

History of the Present Time and ethics: concerns about the sources

 /tempoeargumento

 @tempoeargumento

 @tempoeargumento

 **Silvia Maria Fávero Arend**
Santa Catarina State University
Florianópolis – BRAZIL
lattes.cnpq.br/7367251417314346
silvia.arend@udesc.br
 orcid.org/0000-0002-3262-5596

<http://dx.doi.org/10.5965/2175180316432024e0104>



Received: 12/11/2024

Accepted: 02/12/2024

Guest Editor:

Emerson Cesar de Campos

Santa Catarina State University

orcid.org/0000-0002-1455-4528



History of the Present Time and ethics: concerns about the sources¹

Abstract

Based on the concerns raised by research and scientific publishing work in the field of History of the Present Time, this article aims to discuss the hard ethical boundaries concerning the access, use, and display of historical sources. The text begins with an episode of conflict between various ethical dimensions ignited by a judicial questioning of the practice of historiography. The situation proved to be complex in various ways, involving issues within the legal framework of Brazil since the 1990s in the sphere of research ethics. On the other hand, the text points out the unfoldings of the so-called ethico-political turn and the possibilities of building paths, both methodological and epistemic ones, to address issues as broad as the autonomy of scientific research and the defense of human rights, with a view to writing a History of the Present Time that is as effective in its results as it is committed to ethical principles.

Keywords: history of the present time; sources; ethics; Brazilian legislation.

História do Tempo Presente e éticas: inquietações acerca das fontes

Resumo

A partir das inquietações suscitadas pelo trabalho de pesquisa e de editoração científica no campo da História do Tempo Presente, este artigo objetiva debater as difíceis delimitações éticas que dizem respeito ao acesso, uso e exposição de fontes históricas. O texto parte de um episódio de conflito entre diferentes dimensões éticas suscitado por um questionamento judicial ao exercício da prática historiográfica. A situação se mostrou complexa em diferentes sentidos, envolvendo questões no âmbito da legislação construída no Brasil desde a década de 1990 na esfera da ética na pesquisa. Por outro lado, o texto aponta para os desdobramentos do chamado giro ético-político e as possibilidades de construir caminhos, tanto metodológicos quanto epistêmicos, para dar conta de questões tão abrangentes como a autonomia da pesquisa científica e a defesa dos direitos humanos, tendo em vista a escrita de uma História do Tempo Presente tão eficaz em seus resultados quanto comprometida com princípios éticos.

Palavras-chave: história do tempo presente; fontes; ética; legislação brasileira.

¹ A preliminary version of this article was presented at the round table “Sources, epistemologies and ethics: challenges of History of the Present Time”, held on October 27, 2023, at the 5th International Seminar on History of the Present Time. The event took place at the Center for Human Sciences and Education, at the Santa Catarina State University (Universidade do Estado de Santa Catarina [UDESC]), Brazil. For more information, see: <https://doity.com.br/v-seminario-internacional-historia-do-tempo-presente>. I would like to thank the pertinent comments made by Gláucia de Oliveira Assis, Reinaldo Lindolfo Lohn, Humberto da Silva Miranda, and Luciana Rosar Fornazari Klanovicz.

Research funded by the “CNPq Notice No. 9/2023 – Research Productivity Grant” and by the “Fapesc Public Call Notice No. 048/2022 – Infrastructure Support for the UDESC Research Groups.”

Opening words

Since the early 2000s, the Brazilian graduate system in the field of History has expanded, with the creation of new and varied graduate courses at the master's and doctoral levels. This has resulted in an increased making of historical knowledge, which, according to the guidelines of the Coordination for the Improvement of Higher Education Personnel (Coordenação de Aperfeiçoamento de Pessoal de Nível Superior [CAPES]), linked to the Ministry of Education (Ministério da Educação [MEC]), must be published in national and international scientific journals. However, until then, corresponding to a stability of a few decades, the field had a small number of journals, since academic historians generally published the results of their research studies mainly in authorial works and book chapters. However, both the expansion of graduate courses and the pressure felt by researchers to increase their productivity have stimulated the launch of new scientific journals in the field of History.

Considering the undeniable presence of the internet as an environment for scientific making and dissemination, as well as incentives from official funding agencies, these publications have taken the *Open Access Free format* (Golden Way). The Open Access movement was created from the legal-social perspective of 'informational justice.' According to Sena (2018), 'informational justice' is a multifaceted concept anchored in the view that the making of scientific knowledge takes place through multiple subjects and that this should be democratized for the society as a whole. In the Brazilian case, this issue took (and takes) greater importance, since scientific research in the field of History is largely funded through public grants.

The expansion and diversification of the field allowed the exploration of new frontiers of knowledge and research, incorporating innovative objects and approaches that were taking shape at an international level. As a new historiographical domain, the present time began to gain the attention of historiography, asking for reflections of its own. Thus, knowledge making in the field of History of the Present Time has gained greater importance in Brazil in the last 20 years. The results of investigations demonstrated the importance of historiographical approaches capable of addressing new themes and objects,

using flexible methodologies and constantly under pressure from the sources themselves. This historiography has continued to be made available in the form of authored books, collections in book format, book chapters, and scientific articles.

However, it is noticed that, perhaps because it is of a rather recent nature, a significant portion of this knowledge making has been published in journals, encouraging the specialization of periodicals that sought to focus on History of the Present Time. Among such periodicals, stand out the journals *Tempo e Argumento*², *Cadernos do Tempo Presente*³, *Boletim do Tempo Presente*⁴, *História Oral*⁵, and *Estudos Históricos*⁶. I would like to draw attention to the fact that in the last five years (possibly due to the advance of far-right ideology), several journals in the field of History have published with some frequency one or two articles in their issues on themes or epistemic discussions related to History of the Present Time.

This scenario in the field of Brazilian historiography regarding History of the Present Time may be considered healthy. However, we understand that this historiographic making has not been accompanied by larger discussions involving the fields of heuristics and ethics. We have an exception in the Brazilian scenario regarding oral sources. The journal *História Oral*, published by the Brazilian Oral History Association (Associação Brasileira de História Oral [ABHO]) since 1998, holds a vigorous debate on the production of oral sources and ethical debates. In the case of History of the Present Time, a similar attitude should be frequent, considering that its foundations are based on a diverse set of sources. We can mention the press and testimonies, as well as government documentation, either in the form of legal, police, parliamentary, school, and medical documents or as social reports, without forgetting to mention literary, audiovisual, epistolary, and those coming from the social media (*Orkut*, *Facebook*, *Instagram*, *TikTok*, *Twitter* [currently *X*], etc.). However, a stimulating

² <https://revistas.udesc.br/index.php/tempo/index>

³ <https://periodicos.ufs.br/tempo/issue/view/1324>

⁴ <https://periodicos.ufs.br/tempopresente>

⁵ <https://periodicos.ufs.br/tempopresente>

⁶ <https://periodicos.fgv.br/reh>

environment for discussions on the dimension of ethics in this new historiographical domain has not been created, yet. This lack of discussions can lead to a certain lack of preparation when even works based on historical sources considered to be in the public domain are subject to questioning. This is particularly sensitive within the scope of present-time themes, given that studies focus on unfinished social processes and open up fronts for discussion on objects whose interests remain especially active.

The concerns that prompted the writing of this article are the result, above all, of a process experienced as editor of the aforementioned journal *Tempo e Argumento*, in 2018. That year, the two editors of this journal⁷ were summoned by Cláudio Weber Abramo to remove from the periodical (which is posted in an online repository) the article written by Brazilian historian Rodrigo Patto Sá Motta, entitled “Purges of 1964 and anticorruption discourse in the caricature by mainstream press,” which had been published two years earlier⁸. The researcher reported part of his narrative construction in cartoons and caricatures by visual artist Hilde Weber, which dealt with themes related to the period of the military dictatorship. The artist's graphic production was published in the newspaper *O Estado de S. Paulo* in the early 1960s. According to the provisions of the court summons, Hilde Weber's family held the copyrights related to the artist's visual productions.

In order to resolve the legal dispute, which had become increasingly serious (including the threat of removing all issues of the journal from the web), we consulted national legislation and international case law on copyright and ethical issues. This legal framework allowed us to state that Hilde Weber's cartoons had been in the public domain for many years; that the researcher had used them for academic and non-commercial purposes; and that the posthumous reputation of the visual artist had not been harmed by the

⁷ At the time, the editors of the journal *Tempo e Argumento* were the professors of the Graduate Program in History at the UDESC, Luiz Felipe Falcão and Sílvia Maria Fávero Arend, and the secretary, the university technician, Anderson Mendes.

⁸ See: MOTTA, Rodrigo Patto Sá. Os expurgos de 1964 e o discurso anticorrupção na caricatura da grande imprensa. *Revista Tempo e Argumento*, Florianópolis, v. 8, n. 18, p. 9-39, 2016. DOI: 10.5965/2175189308182016009. Disponível em: <https://revistas.udesc.br/index.php/tempo/article/view/2175180308182016009>. Accessed on: Apr. 27, 2024.

publication of that scientific article. However, this was not the understanding of the representatives of the Legal Department of the Santa Catarina State University (Universidade do Estado de Santa Catarina [UDESC]), which, guided by Brazilian copyright laws enacted in 1998⁹ and 2013¹⁰, forced the two editors of the journal *Tempo e Argumento* at the time to remove the cartoons from the aforementioned article. Since 2018, the caricatures by visual artist Hilde Weber, on pages 16, 18, 19, 27, 28, 29, 31, 34, 35, and 37 of that article, have been replaced by the image that appears in Figure 1.

Figure 1 – Illustration removed from the article by Rodrigo Patto Sá Motta.

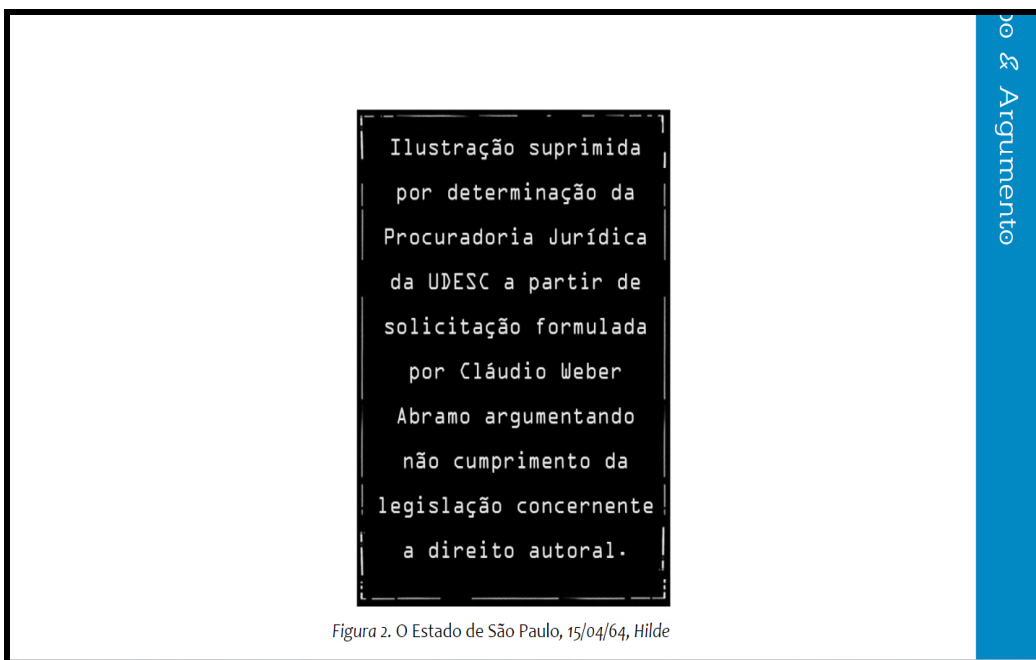


Figura 2. O Estado de São Paulo, 15/04/64, Hilde

Source: Motta (2016, p. 16).

In this essay-like article, we seek to provide some ‘answers’ to the concerns raised by the case reported above, focusing on the uses of sources and debates on ethics in the field of History of the Present Time. In the first part

⁹ BRASIL. *Lei número 9.610, de 19 de fevereiro de 1998*. Altera, atualiza e consolida a legislação sobre os direitos autorais e dá outras providências. Brasília, DF: Presidência da República, 1998. Available at: https://www.planalto.gov.br/ccivil_03/leis/l9610.htm. Accessed on: Jun. 2, 2024.

¹⁰ BRASIL. *Lei número 12.853, de 14 de agosto de 2013*. Altera os arts. 5º, 68, 97, 98, 99 e 100, acrescenta arts. 98-A, 98-B, 98-C, 99-A, 99-B, 100-A, 100-B e 109-A, e revoga o art. 94 da Lei nº 9.610, de 19 de fevereiro de 1998, para dispor sobre a gestão coletiva de direitos autorais, e dá outras providências. Brasília, DF: Presidência da República, 2013. Available at: https://www.planalto.gov.br/ccivil_03/ato2011-2014/2013/lei/l12853.htm. Accessed on: Jun. 2, 2024.

of the text, we refer to what we call ‘institutional ethics,’ in view of the legislation instituted in Brazil between 1996 and 2016. In the second part, we focus on the ‘paths’ arising from the movement named ‘ethico-political turn’ that has taken place in recent years within the subject. The issue that arose in 2018, as editor of the journal *Tempo e Argumento*, concerned the fact that it is not always possible to dialogue or reconcile the various approaches to ethics.

1. On ‘institutional’ ethics and the sources

Discussions on ethics as a theme have long been a major branch of study in Western Philosophy. Debates in this area of knowledge date back to Antiquity, having the Greek thinkers Plato and Aristotle as their leading figures. In the process of building modern science, it was the German philosopher Immanuel Kant, in his work *The groundwork of the metaphysics of morals*, published in 1785, which raised the debate on the issue of ethics to another level, associating it with the establishment of moral values of a given society and/or of the individual to Reason and the field of Justice. According to Kant (2007), in view of the concept *categorical imperative*, people's actions should be guided by universal principles formulated through Reason, with a view to benefiting the entire social body. Several criticisms, originating from various epistemic approaches, have been formulated over time and referred to the Kantian perspective, especially with regard to the notions of individual autonomy and the universality of moral values.

For this study, notes by the thinker Paul Ricœur regarding ‘little ethics,’ idealized mainly for processes involving bioethics, are of great value, since the cases considered hard by the French philosopher demand ethics in the plural. We see that historians who produce narratives based on the approach of History of the Present Time also frequently face cases considered hard in relation to the use of sources and ethics. In other words, there is a need to evaluate these scenarios beyond an established morality and/or the premises of legislation in a narrow way. The Brazilian philosopher José Vanderlei Carneiro summarizes the assumptions of ‘little ethics’ stated by Paul Ricœur:

Ricoeur's 'little ethics' is ultimately permeated by an ethics of care for oneself and for others, through the categories of self-esteem and solicitude. It is not the ethics of Aristotelian virtues nor Kantian normative morality, even though both, together with tragic wisdom, are indispensable philosophical constructs for the elaboration of a reflexive bioethics, which deliberates in the light of hermeneutics and the ethics of care, recognizing the criticisms that are aimed at this theoretical position regarding this study referred to the French philosopher.

However, we are faced with a thought supported by a philosophical anthropology that sees the subject in its singularity, that is, as a capable subject: a subject of their own history and open to the project of dialogue. It is not only a biological subject or a subject of law, but a subject capable of creative imagination to deliberate on hard cases. The exercise of deliberation operates through reflection as a need for conflicts within the production of teleological and deontological moral matrices. Or reading it another way, generated specifically from fundamental ethics, as an exercise in human care (Carneiro, 2018, p. 85).

In Brazil, research in the field of History has been ruled in the area of ethics by resolutions issued by the Ministry of Health/National Health Council (Conselho Nacional de Saúde [CNS]) since the creation, in 1996, of the system that combines the National Commission for Research Ethics (Comissão Nacional de Ética em Pesquisa [CONEP]) and the Research Ethics Committees (Comissões de Ética em Pesquisa [CEP]) established in Brazilian universities (Cardoso; Pereira, 2013). Resolution CNS No. 116, enacted on October 10, 1996, stated the following with regard to the ethics of research involving human beings¹¹:

III.1 - The ethics of research implies:

- a) free and informed consent of target individuals and the protection of vulnerable groups and those who are legally incapable (autonomy). In this sense, research involving human beings must always treat them in their dignity, respect their autonomy, and defend them in their vulnerability;
- b) weighing up risks and benefits, both current and potential, individual or collective (beneficence), committing to maximum benefits and minimum harm and risk;
- c) assurance that foreseeable harm will be avoided (non-maleficence);
- d) social relevance of research with significant advantages for the research subjects and minimization of the burden for vulnerable

¹¹ Regarding the notion of 'human beings,' the CNS Resolutions enacted in 1996 and 2012 refer to international regulations issued mainly by the United Nations (UN), the World Medical Association (WMA), and Brazilian legislation, with an emphasis on the 1988 Constitution.

subjects, which guarantees equal consideration of the interests involved, without losing the sense of its socio-humanitarian purpose (justice and equity) (BRASIL, 1996, cap. III, inciso I).

According to historian Carla Simone Rodeghero (2022), Resolution CNS No. 116, enacted in 1996, and its replacement in 2012, CNS Resolution No. 466, were built through epistemic and legal debates related mainly to bioethics¹². These normative documents were guided by the controversies that took place in the field of bioethics after the Second World War, in view of the medical experiments carried out during the war, targeting vulnerable populations and prisoners, as well as what happened to the Japanese population after the dropping of the two atomic bombs (Kottow, 2008)¹³. For two decades, research proposals in the fields of Human Sciences and Applied Social Sciences were assessed by members of the CEP of Brazilian universities based on the two aforementioned documents issued by the CNS. This fact often triggered issues (and disappointments) for researchers in the field of History and other areas of knowledge in Humanities and Applied Social Sciences, since many investigations had methodologies, parameters, and other procedures specific to those used in the health area. According to Carla Simone Rodeghero (2022), aiming to alleviate these issues, a new regulatory document was added to Resolution CNS No. 466, of 2012. According to the author:

Recognizing the widespread unease among institutions and researchers, Resolution CNS No. 466/2012 provided for the drafting of a 'complementary resolution' to address the specificities of research in humanities and social sciences. To accomplish this task, the CONEP created the Humanities and Social Sciences Working Group (Grupo de Trabalho Ciências Humanas e Sociais [GT CHS]), which operated between 2013 and

¹² Resolution CNS No. 116, in its Preamble, states the following: "This Resolution incorporates, from the perspective of the individual and collectives, the four basic references of bioethics: autonomy, non-maleficence, beneficence, and justice, among others, and aims to ensure the rights and duties that concern the scientific community, research subjects, and the State" (Brasil, 1996, I-Preâmbulo).

¹³ The Nuremberg Code was one of the results of the Nuremberg trials (Germany), which took place between 1945 and 1946 and aimed to prosecute Nazi leaders. According to Kottow (2008, p. Sup. 10): "The horrors revealed in these trials gave rise to the Nuremberg Code, which also represents a historic break. Although this document was triggered by the events that were revealed, it does not refer to them, but to the conduct that a scientific researcher should follow. It is a demonstration of wisdom that this first code of ethics in research avoided alluding to highly anomalous situations and preferred to focus on general ethical standards that are valid for all research. Even so, it is remarkable that a trial of war criminals inspired a code of ethics in research."

2015, with the participation of representatives from nearly two dozen institutions in the field, as well as CONEP technicians and managers. In a context of tension and conflict, the group drafted a resolution that was submitted to public consultation and to CONEP'S approval. After being approved by the CNS, this draft became Resolution CNS No. 510/2016, which is currently in force (Rodeghero, 2022, p. 483).

In its preamble, Resolution CNS No. 510, of 2016, explains the specificities of Humanities and Social Sciences with regard to ethics in research, described through the following propositions: a pluralistic view of science based on various theoretical and methodological perspectives; “dealing with the attribution of meanings, practices and representations, without direct intervention in the human body, with a specific nature and degree of risk;” and the relationship between researcher and participant is seen as non-hierarchical and full of subjectivities, being subject to redefinition at any time. Later, in Chapter I of the aforementioned regulation, we have a definition of the set of areas and knowledge types that constitute Humanities and Social Sciences. According to the legislation:

VI - research in human and social sciences: those that focus on knowledge, understanding of the conditions, existence, experience, and knowledge of people and groups, in their social and institutional relations, their cultural values, their historical and political orders, and their forms of subjectivity and communication, directly or indirectly, including research modalities that involve intervention (Brasil, 2016, cap. I, art. 2, inciso XVI).

This resolution covered a range of ethical issues that, directly or indirectly, may be regarded as concerning research conducted in the field of History of the Present Time. The first two pieces of legislation from the CNS, based on the ideals of bioethics, focused mainly on research conducted *in* human beings. In other words, investigations that required the so-called direct intervention in the body and psyche of adults and those considered minors. In subsequent regulations, the ethical issues of research conducted *with* human beings began to be stated with greater emphasis, especially in the last resolution, as demonstrated above. The various methodologies and theoretical perspectives began to be taken into account, as well as the dimension of subjectivities existing in the relationship between researcher and deponent in the context of

testimonies or Oral History. Also with regard to the issue of subjectivities, the legislation problematized the power relations between researcher and research participants from a more egalitarian perspective, in which scientific knowledge is constantly being developed. Finally, the various risks for participants were also discussed, taking into account the nature of research and the various methodological procedures (Brasil, 2016, cap. IV).

However, the broad understanding of the field of research in Humanities and Applied Social Sciences in the legislation raised another issue. In other words, these areas of knowledge conduct research *on* human beings using materials and methodologies that are not necessarily produced with a view to direct intervention (*in* or *with* human beings). In the case of History and, more specifically, History of the Present Time, we use a set of sources to constitute the narratives, which, from the perspective of the CNS regulations, do not need to be 'screened' by a CEP in Brazilian universities.

Nevertheless, we have found that issues can arise even with sources considered to be in the public domain, for example. We are not advocating here that all research carried out within the field of History of the Present Time should be assessed by a CEP, but rather that the debate about the dimension of ethics from a plural perspective needs to be a major item in the process of analyzing sources, regardless of their nature and, subsequently, in relation to their uses in constituting the narrative. We see that it would be beneficial for the subject if this information were present in the texts (even if expressed in footnotes), as it would stimulate debate on the theme.

We see that, unlike what is done in other areas of knowledge in Human Sciences, historians have a 'shy' discussion regarding the theme of ethics in relation to sources. This fact is clear in the document produced by the National History Association (Associação Nacional de História [ANPUH]) in 2015, the result of debates held at the time in academic events in the area, as well as from the participation of members of the institution in the working group that formulated Resolution CNS No. 510. Below, an excerpt from what the ANPUH Brazil document states in relation to sources:

In the case of using the oral history methodology, it is key that the interviewee knows the objectives of research and explicitly consents to participate in it, and this consent may be expressed in writing or orally. It is up to the historian to faithfully comply with the terms of the consent, especially with regard to whether or not to disclose the identity of those involved and whether or not to authorize the use of the records produced. The guarantee of anonymity lies in the commitment not only to omit the name of the interviewee but also to provide information that could identify them. Enabling the subjects involved in the research to have access to the knowledge developed through their accounts is a highly recommended procedure;

In situations established by law, and which should be considered exceptional, historians can, and eventually should, guarantee the anonymity of their sources and omit aspects of them, especially confidential and privacy-related information, in order to avoid harm to people or groups whose histories are directly involved with such materials. On the other hand, the commitment to increasingly broad access to research sources should be taken as a rule and as the goal to be achieved (ANPUH, 2015, p. 6-7).

It is worth noticing that the “Charter of Ethical Principles – ANPUH Brazil” is posted in PDF format on the institution’s website on the ‘News’¹⁴ page and not on the ‘Documents’ page, where the regulations that introduce the entity’s rules and guidelines for its members and the public can be found. In the aforementioned text, with regard to sources, the focus remained on those produced through Oral History, with Brazilian legislation and the omission of personal or identifying information being assigned to other cases as means for resolving potential issues that arise in the area of ethics. However, would such procedures be enough to avoid harm, often considered serious (revictimization, for instance), in relation to dead or living people (especially those who do not have means of social agency) who are protagonists in our historical narratives?

In my studies on the History of Child and Youth Law, I have long used legal proceedings issued by the Brazilian Justice system in the 20th and 21st centuries as sources. Even though I strictly followed the two procedures recommended by the representatives of the ANPUH Brazil, I faced situations in investigations on the themes of adoptive filiation and teenagers in conflict with the law that demonstrated how complex the debate is in relation to the area of

¹⁴ To access the document, see: <https://anpuh.org.br/index.php/2015-01-20-00-01-55/noticias2/noticias-destaque/item/2902-carta-de-principios-eticos-anpuh-brasil>. Accessed on: May 13, 2024.

ethics, since people identified themselves in cases under analysis, feeling harmed by the use of information in the study¹⁵.

To conclude this part of the text, we return to Resolution CNS No. 510, of 2016, which introduces the ethical principles of research in Humanities and Social Sciences. As previously mentioned, its development resulted in expanding the scope of ethical principles of research when compared to that of the CNS regulations of 1996 and 2012. In addition, they deal with issues related to the exploration of study sources and methodologies that encompass major aspects of History of the Present Time. Art. 3 is composed of ten ethical principles, five of which address sociopolitical and legal issues and the other five deal more directly with procedures related to research.

It is worth recalling that the aforementioned regulation was created in the first decade of the 21st century. In this case, there is a need to pay attention to a context in which political clashes were beginning to emerge over a moral order advocated by conservative or even far-right groups. The production of knowledge generated in Brazilian universities, especially that conceived within the scope of History of the Present Time, was (and still is) one of the preferred targets of these political groups that largely reject Human Rights, as well as defend narratives that seek to rewrite the history of authoritarian and dictatorial political regimes in Brazil (Miguel, 2020). On the other hand, since the beginning of the 21st century, we have seen the emergence of the so-called ethico-political turn in the field of History, which we will address shortly.

Ethical principles I and II, contained in Art. 3 of the aforementioned resolution (Brasil, 2016), advocate freedom and autonomy in academic production, as well as defense of Human Rights and rejection of authoritarian relationships in research. Respect for the sociocultural practices and values of social groups or persons participating in research — especially populations considered more vulnerable and discriminated against — are set out in principles III and V (Brasil, 2016). Principle IV proclaims that the expansion and

¹⁵ Between 2013 and 2015, members of the Gender and Family Relations Laboratory (Laboratório do Relações de Gênero e Família [LABGEF]), at the UDESC, drafted a proposal for a Code of Ethics for the Center for Human Sciences and Education (Centro de Ciências Humanas e da Educação [FAED]), which was not approved.

consolidation of democracy in Brazil must be guided by the socialization of knowledge making and that this new scientific knowledge needs to be accessible to the social groups that were under research (Brasil, 2016). The other five clauses refer to free and informed consent (consentimento livre e esclarecido [CLE]); confidentiality of information and identity of research participants; and care to avoid causing harm to those involved in the research, as well as assistance to them if necessary (Brasil, 2016). We did not find any study in the field of History that assessed the impacts of Resolution CNS No. 510, of 2016, on the process of assessing research in the area in CEP. Some changes may have taken place in this scenario, but these still need to be investigated.

2. An ethico-political turn and the sources

Since the first decades of the 20th century, with the emergence of the *Annales* School, epistemic debates have been taking place within the subject regarding the objectives and functions of academic History, as well as the intricacies and characteristics of the historian's craft. We see that reflections on the use of sources, which include their 'ethical concerns,' were present in a rather shy way in these epistemic movements of the subject. However, what would be the 'routes' that could be followed by researchers of History of the Present Time in relation to sources and ethics on the threshold of the 21st century? The following formulations aim to suggest some 'paths.'

As mentioned above, it is worth mentioning the sociopolitical scenario that has prevailed over the last decade, which poses numerous challenges for researchers in writing History of the Present Time. There is a need to refer to the vigorous return to the political field of nationalist ideals that advocate authoritarian (secular or theocratic) and xenophobic regimes. Furthermore, this process occurs amid the deindustrialization of Western society, which is accompanied by the deregulation of labor relations and the questioning of social welfare policies. There is also a predominance of social and economic forms characterized by the maintenance of social inequalities in the global South, based on exploitation of male and female labor in the urban world. This context

involves complex processes such as transnational migratory population movements from countries in the Global South to the Global North due to armed conflicts, modernization of agricultural activities, or 'endless' economic crises. At the same time, there is a paradigm shift in the production, circulation, and access to knowledge and information due to the third and fourth industrial revolutions. Among the political results of these related processes, there is the emergence of discourses questioning the notion of a universal subject idealized by the Enlightenment and which underpinned various political ideals, as well as those related to Human Rights.

The historian André Fabiano Voigt (2015), based on reflections of the philosopher Jacques Rancière on the phenomenon of the hard consolidation of democracies in the current era, infers about a possible ethico-political turn in the field of History. According to the author (Voigt, 2015), the authority over the past was delegated to academic historians in the 19th century, as they were building (and legitimizing) consensus in the field of politics in a broader sense with their discourse. Therefore, the ethico-political turn implies, at the same time, questioning and expanding this 'attribution' of historians since the 19th century. The author states that:

[...] first, we can move on with the nineteenth-century project of reestablishing the moral and 'ethical' values of democracy, making the historian's work coincide with the distribution of parts of society. According to this path, we can move on to define precisely the 'place' and 'time' of each thought and each subject, producing consensus on time and history so that we can continue to be accepted in the moral community of notables and have the right to use the *logos*. But there is also a second path, in which we can see the historian's work as an ethical commitment to the various forms of political subjectivation, independent of the words used by political subjects and, likewise, independent of the community assumptions of time and society put forward by owners of the word endowed with meaning. In this second path, we will run the risk of facing the solitary depth of the act of writing history. Nevertheless, on the other hand, we will have, in our solitary writing, the possibility of glimpsing new worlds and new configurations of the sensible (Voigt, 2015, p. 119).

So, we see that History of the Present Time as a historiographical approach is inserted in this movement of an epistemic nature, which has gained greater importance in the last two decades within the subject, named the

ethico-political turn. History of the Present Time, among other topics, is characterized by having social demand as the driving force behind knowledge making, especially social demands that call for ‘justice’ (including remote historical injustice); by putting into play and problematizing the notion of multiple temporalities; by debating the relationship (always so conflicting) between History and Memory, since the themes under study often concern people who are alive; and by bringing back to the ‘proscenium’ the notion of event in a resignified way.

For more than two decades, historians have been concerned with the dimension of memory, especially in relation to oral sources and testimonies, as we inferred in the introduction to this text. The Mexican historian Eugenia Aller Montoño (2020), when discussing the challenges encountered in the use of testimonies in the writing of History, infers about some of the ethical issues regarding sources that address the experiences and practices of people who are still alive. According to the aforementioned author:

It is a hard task for the historian of the present time when they are confronted with ethical and political positions for the work they have done. Should they remain outside the civil and political judgments of their time? Should they be the guarantor of historical truth, even when faced with the claims of witnesses who went through the events? Do they have the right to modify the versions of history and memory that have been hegemonized in the public space of a nation or a group? It is clear that each historian responds differently to these questions (Montoño, 2020, p. 205).

The Belgian historian Antoon de Baets, in turn, also advocates ‘paths’ in this area considered by some to be so thorny. By carrying out a kind of ‘exegesis’ of the repercussions of the Universal Declaration of Human Rights (UDHR)¹⁶ in writing History, the author infers the notion of posthumous dignity of the dead, which is associated with the other two notions, i.e. posthumous privacy and posthumous reputation. According to the historian:

¹⁶ The international norm was established in 1948 by the United Nations (UN) as a socio-legal response of Western society to the violence perpetrated during the Second World War, especially against those considered civilians. See: ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração Universal dos Direitos do Homem*. [S. l.]: ONU, 10 dez. 1948.

This is a serious problem for historians, because it means that the concept of human dignity used in the UDHR is not applicable to the dead – by far the largest category of subjects for historians to study. This is because the dead are not human beings, but past human beings. The fact that the UDHR does not apply to the dead has five major consequences. The first is that the dignity they possess is of a special kind: as past human beings, the dead have what I shall call posthumous dignity. Posthumous dignity, not human dignity, is the concept based on which they deserve respect and protection. [...] the crucial importance of posthumous dignity, however, also has potential dangers for historians. A large number of laws contain provisions for ‘protecting the memory of the dead’ and for the ‘defaming the dead.’ When they are abused – as is often the case – such laws have a chilling effect on the expression and exchange of historical ideas and are often nothing more than subtle attempts at censorship (Baets, 2010, p. 102).

To conclude, we now return to the case that largely motivated the writing of these reflections, that is, the request to remove Hilde Weber's caricatures from the article written by Rodrigo Patto Sá Motta, whose object of study was political caricature in the context of the Brazilian military dictatorship, amidst the repressive acts against the opposition. Would this be a case of ‘posthumous dignity’ that should be detailed from an ethical point of view? It should be considered that for many studies — especially those that deal with victims of Human Rights violations of various natures — this notion should be a major topic in the analysis process and, later, in the use of sources within the narrative.

These are cases that clearly involve vulnerable persons, individuals and groups placed in situations of extreme asymmetry in relation to the State apparatus and other forms of exercising power, under conditions that violate human dignity. However, in the case at stake, for the two editors of *Tempo e Argumento* at the time, it is necessary to consider that another dimension of ethics came into play, given that the journal and the author were the object of a censorship action, violating the exercise of specialized historical analysis. The caricatures by Hilde Weber and Biganti, published in the newspaper *O Estado de S. Paulo*, followed the editorial line of the periodical, which supported the outbreak of the 1964 military coup and, later, the dictatorial regime installed in Brazil until 1985. Such a critical assessment of social actions in a historical period cannot be omitted. We know, however, that in the investigation of some

themes there may be doubts in using the notions of censorship and posthumous reputation of the dead, and it is up to a researcher to recognize the various situations and the issues arising from them.

Final remarks

This text has been conceived with the aim of fostering debate on the theme of sources and the issue of ethics in the writing of History of the Present Time. Regarding the ethics that we call ‘institutional,’ we focus the analysis on the Brazilian context, since the legislation is of a national nature. However, we see that several of the issues and challenges faced by Brazilian historians since 1996, when the ethical regulation of scientific research became institutionalized, also arise for academic communities in other countries. This framework delimits the discussions proposed in the second part of the text, referring to the so-called ethico-political turn. In this case, although of an exploratory nature, it is understood that there is a need to explain some ‘paths’ of an epistemic nature for the issue. As for this discussion, we know that many other topics could have been addressed, especially the impacts of the ‘dialogue’ between History of the Present Time and Decolonial studies with regard to sources and ethics (Dahás, 2021). We hope that the concerns expressed, largely arising from my experience in research, as well as from my work as editor of the journal *Tempo e Argumento* for several years, can contribute to improving the writing of History of the Present Time.

References

ASSOCIAÇÃO NACIONAL DE HISTÓRIA – ANPUH. **Carta de Princípios Éticos – ANPUH Brasil**. São Paulo: ANPUH, maio de 2015, p. 1-7. Disponível em: <https://anpuh.org.br/index.php/2015-01-20-00-01-55/noticias2/noticias-destaque/item/2902-carta-de-principios-eticos-anpuh-brasil>. Acesso em: 15 de jun. 2024.

BRASIL. **Resolução nº 116**, de 10 de outubro de 1996, Conselho Nacional de Saúde. Brasília, DF: Ministério da Saúde, 1996. Disponível em: https://bvsms.saude.gov.br/bvs/saudelegis/cns/1996/res0196_10_10_1996.html. Acesso em: 05 maio 2024.

BRASIL. **Resolução nº 466**, de 12 de dezembro de 2012, Conselho Nacional de Saúde. Brasília, DF: Ministério da Saúde, 2012. Disponível em: https://bvsms.saude.gov.br/bvs/saudelegis/cns/2013/res0466_12_12_2012.html. Acesso em: 05 maio 2024.

BRASIL. **Resolução nº 510**, de 07 de abril de 2016, Conselho Nacional de Saúde. Brasília, DF: Ministério da Saúde, 2016. Disponível em: https://bvsms.saude.gov.br/bvs/saudelegis/cns/2016/res0510_07_04_2016.html. Acesso em: 13 jun. 2024.

CARNEIRO, José Vanderlei. Ética no plural: uma bioética reflexiva atravessada na pequena ética” de Paul Ricoeur. **Revista Dissertatio de Filosofia**, Pelotas, p. 84-99, 2018. Suplemento, 8. Disponível em: <https://periodicos.ufpel.edu.br/index.php/dissertatio/article/view/14583>. Acesso em: 13 jun. 2024.

DE BAETS, Antoon. O impacto da Declaração Universal dos Direitos Humanos no estudo da história. **História da Historiografia: International Journal of Theory and History of Historiography**, Ouro Preto, v. 3, n. 5, p. 86 -114, 2011. Disponível em: <https://www.historiadahistoriografia.com.br/revista/article/view/200>. Acesso em: 18 jun. 2024.

DAHÁS, Nashla. História do tempo presente e decolonialidade: ou como as noções de memória e trauma modificam o pensamento histórico. **Blog História da Ditadura**, Rio de Janeiro, 18 mar. 2021. Disponível em: <https://www.historiadaditadura.com.br/post/historiadotempopresenteedecolonialidadeoucomoasnocoesdememoriaetraumamodificamopensamentohistorico>. Acesso em: 25 jun. 2024.

KANT, Immanuel. **A Fundamentação da Metafísica dos Costumes**. Lisboa: Edições 70, 2007.

KOTTOW, Miguel. História da ética em pesquisa com seres humanos. **Revista Eletrônica de Comunicação, Informação & Inovação em Saúde**, Rio de Janeiro, v. 2, 2008. Suplemento, 1-18. Disponível em: <https://www.reciis.icict.fiocruz.br/index.php/reciis/article/view/863>. Acesso em: 13 jun. 2024.

MIGUEL, Luis Felipe. La nouvelle droite et la crise de la démocratie brésilienne. *In*: DELCOURT, Laurent (dir.). **Le Brésil de Bolsonaro: grand bond en arrière**. Louvain-La-Nouvelle: Alternatives Sud, 2020. v. 1. p. 45-58.

MOTTA, Rodrigo Patto Sá. Os expurgos de 1964 e o discurso anticorrupção na caricatura da grande imprensa. **Revista Tempo e Argumento**, Florianópolis, v. 8, n. 18, p. 9-39, 2016. Disponível em: <https://revistas.udesc.br/index.php/tempo/article/view/2175180308182016009>. Acesso em: 03 abr. 2024.

MONTOÑO, Eugenia Aller. Ética y política en el historiador del tiempo presente. *In*: MONTOÑO, Eugenia Aller; ORTEGA, César Ivan Vilchis; OVALLE, Camilo

Vicente. (coord.) **En la cresta de la ola**: debates y definiciones en torno a la historia del tiempo presente. Ciudad de Mexico: Bonilla Artigas Editores, 2020. p. 187-207.

PEREIRA, Lara Rodrigues; CARDOSO, Jaqueline Henrique. Comitês de ética: regulamentando a história oral? **Tempos Históricos**, Marechal Cândido Rondon, v. 17, n. 2, p. 68-82, 2013. Disponível em: <https://e-revista.unioeste.br/index.php/temposhistoricos/article/view/9879>. Acesso em: 03 jun. 2024.

RODEGHERO, Carla Simone. História oral e ética: um olhar comparativo entre Brasil, Canadá e Itália. **História, Ciências, Saúde-Manguinhos**, Rio de Janeiro, v. 29, n.2, p. 481-500, 2022. Disponível em: <https://www.scielo.br/j/hcsm/a/F7m3bDTmwRRgVhH4pR5YYzb/abstract/?lang=pt>. Acesso em: 01 jun. 2024.

SENA, Priscila M. B. Justiça informacional em ciência, tecnologia e inovação no Brasil: reflexões e ações necessárias em ciências da informação. **Encontros Bibli**, Florianópolis, v. 28, e93046, 2023. Número especial. Disponível em: <https://www.scielo.br/j/eb/a/jhmxztjVHG4nZY3YvpcHLhM/abstract/?lang=pt>. Acesso em: 25 jun. 2024.

VOIGT, André Fabiano. Há um giro ético-político na história? **Revista Expedições: Teoria & Historiografia**, Morrinhos, v. 6, n. 1, p. 109-120, 2015. Disponível em: https://www.revista.ueg.br/index.php/revista_geth/article/view/3205. Acesso em: 25 jun. 2024.