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Article

Transformative Justice in Practice: Reflections on the Pastoral Land Commission During Brazil's Political Transition

Eric T. Hoddy 

Abstract

There has been a growing interest among transitional justice academics and practitioners in pursuing more transformative agendas for practice. There remain however few illustrations, if any, of work to deliver transformative justice in practice. This article considers the work of Brazil's Pastoral Land Commission (CPT) during Brazil's political transition as a potentially useful source of insights for practice. An organ of the Catholic Church and ecumenical in orientation, the CPT worked directly with marginalized communities to defend and promote the rights of small farmers and rural workers and peaceful solutions to land and labour conflicts. Its work was steered by a forward-looking vision of justice in which the violence, marginalization and exclusion of the past and present would be overcome by empowering rural populations to transform their social circumstances and address root causes. This article outlines the practices and activities through which the CPT sought to foster transformative change and reflects on what lessons these might hold for transformative justice in transitional settings.

Keywords: Transformative agrarian justice; critical consciousness; empowerment; peasants; transformative action; transitional justice

1. Introduction

Transformative justice has emerged in recent years as an agenda for responding to a range of injustices in societies transitioning away from conflict or repression (Gready and Robins 2014, 2019; Evans 2019). Its emergence is rooted in the disappointing and sometimes ambiguous impacts of transitional justice, and in criticisms of the overly legalistic nature and failure of transitional justice to tackle the root causes of conflict (Gready and Robins 2014; Evans 2019). Transformative justice aspires to a practice that is more closely anchored in

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community needs and priorities and realized through mainly social and political processes for change (Gready and Robins 2014). As an emerging agenda however, what transformative justice looks like in practice, how it can be delivered, and what practitioners can do is not clear.

In a recent article in the *Journal of Human Rights*, I suggested the practices and activities of the Pastoral Land Commission (CPT) during Brazil's transition to democracy (1979–1990) may be a useful source of insights for academics and practitioners concerned with delivering 'transformative agrarian justice' (Hoddy 2021). This suggestion was made in the context of a discussion around peasant rights issues and agrarian violence in transitional justice, and of the actors, organizations and processes that may be involved in securing justice for rural populations. The CPT case is potentially useful to transformative justice more generally. The group bears close semblance to the kind of 'justice in transition' actor that might facilitate and support transformative change (Gready and Robins 2017), and though the CPT and other rural activists and actors did not utilize a transitional justice framework at the time, it worked to support social structural and systemic change and to promote peaceful solutions to land and labour conflicts.

This article unpacks the work of the CPT in more depth and considers insights for transformative justice practice. The case presentation and discussion in this article respond to a need for more case study illustrations that can shed light on how transformative justice might be delivered (Gready 2020). It draws on published and unpublished material on the activities and work of the CPT. The CPT itself has published prolifically on its activities in reports and books over the years and individual members have published contributions about their time there (e.g. Figueira 2008). The group's 'Dom Tomás Balduino Document Centre' has also made a large amount of published and unpublished material publicly available. While there are no academic studies examining the CPT's work in depth, the CPT has been considered in various academic texts examining the roles and contributions of socially progressive, often new, movements and groups during Brazil's transition. For instance, Adriance's (1995: 112; 1994) work on the Ecclesiastical Base Communities (CEBs) in the Amazon considers the role of the CPT in supporting the creation of CEBs in the transition period and how religion helped contribute 'to democratic social change'. Another important reference point is Houtzager's (2000: 67; 1998; 2004) extensive work on new unionism and social movements, and the role of the Church as an 'institutional host' for these actors and their activism.

This article begins by situating transformative justice as an agenda in search of methods. Next, it describes the background and context in which the CPT was formed before moving on to outline the key activities and practices of the group. The article reflects on what insights and lessons the group's work may provide for transformative justice practice. It considers how the CPT's activities and practices may be valuable beyond agrarian settings and how they might support or complement existing transitional justice processes.

1.2 Transformative justice

The notion of transformative 'agrarian' justice was developed by interrogating the pre- and post-conflict and transition issues that peasants and other people in rural areas face, and their significance for building future peace and stability (Hoddy 2021). It drew on Paul Gready and Simon Robins' (2014) influential critique of transitional justice to interrogate the limitations in the way the field has engaged with peasants as a distinct social group,

including the social, economic and political issues they face and the agrarian structures and processes that underlie ongoing violence against them. Reflecting on the demands that addressing these issues puts to practice, it was argued that 'transformative justice' (Gready and Robins 2014) provides a potentially more useful framework for responding to peasant rights issues, and the wider agrarian political economies and issues of class and gender that shape enjoyment of these rights.

What is meant by transformative justice more generally is a notion that can be applied across a range of settings and with populations and groups affected by structural and systemic violence. While several perspectives of transformative justice have been put forward over the years (e.g. Lambourne 2009; Daly 2001), Gready and Robins' (2014) approach has been perhaps the most influential. Developed by identifying areas of convergence around 'transformation' in the fields of development, peacebuilding, gender-transformative change, and action-oriented approaches in human rights practice, transformative justice was defined as follows:

transformative change that emphasises local agency and resources, the prioritisation of process rather than preconceived outcomes, and the challenging of unequal and intersecting power relationships and structures of exclusion at both local and global levels. (Gready and Robins 2014: 2)

In this rendering, transformative justice responds to some of the limitations around the scope and efficacy of traditional forms of transitional justice, which are predominantly legal and state-based in approach. These limitations include a failure to engage with issues of structural and systemic violence, which are often prioritized by communities and populations and may be at the root of conflict; and the failure to involve communities and populations in transitional justice processes beyond narrow and tokenistic forms of participation (Tsai and Robins 2018). The application of traditional approaches and mechanisms, such as criminal trials and truth commissions, has been criticized for delivering 'distanced' forms of justice that do not resonate with and are not embedded in communities, cultures and contexts (Gready 2005). Transformative agendas propose instead that community activism and organizing should be the entry point for work at securing justice, with empowerment and participation identified in Gready and Robins' (2014) review as key processes that practitioners should aim to cultivate and support.

A growing literature on transformative justice has emerged since this critique and review was published, much of which is concerned to communicate to the wider field why more ambitious and transformative agendas for practice are worth pursuing. There remain however few examples of projects to deliver transformative justice in practice. What transformative justice looks like in practice, how it can be delivered, and what practitioners can do is not clear. As McAuliffe (2019: 93) argues, there is a policy-practice gap 'in the divergence between vaguely stated aspirations for structural change and the methods by which it might be implemented.' Indeed, transformative justice remains an agenda in search of methods.

Case study illustrations of transformative change may help address this gap, as Gready (2020) has suggested. In this article, the case of the CPT during Brazil's political transition (1979–1985) is investigated in terms of two broad questions: what kinds of practices and activities, or 'transformative action' are implied in a concrete case of work on transformative change in a transition setting? And what insights or lessons might these yield for transformative justice practice more broadly, and in terms of how practice is presently conceptualized and understood?

1.3 The origins of the Pastoral Land Commission

The CPT was founded in 1975 in a meeting of bishops convened to respond to the military government's new land policies in rural areas in Brazil. Churches leading the initiative were based in the Amazon region, which had seen a rise in acute social problems, rural conflict and violence in connection with the government's development programmes (Poletto and Canuto 2002). These programmes, which were motivated by national security interests, aimed to develop and populate the region by relocating peasant farmers from the impoverished northeast and by offering incentives to large companies and entrepreneurs to operate there. Cattle raising, mining, and large-scale commercial agriculture were among the key economic activities favoured by these programmes but led to devastating consequences for communities in the region. A rush by commercial actors to acquire new land contributed to a system of conflicting land claims based on large-scale fraud,¹ while the lack of law enforcement 'enabled large owners and land robbers to use violence against anyone who got in the way'—often with support from the state actors and local government (Adriance 1995: 22; also Júnior 2006).² It is estimated that around 30,000 peasants were evicted each year in the region in the late 1970s (Adriance 1995), while 43 per cent of all murders related to land conflict in the country between 1974–1983 were concentrated in the states of Para, Maranhão, and the north of Goiás (Oliveira 1996).³

The meeting of bishops sought to explore how the Church should position itself in the face of ongoing conflict and violence. In the background, the liberation theology movement in South America had been promoting a shift within the Church towards becoming more rooted and engaged in the lives and struggles of the poor. In 1974, the Roman Synod of Bishops had affirmed that 'the promotion of human rights is a requirement of the gospel and as such must occupy a central position in its ministry' (cited in Pontifical Commission 2011: 24).⁴ Through the meeting, the CPT's broad mission would become one of empowering small farmers and rural workers and their organizations struggling for justice and peace in Brazil. Its work would be steered by a forward-looking vision of justice in which the rural violence, conflict, marginalization and exclusion of the past and present would be overcome by empowering rural populations to address root causes and transform their social circumstances. In practice this meant grassroots social, legal and political processes for securing access to land, with the CPT putting itself in the service of these processes (Poletto and Canuto 2002).

While formally recognized by the National Conference of Brazilian Bishops (CNBB) and connected to it in a pastoral sense, the CPT operated independently of the Church and was ecumenical in orientation. The group was funded mainly by European Catholic philanthropic organizations and had a large measure of autonomy from the Catholic Church—though the creation of local CPT groups often depended on the support of the local bishops, many of whom were not sympathetic to the group's mission (Campigoto 2006). Grassroots

1 The practice of land ownership fraud remains a widespread problem in rural Brazil.

2 This includes the police and courts.

3 Two hundred and sixty-seven murders out of a national total of 625 for these years. Victims included small farmers, rural workers, priests, lawyers and new union leaders (Oliveira 1996).

4 In Brazil at the time, the higher echelons of the Church were adopting an increasingly critical stance towards the dictatorship. This would lead to a rupture in the historic relationship between Church and government. The Church had supported the 1964 coup that toppled the João Goulart government and brought the military to power.

work was undertaken through local and regional CPT groups, which were set up and run by local volunteers, such as priests, nuns and the laity as distinct from the clergy. In many places, the Church had long been an important part of the rural social and cultural fabric,⁵ and pastoral agents were frequently involved in or had experience from other grassroots groups, such as the Ecclesiastical Base Communities, which they brought to their pastoral work.⁶

The CPT came to impress itself in a context where the government considered political advocacy subversive and dangerous, and where the quality of formal justice institutions was low. Rural advocacy and activism had been violently repressed in the years after the military coup in 1964,⁷ yet the Church credentials of progressively minded priests, nuns, and monks meant they were able to retain some space to engage with rural communities.⁸ Indeed, the Church had become an important 'refuge for resistance' and independent thought (Wright and Wolford 2003) in rural areas during the dictatorship period (1964–1985). While opportunities for more explicit forms of rural political expression expanded over the transition, violence in rural areas dramatically escalated.⁹ Part of this escalation was down to the state's iron-fisted response to unrest, which involved the creation in 1980 of new state agencies under the armed forces for resolving rural conflict (Poletto and Canuto 2002; CPT 1991). Another factor was the emergence of the landowner-funded

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- 5 Bishop Pedro Casaldaglia, one of the originators of the CPT, 'identified so closely with the rural workers that he didn't even possess a pair of shoes, and on one occasion his parishioners were forced to have a quick collection so that their bishop wouldn't go to the Vatican in flip flops' (Le Breton 2003: 107).
 - 6 The CEBs were community-based groups set up by local churches in the 1960s and 1970s which studied the Bible and reflected on its messages in light of participants' lived experiences. According to Wright and Wolford (2003: 9–10) 'people who gathered in CEB meetings in the 1960s and 1970s read the Old Testament book of Exodus, seeing in the Jews an oppressed people who found a road to liberation. They read Jesus' Sermon on the Mount and its condemnation of injustice, seeing in Christ's attack on the temple money changers a message of rebellion against capitalist exploiters [...] in the CEB meetings, priests sat with parishioners in circles of folding chairs, often with no clerical garb to distinguish them, stimulating discussion rather than engaging in catechism and sermonizing'. Adriance (1995, p.110) describes the role of the CPT in encouraging communities to form CEBs, and through which 'mutual support' was cultivated between these groups and the struggle for agrarian reform. She suggests the spirituality developed in the base communities supported people in their struggle for agrarian reform while the struggle also reinforced community solidarity. The CEBs gradually acquired a more expressive and activist-oriented character over the course of Brazil's transition.
 - 7 The military coup in 1964 which toppled the João Goulart government was a response to growing fears among Brazilian elites that the poor were getting organized and demanding agrarian reform. The coup was initiated shortly after Goulart announced to Congress an agrarian reform programme.
 - 8 Ongoing sensitivities towards rural organising in the mid-1970s were reflected in the government's response to the meeting in Goiânia in 1975, which was placed under surveillance, with the building also visibly surrounded by police (Adriance 1995).
 - 9 A study conducted by the Brazilian Association for Agrarian Reform indicates there were up to 1,363 rural conflicts between 1980 and 1981 involving around 365,000 families (Oliveira 1996). The CPT's own figures for conflict between 1985 and 1990 revealed 3,374 conflicts involving almost two and a half million people and 563 murders.

Democratic Rural Union in 1985, associated with paramilitary groups charged with intimidating and murdering rural activists.

The country's political transition lasted from 1985 to 1990 as a period that saw the negotiation of a new national constitution and in 1989 the country's first direct presidential elections. Some analysts also point to the years 1979 to 1985 as part of the transition due to the gradual restoration of civil and political freedoms during this period—although the military remained formally in power until 1985. For present purposes, the 'transition' is considered here to capture both periods: the gradual decomposition of the military regime between 1979 and 1985; and the transition to a liberal democratic regime under military tutelage between 1985 and 1990 (Codato 2006).

Unlike the nascent democracies in the Southern Cone, Brazil did not embark on a process of transitional justice during the period. This was majorly due to the 1979 amnesty law that protected officials from prosecution and the strong role the military retained in guiding the transition. As such, the work of the CPT and other rural actors did not employ a transitional justice framework for challenging rural injustices. What was commonly harnessed however, including by the CPT, was a rights discourse that put the state at the centre of claim making. For rural activists at the time, the Brazilian state was very much an ambiguous phenomenon: at once oppressive but also the main mechanism through which justice and change could be realistically secured. With the state considered central to a comprehensive agrarian reform programme and for upholding human rights more broadly, rural activists came to share with other progressive activists and allies (political parties, organizations and movements) a conception of their rights-claiming as one that was pushing the state towards new public policies and institutions that would build towards a more inclusive, just and democratic society. Rural activists would claim for instance that 'without land there is no democracy' and that a programme of agrarian reform was paramount for 'democratising the land' and extending citizenship to marginalized populations (Hoddy and Ensor 2018).

1.4 Transformative action

Work by the CPT to foster transformative change in this context is summarized in table 1 as a cluster of key activities or practices. While the table presents these as distinct, they were deeply interlinked. For example, data gathering and documentation would inform advocacy work while community organizing involved and required the training of community leaders. These practices have remained more or less consistent over several decades of CPT practice, although they could involve various activities and approaches that were sometimes novel. For example, the CPT helped set up a number people's tribunals in the post-transition period as part of its consciousness-raising, empowerment and accountability work.

In the first instance, the CPT recorded and documented cases of ongoing land conflict and violence. In many cases, and especially in the more remote regions of the country, this would have gone unnoticed by authorities. At worst, it would have involved their complicity. Recording and documenting contributed to CPT activities; in particular, this was needed for reporting crimes and putting pressure on authorities.¹⁰ Data would also feed

10 CPT data is widely considered the most reliable data on this issue in Brazil and is used in academic studies and by international organizations such as Human Rights Watch and Amnesty International.

Table 1. Key CPT practices

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- Documentation of land conflicts and deaths;
 - Denouncing crimes (e.g. slave labour);
 - Legal advice and representation;
 - Consciousness-raising and empowerment of small farmers and rural workers;
 - Training community activists and leaders;
 - Networking, bridging organizations and groups (NGOs, social movements);
 - Advocacy work at various levels (local, national) and awareness-raising;
 - Knowledge production, exchange and dissemination activities;
 - Providing moral support to peasants (e.g. during land occupations);
 - promoting respect for human rights values and principles and discouraging violence;
 - Providing technical support to small farmers and rural workers (agronomy) and initiating development projects
-

into CPT publications and be used to inform the national media, such as through press releases. For Ricardo Rezende Figueira, a pastoral agent at the CPT, documenting was also symbolic. It was done to ‘preserve the memory of crimes committed’ and because ‘we [...] were trying to save lives’ (Figueira 2008: 18). Local CPT groups operated as information collectors, receiving complaints from victims and recording issues related to land occupations, forced labour, evictions, house burnings, murders, land theft, attempted murders and death threats. The CPT could report these to authorities, provide the names of suspects, provide testimony to the court, and make crimes known to the wider public. To produce the CPT’s annual report on rural conflict, which continues to be published today, this data is collated and trends are analysed by the CPT.

Access to legal advice and representation was provided to communities and rural organizations through the CPT’s network of grassroots lawyers. Communities and organizations usually lacked financial resources and/or access to such services, such as are needed when facing eviction. CPT lawyers would also provide aid to people who had been imprisoned or tortured, and legal advice to families that had experienced violence. In some instances, CPT lawyers were successful in securing legal land rights for peasant communities that had been engaged in land occupations. One particularly high-profile labour rights case the group became involved in concerned mounting accusations in the early 1980s of forced labour, torture and sexual violence on a 140,000-hectre plantation in the Amazon region belonging to Volkswagen (Acker 2017). The CPT brought the case to public and international attention, and subsequently to court on behalf of four victims in 1984.¹¹

This legal advisory role was performed however with the view that the law, by itself, was a generally weak instrument for justice and change at the time. The group’s legal work was a component within a broader initiative to strengthen grassroots social and political processes: in particular, consciousness-raising and empowerment of peasants, training community activists and leaders, and bridging and connecting other rural-based organizations and groups. The practice of grassroots lawyers was also understood in these terms. Ideally, grassroots lawyers would live alongside the rural poor and get know their realities, and

11 The case was thrown out on the first hearing, but the victims won on appeal and received compensation only some 14 years later.

would share with them ‘a transformative vision of reality’ and ‘elaborate together with the oppressed a new consciousness of justice’ (Pressburger 1990: 12).

Popular education activities for communities and rural organizations were organized to enable and raise critical consciousness as a process of empowerment and mobilization. Informed by the pedagogical approach developed through the CEBs and articulated by Paulo Freire, popular education was intended as ‘a tool in the hands of the poor to transform the structures of injustice in society’ and as ‘a political act of reading the world, understanding it critically, capacitating oneself to defend themselves in it, and above all organizing to transform it’ (Gorgen 1991: 3–4). The self-understandings which developed through popular education were steeped in Christian religious ideas, which it is important to note marked out the CPT’s work as profoundly religious—rather than narrowly political—in orientation. For example, that landless workers had a right to land because God had gifted the land to everyone rather than a select few; and that claiming rights and occupying land was work which built towards a socially-just ‘kingdom of God’ (Hoddy and Ensor 2018). Through the CPT’s work the notion of the will of God,

is reinterpreted. Rather than being used to convince peasants that they should accept the decisions of more powerful people, God’s will comes to be seen as a mandate to work for justice. (Adriance 1995: 160)

These frames were effective because they resonated with the religious-cultural beliefs and practices of many rural communities in Brazil.

Public gatherings were a typical activity used for consciousness-raising and mobilization, in particular the *romarias da terra* (land pilgrimages) which were organized by the CPT. Mimicking the traditional Catholic practice of visiting shrines and thanking the saints, the romarias were led by the bishop of the diocese to remember the victims and martyrs of past land struggles and to celebrate victories through stories and song. Local ‘people’s saints’ would replace the traditional figures (Campigoto 2006). For instance, the romarias in the state of Rio Grande do Sul celebrated the indigenous leader Sepé Tiaraju, who died resisting the Spanish and Portuguese incursions during the Guaraní War in 1756.

The romarias were symbolic for another reason. They served as public demonstrations of support for initiatives by movements, such as the Landless Workers’ Movement (MST),¹² and as efforts to generate solidarity and support from communities for local struggles. Other community and pedagogic events were organized by pastoral agents, such as during national holidays (e.g. the Day of the Farmer) and church gatherings for bringing communities together around local issues and sharing information about conflicts and crimes.

To move from consciousness to action and activism, the CPT along with other progressive Church sectors encouraged and provided support for community mobilization and direct local action, such as land occupations, petition-signing and demonstrations. Change through peaceful means was promoted and the use of weapons and violence discouraged for resolving rural problems. In fraught situations such as between communities and police or other authorities, pastoral agents occasionally found themselves serving as mediators. While refraining from organizing land occupations, the CPT and other Church members

12 The MST is an agrarian reform movement established in 1984. Today it is one of the continent’s largest social movements with around a million and a half members.

would nevertheless attend and provide the landless occupiers with material and moral support.

Two CPT practices in particular supported the expansion of rural action and activism: leadership training; and networking and bridging for activists, leaders, organizations and movements. In the first case, grassroots activists and leaders were trained to work with and on behalf of communities and with other organizations and movements seeking to bring about concrete change for rural populations. When the MST was set up in 1984 with CPT support for example, it was led by João Pedro Stedile who had been trained through the CPT in the years prior. Independent rural unions also expanded over the period thanks in part to CPT initiatives (Houtzager 2004). Where independent rural unions did not exist, the CPT would encourage communities to establish one and work with them to do so. Where they did exist, the CPT offered them other forms of support, such as training its leaders in organizational management. According to Gorgen, 'our pedagogy was always one of producing leaders, forming groups, building up the grassroots etc., so that they could become drivers of a vigorous movement for struggling against the large estates, and over time this began happening' (Gorgen cited in Vial 2003: 242).¹³

Individuals and groups operating in different locales, regions and territories were connected through CPT initiatives, such as for sharing knowledge and information or coordinating action. The group organized events for the production and dissemination of local knowledge around a variety of rural practices, such as herbal remedies, animal husbandry and pest management. These activities could also resemble applied social research. The regional CPT in the state of Maranhão for example led a grassroots research project on 'social and economic transformations in the Maranhão countryside' which included local churches, the CEBs, unions, and cooperatives as research partners, and which sought to develop didactic material for use in popular education programmes (da Costa 1994). The CPT also provided a forum for fostering collaboration and coordination between like-minded individuals, organizations and movements, such as through the regional assemblies of rural activists. It was one of the main organizers of the National Campaign for Agrarian Reform (in 1983) and national gatherings such as the National Caravan for Agrarian Reform in 1987, which brought 10,000 rural workers to Brasília to advocate for a more ambitious agrarian reform programme.

Finally, the CPT took on an 'agrarian advisory' role in the 1980s in which CPT agronomists would provide technical advice to small farmers and rural workers; run training workshops for communities, such as on farmland ecology and environmental sustainability; and initiate small-scale development projects, occasionally in partnership with nongovernmental organizations (NGOs) like Caritas. They occasionally worked with the National Institute for Colonization and Agrarian Reform (INCRA), the government agency responsible for administering land reform. Projects involved communities and rural organizations and aimed to improve incomes. These included, for example, projects on enhancing farming techniques and practices, such as crop diversification or shifting to new crops in response to environmental challenges, and improved marketing of agriculture products (CPT 1990). These projects and initiatives also supported the new agrarian reform settlements

13 Another prominent movement set up during the transition with CPT support is the Movement of People Affected by Dams. Known at the time as the Regional Commission of People Affected by Dams, it was founded in 1979 as an effort at mobilizing farmers to contest the proposed flooding of the river valleys in the Alto Uruguai region.

which were beginning to emerge through successful collective action by communities and movements such as the MST. Often focused on collective and cooperative forms of farming but usually lacking start-up capital, equipment and access to extension services, CPT projects aimed to help make the settlements economically viable.

1.5 Reflections

The work of the CPT unfolded in the absence of any transitional justice process in the period examined, and where the law was often experienced by the rural poor through corrupt judges and notaries, evictions, falsified land titles, police violence, and impunity for rural elites and ranchers.¹⁴ The military government retained a wide degree of control over the direction and scope of the transition at the time while political elites mobilized to protect the privileges of large landholders and ranchers over property rights. During drafting for the new constitution of 1989 for instance, ‘the fire power of the right-wing was concentrated on limiting the prospects for agrarian reform, on defining chapters relating to the economy, and to precluding judicial reforms that might have seen the introduction of a constitutional court with a more democratic composition’ (Meszaros 2000: 525). In the end, the new constitution represented a ‘major step backwards’ for addressing questions of land inequality and ownership because it introduced a series of qualifications that made it more difficult to expropriate land (Meszaros 2000: 523).

When Brazil’s truth commission was finally established in 2011, it came almost three decades after the return to civil government. It had some modest successes, such as challenging the informal veto power of the military (Torelly 2018), but may have been ‘too little too late’ for some (Schneider 2013). The long time it took for the National Truth Commission (CNV) to appear on the scene reflected, among other things, the persistence of military-era personnel and influence over the transition and into the democratic period. Political struggles over the CNV’s inauguration meant its scope and efficacy were reduced. Under pressure from the Defence Minister and three military generals in 2009–2010, Brazilian President Luiz Inácio Lula da Silva agreed to make changes to the original model of the CNV that would mean the state was once again ‘refus[ing] to accept responsibility for its participation in systematic political repression’ (Schneider 2013: 153). Military personnel would not be forced to testify, and political prosecutions were dropped.¹⁵ Though the commission incorporated a novel focus on rural victims, it shared with traditional transitional justice a neglect of the structural and systemic.

With the government working to shape the transition on its own limited terms, and where there was ‘no real substitution of the groups linked to the dictatorship, but rather a re-accommodation within the realm of the elites’ (Codato 2006: 25), one of the main contributions of the CPT was to help catalyse and support local social and political processes

14 Unlike in Argentina and Chile, the Brazilian judiciary supported the military coup in 1964. It ‘applied authoritarian legality with very few restrictions and broad cooperation was established between civil and military justice’ (Torelly 2018: 3). Even into the democratic period, supporters of the regime continued to dominate the judiciary as well as the other branches of government—with the majority of civilian staff in the authoritarian judiciary remaining in power (Schneider 2013; Pereira 2005).

15 Schneider (2013: 154) suggests that for some critics the CNV looked more like ‘a diplomatic project with the primary goal of appeasing the international human rights community rather than clarifying crimes or rehabilitating victims’.

for justice and change in rural areas. Small farmers and rural workers became active in claiming their rights and seeking to secure forms of justice that were locally meaningful. This included through legal processes, although justice and rights claiming were not reduced to these legal processes. The CPT's work was necessarily long-term, forward-looking in a strong sense, and its approach to justice multidimensional. For example, alongside promoting critical consciousness as a prerequisite to agency for change it assisted individuals and communities in securing or improving their material circumstances. Its work with communities led to the formation of new organizations, rural unions, movements and networks that operated autonomously from the CPT and which mobilized and campaigned in favour of concrete improvements to the conditions of rural families and communities. The MST for instance, as perhaps the most prominent example, was formed to secure land for small farmers and rural workers and to facilitate the 'extension and exercise of basic citizenship rights—civil, political and social—among the poor' (Carter 2015: 28). This dynamic that was unleashed in the countryside was made possible by the widening political space at the time and may be read as a response to past and ongoing injustices that also sought to temper 'elites' strategic moves with actions designed to foster pluralism' (Benvindo 2017: 348).

What do the CPT case and the actions identified tell us about how transformative justice might be secured more broadly? What is the value of these practices over those belonging to traditional transitional justice? And how might they complement one another in different settings?

The activities or practices that have been labelled here as 'transformative action' are a significant departure from professional practice in transitional justice, or in proximate fields such as peacebuilding and development. They may approximate more closely those of a 'justice in transition' actor (Gready and Robins 2017) which engages directly with affected communities in justice-promotion projects for responding to systemic social disadvantage, exclusion, oppression, and where these might intersect with systematic and direct forms of violence. Several key insights for transformative justice practice bear mentioning.

First, critical consciousness-raising matters as a fundamental component of transformative practice. While there has been a good deal discussed about empowerment and participation in transitional and transformative justice (e.g. Gready and Robins 2014), little or nothing has been said about critical consciousness as a prerequisite for transformative action (also Hoddy and Gready 2020). In the case of the CPT, its work was deeply influenced by the CEB's pedagogical approach, later articulated by Paulo Freire, in which critical consciousness-raising meant the educator–practitioner helping communities and groups to foster an in-depth understanding about the world and of unjust and oppressive social contexts. Through a problem-posing approach, communities and practitioner–educators would interact to discover and share what they knew, and engage in action for overcoming unjust conditions and transforming people into active citizens and rights-holders. Cornwall (2017: 8) suggests that critical consciousness-raising,

promotes an understanding of ourselves as human beings with the right to have rights. This can rest on a process through which people come to know themselves as subjects in their own right, who are capable of becoming something other than they are at present.

The critical consciousness gap in the scholarship and practice of transitional and transformative justice may be a reflection of the way the debates about victim participation have been framed by a focus on transitional justice mechanisms and responses to direct physical violence and civil and political rights violations. For transformative justice however, which

approaches rights as indivisible and is concerned with structural and systemic violence, critical consciousness matters because of how direct and indirect violence and harm are effected through societal structures held in place by ideologies, hierarchies and belief systems. For example, where rural populations view themselves as peasant subordinates as opposed to citizens with rights, and where everyday and political violence is normalized. These are expressions of what [Gaventa \(2006\)](#) termed ‘invisible’ power, where people’s priorities, belief systems and practices have become shaped in ways that are harmful or disempowering. Bringing to light manifestations of ‘invisible’ power can help groups identify and (re)define their own needs, interests and priorities, and to undertake action to claim their rights and secure justice.

What a critical consciousness-centred practice arguably offers, then, above traditional transitional justice is a framework for developing shared understandings of structural and systemic violence and how they have shaped or led to particular outcomes and practices, which people may act upon if they so wish. A second, related insight is that a practice centred around critical consciousness-raising must entail minimal professional distance between practitioners and academics on the one hand and communities on the other. Engaged and action-oriented projects with dialogic learning components require practitioners to spend time in community settings before work commences and to engage with grassroots leaders, organizations and movements in the design and implementation of community projects that are locally relevant. In the case of the CPT, the distance between practitioners and communities appears so minimal that the boundaries between both could shade into one another. The Church was deeply embedded in many rural communities while those who joined the ranks of the grassroots CPT and other Church groups were usually from the same communities.

The need to reduce professional distance along these lines has long been emphasized in radical and emancipatory forms of practice for empowering communities and achieving step-change over long time frames ([Hoddy and Evans 2020](#)). Yet this this remains to be reflected in transitional justice practice (e.g. see critiques by [Robins 2017](#); [Tsai and Robins 2018](#)), revealed for example through different vocabularies/discourses and life-worlds of professionals and communities ([Robins 2017](#)); and by the ways participation tends to be limited to the consultative and information sharing kinds (e.g. [Selim 2017](#); [Robins 2017](#)).¹⁶ Closing this gap through a critical consciousness-centred practice may help ensure practitioners and processes are more responsive and attuned to the needs, interests and priorities of communities.

Third, the CPT case shows how work to secure agrarian justice meant having to contend with domestic elites, institutions and political economies shaping and constraining the possibilities for change. Consciousness-raising for example aimed to dislodge cultural patterns of thought and behaviour that were both self-defeating *and* which operated to the benefit of rural elites, such as local landowners and ranchers. The CPT’s technical support for farming worked to strengthen the material bases of new and existing farming practices in order to enhance the economic power of small farmers and rural workers and to erode their dependency on violent, exploitative and unequal relationships. The land occupations and national advocacy campaigns undertaken by communities and movements, and supported by the CPT, sought to generate political pressure and directly challenged elite privilege.

16 Elsewhere, [Robins \(2017: 58\)](#) argues that ‘instrumentalisation appears to be the defining characteristic of the relationship between victims and the mechanisms of transitional justice’.

As these examples show, the configuration of CPT activities or practices was undertaken with domestic actors in mind and provides a corrective to the under-addressed ‘problem of elites’ (McAuliffe 2017, 2019) in transformative agendas. As McAuliffe has argued, there has been something of an overemphasis on the role of international actors and transitional justice blueprints shaping the prospects for change to the detriment of more complex relationships between actors and institutions at different levels. Transformation is not reduced to strategizing and bargaining among domestic elites and governments however, but rather viewed as an outcome of the dynamic interactions between strategic actors at different levels and which may or may not include transitional justice actors and mechanisms. This case has dealt with the rural grassroots side of this interaction, identifying a configuration of grassroots activities for supporting communities to articulate claims to rights and justice towards domestic elites and institutions at various levels and to participate in political life in new ways.

A fourth, related point is that adopting a multilevel understanding of change may be useful for practice. As the CPT case indicates, fostering grassroots processes may be seen as an entry point for generating more complex change processes that involve a range of grassroots actors as well as top-down actors and processes. The latter may include the state and state agencies; sympathetic politicians, elites and powerholders; public policies, regulation, and so on. In the recent decades of neoliberal globalization, which has led to profound changes to the rural and agrarian landscape, new actors and processes at global and national levels may also be relevant. In this view, change is likely to count on a wide range of measures and mechanisms that can include, but go beyond, those of transitional justice, but which involve the state and its institutions in some way (Gready 2019; Waisbich and Coelho 2019). In the case of rural organizing in Brazil at the time, agrarian reform, as a very direct form of state intervention, was viewed as essential for transforming landless families’ social circumstances, providing the basis for citizenship and transforming society (e.g. see Poletto 1990; also Hoddy and Ensor 2018). This picture encourages exploration of the potential of other avenues for securing justice, such as welfare systems, social protection and participatory governance. It also encourages movement beyond the ‘top-down’ vs ‘bottom-up’ and ‘local’ vs ‘state’ binaries that have framed some of the debates and disagreements over the value of transformative justice thus far.

And lastly, the case indicates how legal empowerment strategies and approaches may acquire more transformative potential when integrated with more radical modes of social and political practice. As the case shows, legal processes may be a useful and sometimes critical recourse in community organizing and action. Identifying the relationship and balance between legal processes on the one hand and social and political processes for change on the other is key however, and may be assisted by a strategic- and use-oriented principle where the law is drawn on to the extent that it is useful in concrete settings and when it contributes to advancing broader social and political processes and goals. Integrating these approaches may help address some of the limitations of legal empowerment approaches in transitional settings (Kurze et al. 2015; Waldorf 2019) while expanding the range of tools available to transformative justice practitioners engaged in community work, such as where the law can be harnessed to address labour rights issues or to assist communities in securing access to resources and services.

Some final reflections are offered here about how the kinds of activities or practices identified may be relevant beyond rural settings. In addition, how might the sorts of transformative actions identified complement or strengthen transitional justice practice?

The broader value of the actions identified is that they may be useful in other settings where communities confront different sorts of issues and where there are different constellations of actors, institutions and interests. For example, critical consciousness-raising might be applied with urban communities in settings where legacies of eviction, dispossession and apartheid are reflected in ongoing urban violence, spatial inequalities and difficulties accessing housing and other resources. Training activists and leaders can seek to ensure that change processes are locally owned and sustainable in a range of settings. Similar sorts of activities have been applied by movements and organizations operating in urban settings, such as the Community Organisation Resource Centre (CORC) in South Africa. Though CORC does not describe itself as a ‘justice in transition’ actor, it is focused on supporting grassroots organizations by, among other things, providing technical assistance so that communities can become empowered and participate in urban governance (Bolnick 2008). Its ‘deep democracy’ approach prioritises local agency and resources and is informed by a mixture of liberation theology and apartheid-struggle conceptions of social transformation (Wilson and Lowery 2003; see also Evans 2018).

Transitional justice mechanisms and interventions may be supported in some specific ways by the configuration of transformative actions identified. First, and perhaps most simply, documentation and local and regional knowledge production and exchange activities may assist truth commissions investigating rural violence and social and economic issues. Though Brazil’s truth commission was narrowly focused on murders, torture and disappearances in rural areas and the hiding of corpses, it was CPT records that were the commission’s main data source for producing its 450-page report on rural violence for the years 1946–1988 (CPT 2016). The work of the Peasant Truth Commission was accompanied and assisted by CPT expertise as well as that of ‘teachers, researchers, social movement leaders and civil servants [who] dedicated themselves to researching and combining studies already undertaken’ with the aim of producing the report (CNV 2014: 18).

Second, consciousness-raising and empowerment work that runs in parallel to transitional justice processes may help relate justice and human rights to communities, contexts and cultures where these may otherwise not resonate. The CPT applied a spiritual-religious framework for doing this, where ideas of human rights, justice, social conflict, agency and democracy were reinterpreted in ways that imbued them with Christian religious symbolism and metaphor. New social practices were also forged, such as the land pilgrimages, which mimicked traditional Catholic ones. When I conducted fieldwork in rural Tunisia in 2015–2016 and again in 2020, small farmers tended to view post-2010/11 justice processes as remote, as serving only a narrow group of Islamists that had been persecuted under the former regime and their families, and as unconnected to their own livelihood challenges and insecurities. In settings where transitional justice processes are underway, consciousness-raising and empowerment work may help ‘embed’ justice more locally and make for stronger contributions to democratic development and peace (Gready 2005).

Finally, the transformative actions identified may provide a framework for ‘barking back’ at international actors and transitional justice blueprints, and the ways in which the latter may be applied or reconfigured, distorted and undermined in domestic political arenas. With regard to structural and systemic violence in agrarian settings, there are very real tensions between the kinds of deep, structural changes often desired by rural-based social movements and organizations on the one hand, and the priorities of fields like transitional justice and peacebuilding and of domestic rural elites on the other that promote or are more accommodating of neoliberal economic agendas (Hoddy 2021). Community

organizing and advocacy work may intervene before or during a transitional justice process to impact the actions and activities of transitional justice actors in rendering justice processes more accountable and responsive to the needs, priorities and interests of rural communities.

2. Conclusion

The transformative dynamic that emerged in the Brazilian countryside during the period in question was a response to the political conjuncture of the time, where new opportunities were arising and being generated by rural-based actors pursuing justice and peaceful solutions to land and labour conflicts. These goals were not pursued through a transitional justice process, but through a framework of rights-based advocacy and activism where rural populations were being empowered to transform their social circumstances and address root causes. This article has provided an overview of the key activities or practices undertaken by the CPT to cultivate and support this dynamic, which has been referred to here as 'transformative action', and reflected on some lessons for transformative justice practice in transitional settings. It suggested that critical consciousness matters to transformative practice, not least for contending with structural and systemic violence. It also suggested that project conception and planning required engagement with local actors and their role in project delivery. It pointed as well to the potential for other avenues to secure justice beyond transitional justice. Further, it indicated how legal processes may usefully support transformative change and that elites, institutions and broader political economies which shape and constrain change require community responses. Finally, the article suggested how the transformative actions identified may be applied beyond rural settings and indicated how they might support or complement existing transitional justice processes.

While the focus of this article has been on action and reflections for project conception and planning, it runs the risk of construing the delivery of transformative justice as a technical matter. That is, of getting the methods right. What this article has not done, but which is an area for further investigation, is to shed more light on the cognitive frameworks, values and commitments that might be implied in transformative action. In the case here, a nod has been given towards an activist commitment to social justice and human rights principles; and towards liberation theology as a cognitive framework for grasping the situation at hand and giving meaning to action and change. These have not been explored in depth in this article, though they remain central to transformative practice.

What has come of the CPT since the transition ended? While it was a key actor for cultivating and supporting rural organizing during the transition, this status had diminished to some extent by the early 1990s. The Vatican adopted an increasingly critical stance towards liberation theology and its advocates over the 1980s. The prominent Brazilian theologian, Leonardo Boff, was silenced for instance by the Congregation for the Doctrine of the Faith, led by Cardinal Ratzinger (later Pope Benedict XVI), for having preached 'Marxist heresy' (Poletto 2008: 337–9). At the same time, the larger rural movements in Brazil that had been formed over the course of the transition succeeded in building their capacities in ways that allowed them to organize more independently of the CPT. Pastoral agents came to play a less central role in rural mobilization generally, as they were joined by new actors and organizations that were increasingly free to organize in the widened political space. The CPT has remained however a key rural actor in Brazil to this day, not least for its role in

continuing to document land and labour conflicts and violence and in supporting grassroots empowerment.

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Biographical note

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