in the region. In 2016, the homicide rate for black Brazilians was over 40 per 100 thousand inhabitants, 2.5 times higher than the rate for their white counterparts (16 per 100 thousand). Between 2006 and 2016, over the same decade that militarized police forces saw their greatest expansion, the homicide rate for non-black Brazilians actually decreased by 6.8 percent, while the rate for black and pardo Brazilians increased by over 23 percent, while for non-blacks the rate actually decreased by 6.8 percent (Forum Brasileiro de Segurança 2018).

The racialized dimensions of Brazil’s unprecedented incarceration boom and soaring violence over the past three decades points to the complex and pernicious relationship between anti-black violence and democracy (Reis 2006; Smith 2016; Alves 2018). The models for institutional and procedural reforms in Brazil have been shaped by a confluence of local and international interests in economic development, the homogenization of global crime control mechanisms, and advance of principles of “rule of law” (Langer 2007; Santos 2014). Examining the on-the-ground workings of judicial and penal institutions is crucial to critically analyzing the ways in which reform initiatives (1) enhance access to state power for populations that have been historically marginalized and disenfranchised by it and (2) function to sustain inequalities and legitimize state power.

State institutions regulate, control, and kill in their organization of societies, the defining of citizenship and legitimizing of state power. The dialogue between Cat Brooks and Andreia Beatriz at UC Berkeley was an opportunity to probe further in understanding the common roots and logics of anti-black state violence in
Brazil and the U.S.—homes to the two largest black populations outside the continent of Africa, countries that confine two of the largest incarcerated populations in the world, with the percentage of those behind bars being disproportionately black. Such forms of cross-national engagement place into especially clear view the limitations of administrative and procedural “solutions” to the reality of state violence and terror against ethno-racially and other socially marginalized communities.

This panel on the policing and carceral state was organized as part of a symposium on Anti-Black State Violence Across the Americas: Power and Struggle in Brazil and the U.S. held at UC Berkeley (February 20-22, 2019). Over the course of the three days of this historic event, some of the most influential Black scholars, scholar-activists, and organizers engaged in dialogue about forms of anti-black forms of state violence and the means of contesting them from several vantage points. The symposium served as a critical venue for facilitating learning, fostering transnational coalitions, and generating new pathways for scholarship. The event’s closing plenary panel engaged questions of the relationship between anti-black state violence, struggle, and democracy. Understanding anti-black racism, its intersections with other lines of social division and marginalization, are crucial to examining the functions, promises, and “fragilities” of democracy. Black movements in both countries have long been engaged in the dynamic process of imagining the promise of democratic institutions, while questioning and challenging the very notion of “democracy” itself (Paschel 2016). As right-wing populist governments have come to power in both countries and put into question the future of democracy itself, black movement leaders provoked a different question: should the concept of democracy be redeemed …or abandoned all together?

Maria-Fátima Santos is a PhD candidate in the Department of Sociology at the University of California, Berkeley, with a Designated Emphasis in Critical Theory

New Research in Human Rights


Forever Suspect: Racialized Surveillance of Muslim Americans in the War on Terror
By Saher Selod
Rutgers University Press

The declaration of a “War on Terror” in the aftermath of the September 11, 2001 terrorist attacks brought sweeping changes to the American criminal justice and national security systems, as well as a massive shift in the American public opinion of both individual Muslims and the Islamic religion generally. Since that time, sociologist Saher Selod argues, Muslim Americans have experienced higher levels of racism in their everyday lives. In Forever Suspect, Selod shows how a specific American religious identity has acquired racial meanings, resulting in the hyper surveillance of Muslim citizens. Drawing on forty-eight in-depth interviews with South Asian and Arab Muslim Americans, she investigates how Muslim Americans are subjected to racialized surveillance in both an institutional context by the state and a social context by their neighbors and co-workers. Forever Suspect underscores how this newly racialized religious identity changes the social location of Arabs and South Asians on the racial hierarchy further away from whiteness and compromises their status as American citizens.

Seeking Rights from the Left
Gender, Sexuality, and the Latin American Pink Tide
Elisabeth Jay Friedman
Duke University Press

Seeking Rights from the Left offers a unique
comparative assessment of left-leaning Latin American governments by examining their engagement with feminist, women's, and LGBT movements and issues. Focusing on the “Pink Tide” in eight national cases—Argentina, Bolivia, Brazil, Chile, Ecuador, Nicaragua, Uruguay, and Venezuela—the contributors evaluate how the Left addressed gender- and sexuality-based rights through the state. Most of these governments improved the basic conditions of poor women and their families. Many significantly advanced women's representation in national legislatures. Some legalized same-sex relationships and enabled their citizens to claim their own gender identity. They also opened opportunities for feminist and LGBT movements to press forward their demands. But at the same time, these governments have largely relied on heteropatriarchal relations of power, ignoring or rejecting the more challenging elements of a social agenda and engaging in strategic trade-offs among gender and sexual rights. Moreover, the comparative examination of such rights arenas reveals that the Left's more general political and economic projects have been profoundly, if at times unintentionally, informed by traditional understandings of gender and sexuality.

Contributors: Sonia E. Alvarez, Maria Constanza Diaz, Rachel Elfenbein, Elisabeth Jay Friedman, Niki Johnson, Victoria Keller, Edurne Larracochea Bohigas, Amy Lind, Marlise Matos, Shawnna Mullenax, Ana Laura Rodríguez Gustá, Diego Sempol, Constanza Tabbush, Gwynn Thomas, Catalina Trebisacce, Annie Wilkinson

The Spectre of Race: How Discrimination Haunts Western Democracy

Michael G. Hanchard
Princeton University Press

As right-wing nationalism and authoritarian populism gain momentum across the world, liberals, and even some conservatives, worry that democratic principles are under threat. In *The Spectre of Race*, Michael Hanchard argues that the current rise in xenophobia and racist rhetoric is nothing new and that exclusionary policies have always been central to democratic practices since their beginnings in classical times. Contending that democracy has never been for all people, Hanchard discusses how marginalization is reinforced in modern politics, and why these contradictions need to be fully examined if the dynamics of democracy are to be truly understood.

Hanchard identifies continuities of discriminatory citizenship from classical Athens to the present and looks at how democratic institutions have promoted undemocratic ideas and practices. The longstanding modern democracies—France, Britain, and the United States—profited from slave labor, empire, and colonialism, much like their Athenian predecessor. Hanchard follows these patterns through the Enlightenment and to the states and political thinkers of the late nineteenth and early twentieth centuries, and he examines how early political scientists, including Woodrow Wilson and his contemporaries, devised what Hanchard has characterized as "racial regimes" to maintain the political and economic privileges of dominant groups at the expense of subordinated ones. Exploring how democracies reconcile political inequality and equality, Hanchard debates the thorny question of the conditions under which democracies have created and maintained barriers to political membership.

Showing the ways that race, gender, nationality, and other criteria have determined a person's status in political life, *The Spectre of Race* offers important historical context for how democracy generates political difference and inequality.

Covert Regime Change: America's Secret Cold War
(Cornell Studies in Security Affairs)

Lindsey O'Rourke
Cornell University Press

States seldom resort to war to overthrow their adversaries. They are more likely to attempt to covertly change the opposing regime, by assassinating a foreign leader, sponsoring a coup
d’état, meddling in a democratic election, or secretly aiding foreign dissident groups.

In Covert Regime Change, Lindsey A. O’Rourke shows us how states really act when trying to overthrow another state. She argues that conventional focus on overt cases misses the basic causes of regime change. O’Rourke provides substantive evidence of types of security interests that drive states to intervene. Offensive operations aim to overthrow a current military rival or break up a rival alliance. Preventive operations seek to stop a state from taking certain actions, such as joining a rival alliance, that may make them a future security threat. Hegemonic operations try to maintain a hierarchical relationship between the intervening state and the target government.

Despite the prevalence of covert attempts at regime change, most operations fail to remain covert and spark blowback in unanticipated ways.

Covert Regime Change assembles an original dataset of all American regime change operations during the Cold War. This fund of information shows the United States was ten times more likely to try covert rather than overt regime change during the Cold War. Her dataset allows O’Rourke to address three foundational questions: What motivates states to attempt foreign regime change? Why do states prefer to conduct these operations covertly rather than overtly? How successful are such missions in achieving their foreign policy goals?

Dying of Whiteness: How the Politics of Racial Resentment Is Killing America's Heartland

Jonathan M. Metzl
Basic Books

In the era of Donald Trump, many lower- and middle-class white Americans are drawn to politicians who pledge to make their lives great again. But as Dying of Whiteness shows, the policies that result actually place white Americans at ever-greater risk of sickness and death.

Physician Jonathan M. Metzl's quest to understand the health implications of "backlash governance" leads him across America's heartland. Interviewing a range of everyday Americans, he examines how racial resentment has fueled progun laws in Missouri, resistance to the Affordable Care Act in Tennessee, and cuts to schools and social services in Kansas. And he shows these policies' costs: increasing deaths by gun suicide, falling life expectancies, and rising dropout rates. White Americans, Metzl argues, must reject the racial hierarchies that promise to aid them but in fact lead our nation to demise.

The End of the Myth: From the Frontier to the Border Wall in the Mind of America

Greg Grandin
Metropolitan Books

Ever since this nation’s inception, the idea of an open and ever-expanding frontier has been central to American identity. Symbolizing a future of endless promise, it was the foundation of the United States’ belief in itself as an exceptional nation—democratic, individualistic, forward-looking. Today, though, America has a new symbol: the border wall.

In The End of the Myth, acclaimed historian Greg Grandin explores the meaning of the frontier throughout the full sweep of U.S. history—from the American Revolution to the War of 1898, the New Deal to the election of 2016. For centuries, he shows, America’s constant expansion—fighting wars and opening markets—served as a “gate of escape,” helping to deflect domestic political and economic conflicts outward. But this deflection meant that the country’s problems, from racism to inequality, were never confronted directly. And now, the combined catastrophe of the 2008 financial meltdown and our unwinnable wars in the Middle East have slammed this gate shut, bringing political passions that had long been directed elsewhere back home.
Migrant Crossings: Witnessing Human Trafficking in the United States

By Annie Isabel Fukushima

Stanford University Press

Migrant Crossings examines the experiences and representations of Asian and Latina/o migrants trafficked in the United States into informal economies and service industries. Through sociolegal and media analysis of court records, press releases, law enforcement campaigns, film representations, theatre performances, and the law, Annie Isabel Fukushima questions how we understand victimhood, criminality, citizenship, and legality.

Fukushima examines how migrants legally cross into visibility, through frames of citizenship, and narratives of victimhood. She explores the interdisciplinary framing of the role of the law and the legal system, the notion of "perfect victimhood", and iconic victims, and how trafficking subjects are resurrected for contemporary movements as illustrated in visuals, discourse, court records, and policy. Migrant Crossings deeply interrogates what it means to bear witness to migration in these migratory times—and what such migrant crossings mean for subjects who experience violence during or after their crossing.

About the author

Annie Isabel Fukushima is Assistant Professor in the Ethnic Studies Division in the School for Cultural and Social Transformation at the University of Utah.