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**INVISIBILITY, HUMAN RIGHTS, AND CAPABILITIES
APPROACH IN THE NOVEL *VIDAS SECAS*,
BY GRACILIANO RAMOS**

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ABSTRACT: In contemporary moral philosophy, a common topic of discussion is the accentuation of plurality and difference. This is the opposite of what happened during the Enlightened Modernity, when equality and universality were ensured. The confrontation of these two views generates a frequent and challenging issue: the suffering caused by the invisibility of moral beings when their idea of happiness socially fails. To be invisible is to feel the way the character Fabiano felt when facing the yellow soldier, in the metaphor and with the characters created by Graciliano Ramos to criticize the absence of inclusive politics and of dignity promotion for the people living in the *Sertão* hinterlands in Northeastern Brazil. It means to be denied of the recognition, as a person, of what one believes to be an excellent life. This paper challenges us to reflect on that, with the main objective of finding, in such multicultural times, new perspectives to understand Human Rights. We develop a bibliographic review, firstly based on Sen and Nussbaum (two authors that criticize the modern contractualism and its conception of justice), in dialogue with the capabilities approach. Then, we seek in the Brazilian novel *Vidas Secas* (published in English as *Barren Lives*) for the most privileged inspiration for this reflection. The methodology used highlights a bibliographic, interdisciplinary analysis of Law, Literature, and Philosophy, with the suggestion of a new perspective of legal learning.

KEYWORDS: Invisibility; Capabilities approach; Human Rights; *Vidas secas*.

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1 INTRODUCTION

The day Fabiano and his family went to town as the other people to watch the Christmas festivities, “the younger boy” and “the older boy” walked slowly, to avoid the crowds of noticing their presence (Ramos, 1998, p. 73 *et seq.*, translated). Even at such young age, the boys had developed the intuition that people did not notice their presence. And they had plenty of reasons for that: their father, the only hero they had, was working to bring into the fence a very wild donkey, felt ashamed because he was never recognized by the other people (Ramos, 1998, p. 111 *et seq.*). This feeling does not go unnoticed for the political and legal thoughts of our times.

Contemporary moral philosophy is blatantly different from that of the Enlightened Modernity, due to many aspects, but also by the acknowledgement of individual plurality, which had not even been mentioned then. According to Rawls, the greatest challenge of our time democracy is reinventing itself, since we have been deeply and unchangeably separated in our ideas of wellness, philosophy, morality, religion, etc. (Rawls, 1997, p. 15 *et seq.*). Nussbaum, thus, assures the non-existence of a religious or linguistic unity nowadays, so there is no uniformization of what being well should mean – and insisting on that would be a violence against important and undeniable cultural differences (Nussbaum, 2008, p. 84; Nussbaum, 2007, p. 313 *et seq.*).

The opposition seen above, developed between multiculturalism, identities and emancipation, embraced by some authors, and the moral and rational universalism, defended by other philosophers, has now become vital in any serious debate on the Human Rights agenda. The most appropriate methodological option to address this issue, it seems, is the one that Nussbaum defended, that of using interdisciplinarity to deal with Law, Literature, and Philosophy at the same time. Indeed, we do not ignore the controversy surrounding these approaches, and it is difficult here to deepen this discussion, seriously carried out by many authors (Silva, 2016a, p. 329 *et seq.*; Linhares, 2010, p. 269 *et seq.*; González, 2019, p. 613 *et seq.*; Minda, 1995, p. 149 *et seq.*). But an investigative path

of this nature, suggested in the early ages by none other than Aristotle, when recognizing a philosophical dimension in the literary text (Aristóteles, 2004, 1431a39–1431b6), can and will be carried out here, because as the American author says, poets are today the best judges of public life (Nussbaum, 1995, p. 80). Despite the philosophical objections that our tradition has raised since Plato, poets contribute to our education as they help the reader to imagine other possible worlds (ability to see one thing as another, to see one thing in another) (Nussbaum, 1995, p. 36), which even helps (in a decisive way) to strengthen democratic equality (Nussbaum, 2010, p. 13 *et seq.*).

The objective of this paper, thus, is to discuss an issue we see as decisive nowadays for the moral thought as a whole, as well as for legal philosophy: the suffering caused by *invisibility*. The theoretical framework we adopt comes from the studies of Amartya Sen, apparently distant from the contractual-Enlightenment foundation of law and close to the Aristotelian foundation of social life, and from the practical thinking of Martha C. Nussbaum, since the latter adds to the former's propositions some other important issues: the methodological appeal to the narrative imagination and the defense of ethical-political cosmopolitanism, in order to face a universal *debitum* of justice for humans and non-human animals. In the beginning, we briefly discuss the world where the character Fabiano dwells and acts, which is physically and socially adverse to him (Andrade, 2009, *passim*). After that, we develop the absence of recognition he faces, and, lastly, we approach the issue of the reconstitution of Human Rights for the hero, within the possible limitations of this research, mediated by the capabilities approach as developed by those authors.

2 THE WORLDVIEW OF FABIANO AND THE CONDITIONS FOR IMPLEMENTING HIS PROJECT OF HAPPINESS

Embarrassed for having paid a tax while selling his pig at a fair, Fabiano goes over his past. He then finds out he had been living his fate, which was difficult to rewrite and was probably unsolvable:

He had been born with that fate, and no-one was to blame for the fact his destiny was a bad one [...]. He had come to the world with the purpose of fighting evil, healing wounds with prayer, fixing fences from winter

to summer. Cutting off *mandacaru* cacti, soaking whips – it was all in his blood [...]. If people gave him what he deserved, it would be good. They did not. He was disgraced, like a dog, only got bones as payment (Ramos, 1998, p. 96, translated).

The hero's speech reveals a worldview, the conception of person and of happiness that mirrors the *sertão* hinterland hard life in the Northeastern Brazil, and the vulnerability of the *sertanejos*, the people living in the area. But it also reveals a conception of morality found in the distant origin of Western society's ethics. As consecrated since the writer Euclides da Cunha, the *sertanejo* is a brave man. The author reported, in his journalistic novel about the Canudos War, that the *sertão* man above all was a very strong man (Cunha, 2006, p. 146). Before that, romanticist José de Alencar had described the geography, the daily life of work, the pleasures and the life experienced by the characters of the novel *O Sertanejo*. One could say that the professional excellence of Fabiano, so carefully described by Graciliano Ramos, reflects the general performance of all *sertanejo* men and their labor force, as can already be seen in the epic tale written by Alencar in the nineteenth century:

It is one of the admirable traits of the *sertanejo's* life, this fast race through the branches; and even more when the cowboy is hunting a wild animal. Nothing holds him back; wherever the animal passes there the horse goes after it and on it the man who seems incorporated into the animal, like a centaur (Alencar, 1971, p. 96, translated).

If we want to access another important testimony, almost a metaphysical one, due to the association that is made, we should recall the *jagunço* Riobaldo, character of Guimarães Rosa, who had the common feeling of the *sertanejo* man about the uncertainty of his world (Rosa, 2006, p. 11). The way of life in the *sertão* makes him resemble the Devil, the One-Who-Must-Not-Be-Named, He who never shows up, but whose presence can be felt everywhere: on the land that produces the good mandioca root, which suddenly becomes a bad one; in the ugliness and hatred of the rattlesnake; etc., as an omnipresence: “at every turn of the field, and under the shade of each tree, there is a devil day and night, who does not move, taking care” (Rosa, 2006, p. 288, translated). Moreover: the unpredictability of the next minute is in the daily life of the *sertanejo* man, there is no need or chance to explain the failure of things, because

they simply go away, “Like a sugar cane gone sour” Rosa, 2006, p. 236, translated).

The feeling of helplessness in life, perceived in Fabiano’s lines, is present not only in the history of Western literature, but also in our ethical experience. It could be said that since archaic Greek poetry the question has been raised, opening space for controversies both among poets of that period and among specialists in classical literature (Pereira, 1980, p. 106 *et seq.*); at the center of the discussion is an originally Greek issue: what freedom do we have to develop and direct our project of happiness? The issue is extensive and subject to many controversies (Autor, 2016b, p. 502 *et seq.*), but it is important to understand it, briefly and with an important classic researcher of the twentieth century. On the one hand, Archilochus recognizes the power of Moira (μοῖρα, *moira*) to determine who we are, but advises to resist the strength that the divinity possesses (Jaeger, 1989, p. 108 *et seq.*). On the other hand, Simonides is not so confident in this self-determination of the moral agent (Jaeger, 1989, p. 230).

The insignificance of man in the face of the totality of the cosmos (κόσμος, *kosmos*) is a recurring theme in all genres of Greco-Roman literature, with some authors suggesting the immovability of Destiny (τύχη, *tyche*), while for others such resignation is not entirely necessary. Indeed, in an exemplary passage from the *Iliad*, song VI, Hector tells his wife, on a common morning when going out to defend the city from foreign attack, that no one would throw him into the mansion of the dead (Αἴδης, Hades) without this being established in decree, as to suggest that his Fate would be fulfilled in any way³; it so happens, however, that a discussion between the gods, narrated in the song XVI, calls into question different theories on the supposed irrevocability of this Fate decree, since Zeus, when he wants to, can interfere in the course of our lives:

Fate is fixed and immovable, and even the gods themselves cannot change it. This last statement, however, is subject to restriction, because, although the problem is very controversial, it seems that Zeus can, if he wishes, modify the *moirae* (Pereira, 1980, p. 106-107, translated).

³ For this paper, we used the bilingual, Greek-Portuguese translations of Homer’s *Iliad*, made by Haroldo de Campos, Vols. I and II.

An important study by Maria Helena da Rocha Pereira shows there is a permanent tension in classic poetry between a character's desire of happiness and the vulnerability of his or her life. However, according to the Portuguese researcher, this does not hinder the effort to pursue the life one believes would be better: it is possible for humans to face the Fate they received, as long as they remain prudent (Pereira, 1966, p. 311).

What the author says is in present the rural poetry of Hesiod, where the human capacity to overcome fate is visible in the agricultural calendar, testifying that thanks to a continuous human effort, the land produces everything the farmer needs for his or her subsistence (Pereira, 1980, p. 306). This matters in order to give full attention to Fabiano's misfortune, because despite the adversity he faces, in dealing with the land and the cattle, the hero does not give up living, even when he is feeling ashamed of not knowing how to adequately resist the announced death (Ramos, 1998, p. 14, 111, 121 e 125). The drought and other physical agents continually challenge him (Ramos, 1998, p. 10 *et seq.*, 23 *et seq.*, e 108 *et seq.*):

He had a thick heart, he wanted to hold someone responsible for his misfortunes. The drought seemed to him as a necessary fact – and the child's obstinacy irritated him. Certainly this small obstacle was not to blame, but it hindered the march, and the cowboy needed to get there, even if he did not know where (Ramos, 1998, p. 10, translated).

But Fabiano also faces, additionally, other powerful challenges that diminish the dignity of his work; this signals that there is in the *sertão*, as there also was in the universe of Hesiod, a social misfortune, represented there by the venal judges who let themselves be corrupted by the powerful (Jaeger, 1989, p. 91 *et seq.*), but also represented here by social inequality and by the State's indifference to the needs of the *sertanejo* people (Ramos, 1998, p. 33 *et seq.*, and p. 94). In this case, the magnitude of governments and institutions, verifiable according to Seneca when they try to protect citizens from the arbitrariness of Fate (*fatum*) (Sêneca, 1985, 220-225), is absent in Fabiano's universe, aggravating the natural hostility.

As is known, the literary genre that expresses human suffering most intensely in the face of the uncontrollable power of Destiny is the tragedy,

which found in Greece its greatest exponents, such as Aeschylus, Sophocles and Euripides (Kitto, 1990, vols. I and II). This is because, as Aristotle suggests in the original concept of tragedy, there a fact simply occurs to a human, without his or her being at fault. This takes the viewer, before the possibility of him or herself (also a human!) being caught by surprise, feel the horror and compassion for those who suffer misery (Aristóteles, 2004, 1449b24-28, as well as 1453a5-7). However, the controversy over the real power of Moira, which in the Greek imagination works tirelessly and gives the unborn child the Fate that belongs to him or her in this life, to determine our happiness and unhappiness, is greatly accentuated in the fifth century BC.

The advent of philosophy, sophistry, democracy, etc., drives human fascination (δαίμων, *daimon*) before Nature (φύσις, *physis*), triggering a plurality of narratives about the possibility of becoming the very demiurge of our lives (Reale and Antiseri, 2010, p. 220). The eloquent and enthusiastic way in which Protagoras narrates the spectacle of creation, in the Platonic dialogue that bears his name (Platão, 1986, 316-328), is exemplary as to the testimony of how this belief in the power to write our own Destiny is widespread throughout Greece, whatever the space of discussion, including that of public life (Nussbaum, 2001a, part II). In Jaeger's words, this represents a truly promising choice at the time: that knowledge "could eliminate this source of errors and lay our life on firm foundations" (Jaeger, 1989, p. 440-441, translated).

Plato was probably the most successful of the authors to invest against the supposed resignation to the humiliation of man before his Destiny, and it is not an exaggeration to consider his intellectualism and his choice for human self-sufficiency superb (Nussbaum, 2001a, p. 89 *et seq.*). It was up to Aristotle, the most successful of his disciples, to denounce the danger of the moral agent's excess of self-confidence: without prejudice to the study, planning and management as quite plausible actions to remove (or at least decrease) the risk of our failure, the Stagirite recognizes that human life is really subject to the amorality of

the gods. Here is the origin of the thought-report that Graciliano Ramos would later share in this specific context of the Fate of a *sertanejo* man. There is no denying of Fabiano's excellence (αρετή, *arete*) in his workforce, but this does not necessarily imply his success, since for Aristotle there is a significant difference between being good and being really happy. The more excellent the agent is, the greater the risk of living is, and the more humiliating his or her Disgrace will be when it happens (Aristóteles, 1970, 1117b).

Aristotle's attention to poets allows him to recognize that a good human life depends on goods that are not under the control of the agent: a very ugly person, badly born, without children and loyal friends, cannot really be happy. Something very similar with the situation of those who have such people in their company, but who are of no use or have already died (Aristóteles, 1970, 1099b). This awareness of human vulnerability is also reflected in Aristotle's own conception of the political community (πόλις, *polis*): it had arisen out of our absolute inability to provide, alone, the resources we need to flourish our capacities to be who we can be and act as we must act (Aristóteles, 1951, 1252a, as well as 1253a). But just as it happens in the Greek tragedy, the worldviews of Fabiano and other heroes of the Brazilian hinterland do not stain the positive image they have of the world, which is why the *jagunço* Riobaldo, from the top of his wisdom of life, says: "Who knows, maybe all that is written is constantly in reform – but we do not know where it is going – for good or ill, all-the-time under reform?" (Rosa, 2006, p. 542, translated).

What is said here may be really possible because the hinterland is within us (Rosa, 2006, p. 309), and, whenever we attempt to push it away, it returns and surprises us, lurking around us (Rosa, 2006, p. 286). It is certain that like Riobaldo, who does not let the Devil saddle him and holds the reins of his life firmly (Rosa, 2006, p. 495), Fabiano has a different project of happiness, as he is admired with the inventions of civilization and dreams with his children going to school (Ramos, 1998, p. 125 *et seq.*). The world he lives in seems very hostile, inhospitable, which encourages the character to learn the language of the city and thus avoid the difficulty,

even if in principle this city's *ethos* does not seem like a good thing to prefer (Ramos, 1998, p. 27, 34, 73 e 82; Tomm, 2014, p. 35 *et seq.*). Sinhá Vitória's husband and the father of the boys lives in hardship, sometimes dribbling the adverse conditions of the land, sometimes trying to improve their lives, preserving, however, the good life in which he believes (Ramos, 1998, p. 75 *et seq.*). But the hero goes on, fighting another power that is equally unfair to his professional performance: the invisibility of people toward him and his tradition. This is the subject of the next topic.

3 A BRIEF ALLUSION TO THE PROBLEM OF INVISIBILITY IN CONTEMPORARY MORAL PHILOSOPHY: THE EXEMPLARY SUFFERING OF INDIGNITY BY THE FAMILY OF FABIANO

The plurality of happiness conceptions, typical of our times, allows us to agree with Ferry and understand that, differently from the Antient Greek times, when there was a certain “ethics of duty”, and from the modern world, when there was a “democratic ethics”, our time, by fully emancipating the subject and pursuing a really authentic way of life, saw the emergence of an “ethics of singularity”, nonetheless. Each one intends to have obligations only with themselves, avoiding that external references, as it happened in the pre-modern communitarianism (the cosmos, God, the polis etc.), interfere in the execution of their own projects of happiness (*ευδαιμονία, eudaimonia*) (Ferry, 2003, p. 282 *et seq.*). This seems to be costly... and the cost must be faced by the agent when his or her intention is hindered in some form: that of the suffering of invisibility, as is the case with Ellison's hero, whose life story is an almost inglorious struggle for self-recognition, either by whites or by black Americans themselves (Ellison, 2013, *passim*). Perhaps this is why the aforementioned French author suspects that normative knowledge (ethics, law, politics, etc.) helps little in the challenge of the present, leaving psychology, perhaps, to deal with the anxiety that takes hold of each one, while we seek to live well only for ourselves.

The issues involving Fabiano and his family, although having an ontological character (something that can be noted from the question about the lack of difference between him and the animals that he traps with his lasso), interest to us in their ethical, political, social aspects

(Ramos, 1998, p. 14, 18, 23, 37, 44, 63, 66, 121 *et seq*). The heroes are deprived of their humanity as such, because their self-awareness of the human similarities found in the dog and the parrot, in addition to the imagination and the projects of happiness they develop, are unable to overcome the hardships that ruin their lives. The character's reflection and fear of servitude, Sinhá Vitória's dream of sleeping in a bed, her husband's desire to improve his life with his family, the desire they both have to talk like Seo Tomás da Bolandeira etc., fail only in the face of social Fate that prevents them from flourishing their capacities of being and acting.

The violation of very basic fundamental rights, suffered by Fabiano's family and accused by Graciliano Ramos, lacks appropriate reflection to deal with situations of social vulnerability. A reflection seems indispensable to us, even if it is brief, on social invisibility in contemporary moral philosophy, since the discussions on recognition issues have provided other lenses for understanding Human Rights in the current world. There is no denying, for example, the strength of the discussion raised by Honneth about it, in his dialogues with Hegel's philosophy. The author grants a special contour to what Hegel sees as a hypothetical state of nature, in opposition to the contractualist doctrine, which dominates the discussions among the illuminist liberals, with his theory of recognition. Thus, the author of *The Struggle for Recognition* highlights the importance of considering that the theoretical possibility of the social contract is preceded by an empirical demand for recognition:

a minimum normative consensus is guaranteed in advance from the beginning; because only in these pre-contractual relations of reciprocal recognition, still underlying the relations of social competition, can moral potential be anchored, which later becomes effective in the individual's willingness to reciprocally limit the sphere of freedom itself (Honneth, 2003, p. 85, translated).

The opposition, as is understood, lies in the fact that the conception of social life is seen as self-conservation, in the political thought of the period. This is evident in Machiavelli, for whom the interests of individual A are (permanently) opposite to those of individual B, and in Hobbes, who

strongly objects the doctrine of virtue, emerging from debates on intersubjective relations in the previously-developed moral philosophy (Honneth, 2003, p. 31 *et seq.*). At the climax of the situation, this obsession with the finality of wellness has given way to a mechanistic view of the social world, where each individual is challenged to overcome the obstacles that prevent the expansion of their spheres of power (Honneth, 2003, p. 34). The political theory developed by Hegel points, according to Honneth, to a far different idea: without denying the hypothetical struggle between these individuals, it denies the atomist view supported by rationalistic legal naturalism, replacing it with an ethical totality composed of free citizens capable of recognizing themselves as well as other individuals as moral subjects (Honneth, 2003, p. 34 and p. 38 *et seq.*).

There are in Honneth's theory three different moralities of intersubjective recognition, which are: the one of *love*, enhanced in social environments where the links are stricter, such as in family and friendship relationships, stimulated by emotion connections, strong enough to grant reciprocal trust between the individuals (Honneth, 2003, p. 159 *et seq.*, e p. 177 *et seq.*); the one of *law*, with a broader scope that reaches the so-called "subjects of law", illuminated by knowledge and the awareness of obligations people have among themselves and by the reciprocal trust that at least some of their individual intentions will be respected (Honneth, 2003, p. 179 *et seq.*); and the one of *solidarity*, whose reach goes far into the horizon of shared values, and the indexes of social esteem, sufficient for the self-realization of concrete capabilities that each individual might have (Honneth, 2003, p. 198 *et seq.*).

However, what we studied from Honneth seems to be enough for us to decide on another specific approach when reading the novel *Vidas Secas* and the social issues it introduces: the one accomplished by Nussbaum, even though the German author explores it more (directly). One should not ignore, for example, its enormous contribution to better understanding the modern-Enlightenment conception of law, as well as to pose the challenge of rethinking our legal practices, emphasizing a community integration apparently neglected by legal contractualism (Linhares, 2006, p. 21, nota 7). But perhaps this is not enough to respond

to the demand that Fabiano brings to the theory of justice... As we know, the current difference between the people and the moral tradition has become quite accentuated, as well as the deficit of opportunity for individual achievement of happiness. Thus, although the American author does not offer us a systematic theory of recognition as much as the German author does, her concerns better illuminate the contingency in which we immerse ourselves in this work.

The justification for our choice is, above all, due to the fact that Fabiano's experience is similar to that of the young black man described by Ellison, whose demands of recognition were referred to above. It is also similar to the case of Philoctetes, the Greek hero that Sophocles brought to the theater in order to criticize the indifference of Ulysses to his suffering (Sófocles, 2003, *passim*). An analogy between the two narratives is actually attempted by Nussbaum, developing a very original reflection on a philosophical alternative that faces the challenges of Human Rights in our time, still influenced by the contractual discourse (Nussbaum, 1999, p. 257 *et seq.*). Her conclusions are of interest to us because it initially suggests that invisibility may be today one of the greatest sufferings endured by people who definitely do not deserve such a misfortune. Also, because she criticizes serious violations of dignity and unjustified waste of human capacities, due to social invisibility. This becomes a central point of analysis, since we believe it is possible to state that such a violation is explicit in the novel *Vidas Secas*, with the lack of hope for the future of the children of Fabiano and Sinhá Vitória (Ramos, 1998, p. 38 e 55). This is developed in the next section.

4 HUMAN RIGHTS AND CAPABILITIES APPROACH: INTERDISCIPLINARITY BETWEEN GRACILIANO RAMOS, AMARTYA SEN, AND MARTHA C. NUSSBAUM

The demands for dignity have been based, habitually, in the subject's philosophy and in the contractual theory of law that we inherited from modernity (Nussbaum, 2007, p. 224 *et seq.*). The commonplace encountered by theorists, often uncritically, is that this dignity is justified by our autonomy and capacity for reason. With no intention of reducing the importance of the whole discussion, mainly

developed by Kant to the point of becoming almost a dogma in contemporary democracies, we need to ask ourselves, for example, if a basic demand for justice as the one raised by Fabiano, who is known to work informally taking care of land and animals (a rural retirement, for example), would find protection in legal contractualism. Both Sen and Nussbaum would probably raise doubts about this, thus leading us to think of justice in another way: by the capabilities approach, considering the abilities that people have to be and are current as such, and not because of what they are and act in fact.

In fact, since Sen, the initial formulator of this proposal, directed his research on quality of life towards the Aristotelian theory of happiness (*ευδαιμονία, eudaimonia*) and human flourishing as such, his greatest interest ceased to be the pure and simple needs and conditions of human life (Nussbaum, 2000, p. 11; Sen, 1993, p. 46 *et seq.*). He thus distances himself from other understandings of the practical world, especially those due to the agent's notion of utility, wealth and negative freedom. The author takes Aristotle's conception of wellness as an *activity* of the soul in view of the excellence of the agent (Aristóteles, 1970, 1097b-1098a). This requires, according to the Greek philosopher, the operation of several things a person can be or do along their life. Hence, the concerns developed by Sen are not restricted to the goods that might be of use for the life of human beings: he is concerned with the general wellness of life, of building life opportunities, which, in other words, means to think of each human being's development, with no distinction (Sen, 2011, p. 267 *et seq.*, and 288 *et seq.*).

From these studies, Nussbaum develops a very particular conception of human dignity, granting the human capabilities with greater specifications, and elaborating a catalog where she adds some others not previously developed by Sen. Thus, she develops a list of core capabilities that are, on the one hand, demanded for a decent human life, and on the other hand, able to orient basic political principles, to be incorporated by the Human Rights and thus internally assimilated by constitutional laws and infra-constitutional legislation, in any legal case destined to promote human development (Clark, 2006, p. 6 *et seq.*).

The foundation of justice, as offered by Nussbaum, is a theoretical and practical challenge in order to overcome the contractualist narrative of State and law, mainly because her conception considers the existence of (intellectually and materially) self-sufficient people, who are able to negotiate interests, aimed at reciprocity and mutual advantage. The capabilities aim at the quality of life for people, with the object of developing a liberal and pluralist society, based to a certain extent on exclusively procedural guidelines, and also refusing the foundation advocated by economic utilitarianism (Nussbaum, 2007, p. 69 *et seq.*). The author says that current policies are insensitive to the decentralization of the wealth produced by society, in addition to allowing people to be treated as means and not as ends in themselves. Similarly to Rawls, she spots the limits of utilitarian philosophy: she accuses its followers of ignoring political and religious freedoms and of not being aware of their theoretical insufficiency. Moreover, she criticizes utilitarian thinkers for ignoring the existence of people with weaknesses and vulnerabilities, as well as for not listening to each of us about what we can be and do.

Nussbaum's suggestion does not highlight any certain social or legal utopias, as she is sure society sometimes has to offer justice to someone who cannot give anything back. On the contrary, her view is an option to consistently approach the human capabilities that the State and the other social institutions must implement (Nussbaum, 2001b, p. 199 *et seq.*). Considering that one cannot live with no risks or surprises, human dignity becomes a good paradigm for the liberal society to thus inspire our actions and plans. Perhaps, with this, it would be possible to say that the world envisaged by the hero of *Vidas Secas*, that is, a world where people can have fences filled with goats, farms filled with chicken, and bacon drying in the barn for a whole year's supply (Ramos, 1998, p. 56 *et seq.*), should be focused by politicians and jurists. Unless we are willing to admit that equality, seen since the Greek thinkers as the foundation and the rooftop of the social edifications (Aristóteles, 1970, 1131a–1134a), is nothing but a metaphor in the history of constitutions, written there to deceive and hinder our view, even when encountering heroes such as the one written

by Graciliano Ramos, who are still invisible in our century (Ferreira, 2014, p. 56 *et seq.*).

5 CONCLUSION

We developed a brief analysis on the contributions offered by the novel *Vidas Secas* to contemporary thought, mainly regarding the theoretical foundations of Human Rights. It was an attempt of establishing a relation between the situation of social invisibility suffered by Fabiano and the criticism developed by Sen and Nussbaum to the contractualist theory of justice. The demands posed, especially by the latter, are not based on time or place. On the contrary, they are justified by the faculties we believe to be intrinsic to humankind (Nussbaum, 2007, p. 285 *et seq.*), hence their universality. The authors explore the positive approach of such rights, instead of demanding them in negative sense: the capabilities approach is concerned with ensuring the potential that people have to live as such, not being forced to give them up, like what happens to the nameless “boys” from the novel analyzed.

The approach developed by the American author is of fundamental importance, as she seems to corroborate the reading suggestion of Graciliano Ramos: although the Brazilian author criticizes the social Fate that is in fact the great enemy of the *sertanejo* man in his daily life, he also shows that man as possessing enormous will to live. This is an optimistic interpretation of the tragic text, a controversial subject as we have seen, but one that seems perfectly plausible to us. As Nussbaum said, in our time when most human miseries result from the greed of some and the neglect of others, we are challenged to reflect on what evils we can resist or avoid, actively participating in the tragedy with the hope that virtue will prevail about the whim or amoral power of Destiny:

In short, instead of conceding the part of ethical space within which tragedies occur to implacable necessity or fate, tragedies, I claim, challenge their audience to inhabit it actively, as a contested place of moral struggle, a place in which virtue might possibly in some cases prevail over the caprices of amoral power, and in which, even if it does not prevail, virtue may still shine through for its own sake (Nussbaum, 2001a, p. xxxvii).

Thus, following the author's suggestion, the perspective of tragedies is an important source of inspiration for the social thought, since it can bring forth the revolt of people towards the humiliation suffered by the heroes of Graciliano Ramos, such as with Sophocles, with his *Philoctetes*, who suggested the Greek to revolt against the cruelty of the leaders who had led a young man to give up his capabilities and not have the life he could have had. The suggestion of reading the tragic text that Nussbaum makes and to which we add *Vidas Secas*, given the peculiarity of its denunciation, challenges us to think of any form of exclusion ... although not as a personal and immovable Destiny of the moral subject (motivated by laziness or the lack of intelligence of the agent), but as common human vicissitudes, natural or political, as contingencies that sometimes condition our character and actions.

The invisibility of Fabiano and his family, the lack of names of the children to differentiate them of things, as well as all the experiences that make the character reflect whether he is human or animal, can be seen as metaphors of the absence and the lack of compromise of public agents towards adequate and emancipating policies. Otherwise, they can be understood as constraints to which human beings are exposed, because they have different conceptions of the world than those of socially fixed standards. Humans face those constraints from time to time, at sufficiently serious levels so that their potentials are hindered, so that they are deprived of access to the essential goods for the fullness of the happiness they seek.

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