

Globalization and democratization in Brazil

an interpretation of Rawls's political liberalism

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As it was bluntly stated on the homepage of the Carnegie Council Program on Justice and Global Economy, “[g]lobalization has become a buzzword for the overarching economic, political, social, and cultural trends of the late twentieth century. Considered from the perspective of social and economic justice, however, globalization has had a mixed record of success, at best.”¹ The mixed blessings of globalization came under attack on several occasions such as the latest international summits in Europe and the Americas, and three editions of the World Social Forum, held at Porto Alegre, Brazil, at the

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¹ Cf. <http://www.carnegiecouncil.org/themes/justice.html>

threshold of this new century. From a Third World standpoint, it is not only the opposition of labor and environmental activists that has made a strong impression on public opinion, but an ever-growing anti-Davos unease through the creation and fostering of alternative forums of public discussion that deal with the complex phenomenon of globalization from a rather local perspective, such as the civil society and its voluntary associations, unions, and non-governmental organizations (NGOs). Although both unionists and NGOs in Brazil tend to radically oppose what has been perceived as a neoliberal imposition of globalization “from above” --global economy being reducible to the interests of the G-7 and so-called developed nations--, workers’ and union-related organizations seek alternative economic ways to solve infrastructural problems while educational, environmental, and most NGOs seem to be more concerned about the moral transformations under way in our social, political and economic institutions.² Hence, what has been superficially identified with an anti-globalization movement in Brazil refers us back to the broader question of the normative grounds of democracy itself: “Why, after all, should we stand up for democracy?” The shift from a 21-year military dictatorship to a full constitutional democracy in Brazil was only inaugurated with the transfer of power to a civilian president in 1985 and radicalized with the impeachment of President-elect Collor in 1992, but democratization is still under way and has indeed a long way to go, given the social inequalities, corruption, and authoritarianism that haunt this nation. To the extent that those pathologies have been tackled by globalization and the latter equated with the ongoing democratization of institutions worldwide, the normative dimension of globalization (“global justice”) can be said to translate the very challenges faced by the Brazilian transition to democracy, particularly those taken up by the civil society, social movements, and NGOs (“local action”). The main problem of my research can be thus stated: “How can a political theory of global justice account for local action within a political culture which is still in the process of consolidating its constitutional-democratic institutions?” Starting from liberal models of social democracy inspired by Immanuel Kant’s political thought, such as the ones proposed by John Rawls and Jürgen Habermas, without any partisan commitments to the different programs of the leftist spectrum, I shall confine myself to what I term “the Brazilian reception of Rawls’s political liberalism,” --in particular, to his contribution to a theory of global justice (Pogge, 2000) and recent appropriations by Habermas and other Rawlsian-inspired recasting of social democracy. It is my contention here that the main challenge of global justice consists in making the normative dimension of globalization work for the actual consolidation of democracy and citizenship rights in the social, political, and economic institutions of so-called

² See Petersen and Souza, 2002; Sobottka, 2002.

emergent societies, such as Brazil. Hence, the comprehensive, global program of claiming human rights locally, particularly in Brazil and developing countries, reflects what in Rawlsian terms has been called an international “reflective equilibrium” in the very putting into practice of the agendas of the United Nations, the European Union, and hundreds of NGOs all over the planet. Three main problems arise at the outset, corresponding to the three main theses of my essay, namely: 1) Rawls’s political liberalism is more defensible as a specifically political, freestanding conception of global justice, as opposed to the cosmopolitan versions and comprehensive receptions of “justice as fairness”; 2) since his later writings do not shift away from his earlier theory of justice, but rather radicalize it and make it more defensible as a noncomprehensive doctrine, the historical, sociocultural background of societies that did not experience the full process of a bourgeois revolution or liberal democracy do not have to follow any pre-given patterns of political development but may always resort to the Rawlsian paradigm of an “original position” at any given time, just as constitutional, administrative, and institutional reforms bring into effect the appropriate changes to respond to the ongoing claims of social movements, grassroots activism, human rights militancy, and NGOs; 3) finally, the problem of an atomist-individualist conception of self, supposedly inherent in Rawls’s liberal theory of justice, is shown to give way to a more realistic view of human rights, allowing both for non-Western, non-Eurocentric contributions and for a veritable, interactive co-constitution of citizenship and governance, on a local, national level and on a global, international scenario, assured by the normative correlation of person and society. The communitarian critique of liberalism can be thus shown to have decisively contributed to making the liberal conception of constitutional democracy even more defensible, as attest the latest writings by Rawls, Habermas, and Bobbio, especially on the problem of juridification. In this sense, I firmly believe that Rawls’s lasting contribution to political theory helps us overcome the *dialogue de sourds* between those who insist on a minimum state and those who inflate the social attributions of a centralized government. By resorting to a theory of global justice that avoids the pitfalls of both neoliberalism and state socialism, an attempt is made at recasting Rawls’s idea of public autonomy within a society whose democratic institutions are still in the making. I am drawing on Rawls’s trilogy to account for the defense of social democracy in Brazil and its insertion in the globalizing process without subscribing to a neoliberal agenda or succumbing to the universalist-communitarian dilemma.

Brazilian political theorists seem to oscillate between two main alternative discourses on the democratization under way in post-military Latin America: a “dialectical” one which places the task of democratization in the reconstitution

of types of mediation between the private sphere and the state (including popular organizations as well as institutions for political citizenship), suppressed or deformed by bureaucratic-military regimes, and an “analytical” one which regardless of all atomization, depoliticization, and manipulation of society by the authoritarian state and the former’s tactics of survival and resistance through solidary forms of association, stresses the social foundations of civil society. (Cohen and Arato, 1992, p. 48-58) While one model starts from the fact of transition (from a military, authoritarian to a civilian, democratic regime), the other finds its starting point and thrust in the very equation of civil society and freedom. As Francisco Weffort put it, “we want a civil society, we need to defend ourselves from the monstrous state in front of us. This means that if [civil society] does not exist, we need to invent it. If it is small, we need to enlarge it... In a word, we want civil society because we want freedom.” (Stepan, 1989, p. 349) Although Cohen and Arato succeed in problematizing these and other related approaches, especially by pointing to the danger of demobilization entailed in a reduction of civil society to the political sphere, their analysis of Latin American democratization seems to take for granted the conception of “transition,” even if distinguished from and conjugated with “processes of initiation, consolidation, and completion.” Leonardo Avritzer has shown that theories of transition fail to account for the Brazilian process of democratization insofar as they leave unexplained “1) the problem of political continuity that manifests itself in the survival of an authoritarian political culture; and 2) the problems that emerge from the theory of transition’s inability to incorporate an adequate theory of civil society.” (1995, p. 243) In other words, democratization must address both the question of a public, political culture and the question of a civil society likely to bring about structural transformations, including the transfer of power and the free coordination of action. As Avritzer puts it, “democratization has to involve in some form the political system’s submission to rules of publicity and control by civil society.” To be sure, this problematic underlies the very attempt by Cohen and Arato to recast a theory of civil society, which they define “as a sphere of social interaction between economy and state, composed above all of the intimate sphere (esp. the family), the sphere of associations (esp. voluntary associations), social movements, and forms of public communication.” (1992, p. ix)

By resorting to Rawls’s political, liberal theory of justice, as well as to his correlated views of deliberative democracy and public autonomy, I would like to argue for an idea of public reason that subscribes both to an autonomous, discursive self-understanding of the Brazilian ethos for local action (say, an agenda created by and for the sake of Brazilian civil society, traditional and alternative social movements) and to a freestanding concept of justice which is

inseparable from its universalizable, co-constitutive principles of liberty, equality, reciprocity and publicity. Given the Brazilian Kant Renaissance in ethics and political philosophy, following the Marxist and Hegelian-inspired liberationist movements of the 70's and 80's (of which liberation theologian Leonardo Boff, the late educator Paulo Freire, and the President-elect, Luiz Inácio Lula da Silva, were among the most important exponents), the conjugation of freedom and equality, peace and justice, toleration and participation, autonomy and solidarity, have become more and more appealing for the construction of a Third Way that avoids the pitfalls of the Cold War binary logic of exclusion. Even as one differentiates between "liberation" in a broader social, philosophical use and in a strictly theological use--say, between Latin American "liberation theology" and various conceptions of social liberation--, the ideals of cosmopolitan democracy and global justice do authorize a conception of liberation that refers not only to the social, historical phenomenon comprising both catholic and protestant grassroots movements in Latin American, but also to black movements, feminist movements, indigenous, Palestinian, Irish, African, and many other ethnic, human-rights and base movements from developed and Third World countries alike that claim to some form of social, political emancipation. In effect, what was named "liberation philosophy" in Latin America emerged out of the same social, political concerns and philosophical presuppositions that characterized the theological movement, which was ecumenical and global from its very beginnings in its radical intent to reform anew the Church, as attest the early writings of Rubem Alves, Gustavo Gutiérrez, and Leonardo Boff. From a philosophical-theological standpoint, the term "liberation" cannot be separated from its correlated terms "liberty" and "freedom" --and it is in this very etymological, conceptual vicinity that we should recast the radical project of social justice vis à vis its political liberal roots. It is my contention here that the challenges posed by liberationist thought could not and still cannot be met by the reappropriation of Marxist analysis alone, insofar as its properly ethical, political thrust is compromised by a totalitarian conception of human autonomy and self-liberation. I propose instead that the reformulation of political liberalism and social democracy may help us carry out the project of social justice through the democratization of social, economic, and political institutions in emergent societies, in Latin America and elsewhere. (de Oliveira, 2002) While Christian approaches to philosophy seemed reluctant to take liberal democracy seriously in most Third World countries, political philosophy in Europe and North America failed to respond to the challenges of Neo-Marxist thought until the publication of Rawls's *A Theory of Justice* in 1971, the same year major liberation theologians launched their manifestoes against the neoliberal doctrine of development (*desarollo*) imposed "from above." Just as the Roman Catholic Church played a decisive role during the Old and New Republic

regimes in alliance with the ruling elites (respectively known as the institutionalization of oligarchy, 1889-1930, and populism, 1930-1964), significant segments of the Brazilian Church took sides with the poor and social movements that defied the authoritarianism of the military period (1964-1985) and consolidated the democratizing process after the 1988 Constitution. The rise of the third sector, its integration with social movements and NGOs' response to the challenges of globalization have paved the way for a new conception of sustainable development and social responsibility, as the state reforms and the participatory engagement of civil society point today to an ever-growing awareness of active citizenship that goes beyond revolution and philanthropy (Krischke, 2001; Sobottka, 2002). It is against this social historical background that I should like to place some reflections on the recasting of political liberalism.

Kant's theory of justice and his ideal of global peace have been appropriated by Rawls in such a pervasive way that for many social and political thinkers it has become the sought-for key to strike a much desirable balance between the radical changes advocated by the left (esp. social movements such as the landless, *sem-terra*, who fight for a nationwide land reform) and the consolidation of individual rights claimed by the right (esp. judicial reviews, trade liberalization, and state reforms). Just as Marx and Hegel dominated the Brazilian academic political debate in the 70s and 80s, Hobbes and Kant have been rediscovered in the 90s, following the critique of the reception of liberalism in Brazil and the collapse of historical socialism in Eastern Europe. I firmly believe that this Brazilian reception of authors such as Rawls and Habermas has succeeded in at least pointing to the possibility of a philosophy of praxis that does not sacrifice the individual and the pluralism of reasonable ends. Hence both Habermas's and Rawls's procedural projects of democracy have been largely debated in Brazil, and a post-Kantian critique of modern subjectivity has also found a great reception among Brazilians in various analyses of social and political exclusion.³ As Anthony Pereira put it so well, we must avoid reducing Brazil's democratization to one of the two extremes: the resurrection of a unified civil society against a despotic state (an extreme society-centered argument) and a controlled liberalization "from above" by agents within the state (state-centered account). (1997, p. 3) In this sense, Rawls and Habermas are representative of the main insights into the political-theoretical problematic that might be termed the "unfinished project of democratization in Brazil." For both Habermas's and Rawls's procedural theories of justice and democracy have been largely debated in Brazil, with a

³ The Kant Renaissance and the Rawls-Habermas reception in Brazil were largely debated at the International Symposia on Justice held in 1997, 2000 and 2003.

view to calling into question the aporias of the so-called liberal-communitarian debate in ethics and political philosophy, by proposing local practices of individuation through a socialization that cuts across ethnic, gender, and cultural identities, far beyond liberal theories of minority rights. It remains to be seen how any critique of democratization and globalization may contribute to the autonomous construction of civil society without reducing the differentiation between state and economy to a merely strategic, instrumental device. In Habermasian terms, strategic conceptions of power fail to grasp the communicative grounds of social action, just as Rawls's political liberalism unmasks the shortcomings of both utilitarian and rational choice models to account for the Brazilian challenges of bringing out "ethics in politics."

As one re-examines Rawls's and Habermas's contributions to modern political theory, in particular, their recasting of the Kantian universalizable principle of autonomy and its political implications, one cannot fail to notice how public reason lies at the heart of democratizing processes and is decisive to the survival of constitutionally-grounded institutions in this new century. Both Rawls and Habermas have critically appropriated Kant's cognitivist, universalist and emancipatory conception of moral autonomy so as to attempt at an original understanding of publicity and political culture. Kant can thus be said to stand as the arbiter between Rawls and Habermas – *als Schiedsrichter zwischen Rawls und Habermas*, to paraphrase an article by the young Marx – just as Locke's "liberal individualism" and Rousseau's "popular sovereignty" had been previously judged and arbitrated by Kant's political philosophy of justice.⁴ Like Rawls, Habermas shows that normativity must go beyond a merely conventional level of morality and require the structural transformation of legal and economic-administrative institutions so as to make possible the very co-existence of democratic differentiated interests. Kant's deontological ethics is thus opposed to both utilitarian and eudaimonistic views of morality and politics, as it serves to construct a nonmetaphysical, political conception of justice (Rawls's "political autonomy") and an intersubjective conception of autonomy (Habermas's "discourse theory of morality and law"). Both Rawls and Habermas start from a critical standpoint regarding Kant's fact of reason so as to account for the principle of autonomy in moral and political reasoning. (Beiner and Booth, 1993) While Rawls seeks to recast the principle of universalizability as a procedural test for maxims, Habermas reformulates Kantian proceduralism in intersubjective, communicative terms. Unlike Rawls, however, Habermas explicitly embraces Hegel's critique of Kant in his

⁴ Cf. "Luther als Schiedsrichter zwischen Strauß und Feuerbach", originally published in the "Anekdoten zur neuesten deutschen Philosophie und Publicistik", Band II, 1884, in K. Marx and F. Engels, *Werke* (Berlin: Dietz Verlag, 1976), vol. 1, p. 26ff.

reconstruction of the latter's proceduralism. Although I cannot recast the Rawls-Habermas debate here, it is my contention that the Brazilian reception of these authors can help us situating the pros and cons of both views as we seek to justify, in nonmetaphysical terms, the normative grounds of democratization in relation to the complex phenomenon of globalization. Hence both Rawls and Habermas seem to be caught in the same aporia of reformulating the Kantian conception of autonomy to account for the moral foundations of the political (and hence of a liberal republicanism) without its metaphysical presuppositions. (de Oliveira, 2000) For Kant, the essential character of law is universality and the person who acts from duty attends to the universality of her principle, i.e., one only acts on a maxim that she could will to be a universal law (categorical imperative). While Habermas seeks to maintain both the observer's and the participant's standpoints in a dual conception of society as system and lifeworld, Rawls recasts his theory of justice within the framework of an overlapping consensus whereby the reasonable pluralism of our liberal democracies accommodate competing, comprehensive doctrines (moral, religious, ideological). (Pogge, 1989) Rawls proposes thus a public criterion of justice for judging feasible institutional structures for a society in moral terms, by endorsing the principles of equal liberty, fair equality of opportunities and difference within a procedural device of representation ("original position", behind the "veil of ignorance"). (Rawls, 1993, p. 5f.; 1971, §§ 11, 14, 39)

The principles of justice can be fairly recast in a social-democratic model that favors an egalitarian approach to public policies and a liberal defense of human rights, pluralism, participatory citizenship, and social responsibility. (Rawls, 1996; 2001) Such is the point of intersection of communitarian and liberal accounts of a true democratic ethos. The recent debate opposing Rawls's political liberalism and Habermas's deliberative democracy, besides problematizing the taken-for-granted oppositions between universalism and communitarianism, social contract and natural rights, has served also to enrich our modern understanding of political culture. Rawls's shift from the 1971 account of justice as fairness towards the later reformulations leading to his 1993 volume on political liberalism does indeed address this problem, inherent in a hypothetical, contractarian procedure. Rawls's theory of justice can thus help us reconstruct modern civil society as the institutional component of a postconventional democracy. Rawls's earlier conception of deliberative democracy and his later conception of a public political culture that promotes justice in reflective equilibrium attest to civil society's democratizing thrust in a pluralist world. Although Rawls and Habermas can be identified as "procedural universalists" as they resort to a normative, universalizable conception of Kantian-inspired, public practical reason to justify the integration and differentiation of institutions such as the family, civil society, state,

governmental and nongovernmental organizations, they disagree not only in their procedural schemes (devices of representation) but also in their political intent. While Rawls seeks to rescue the democratic radicalness of Rousseau's general will in its alliance with Lockean, toleration-oriented liberalism, Habermas sets out to overcome the fin-de-siècle crisis of democracy, especially the legitimation crisis that characterizes modern state, without falling back into the aporias of a critique of ideology or falling prey to relativism, skepticism, and historicism. Both thinkers have thrown a new light on the normative grounds of social criticism, by reformulating the conception of social life forms (political culture and lifeworld) and the conception of a free, moral person (sense of justice and conceptions of the good). Both Rawls and Habermas reappropriate Kant's distinction between right/law and ethics, as they recast the conception of a public normativity regulated by rational discursivity, shared by all parties and guiding human, autonomous action in pluralist democracies. Political questions are thus procedurally discussed according to devices of representation (e.g., Rawls's "original position" and Habermas's "ideal speech situation") and grounded in a moral, normative and universalizable argumentative construction. While Rawls's political liberalism anchors in the conception of a public political culture the "overlapping consensus" which accounts for the contractarian, binding coexistence of reasonable, comprehensive doctrines in social cooperation, Habermas seeks to articulate the question of normativity with the social, political question of institutionalization, in the very conception of an integrated model differentiating the systemic world of institutions (defined by the ability to respond to functional demands of the social milieu) from the lifeworld (*Lebenswelt*, i.e. forms of cultural, societal and personal reproduction which are integrated through norms consensually accepted by all participants). Therefore, it is by the normativity inherent in a given public political culture and lifeworld that social life is actualized, calibrated and balanced at the very level of political institutions. Both Rawls and Habermas succeed in showing that normativity must supersede a merely conventional stage of morality and demand the structural transformation of legal and economic-administrative institutions so as to make possible the coexistence of differentiated, democratic interests. While the theory of communicative reason claims to provide us with the foundations of meaning, reference, and truth or validity for both theoretical and practical reason, Rawls's theory of public reason is confined to the political conception of justice, particularly addressed to the basic structure of society, understood as a liberal-democratic unified system of social cooperation between moral, free persons. Hence "public reason" in Rawls cannot be simply equated with Habermas's "public sphere." Although both attend to the intersubjective constitution of the social world, we must keep their differences in their conception of publicity—which Rawls formulates in terms of both a

political culture and a background culture. Grosso modo, the Brazilian reception of these authors' conception of political culture has been very positive, although Rawls's contractarianism has been perceived as inadequate for a society so far from being well ordered, whose concrete mechanisms of exclusion seem to prohibit any idealized view of social contract. Even though Rawls's liberalism is explicitly qualified as "political," in contrast with economic neoliberalism, its has fallen prey to the charges of historicism (i.e. that the historical conditions allowing for the emergence of a democratic, public political culture are hard to be conceived in a nonliberal society unless one resorts to an idealized, suprahistorical model). Because of its original affiliation with the Frankfurt School and the critique of ideology, the Habermasian model of a critical theory of society seems thus more fruitful for the analysis of Brazilian democratization. Since Habermas views modernity as a complex, rational integration of moral, political, and aesthetic culture against the background of differentiated, public spheres of action (state, market, culture), his conception of societal modernization seems to allow for a better understanding of democratization and the emergence of Brazilian civil society. As Avritzer remarks,

Processes of modernization encompass deep transformations in the forms of organization at the everyday life level due to the introduction of impersonal forms of coordination of social action. These transformations have one main impact on society: they change century-old social practices and lead to the loss of control over one's everyday life. Forms of limitation on the impersonal coordination of economic action became the solution found within modernity to offset the loss of freedom at this level. Authoritarianism in Brazil was part of a project of systemic modernization which introduced impersonal forms of action coordination without allowing for the emergence of forms of citizenship which could offset this interference with traditional forms of everyday life organization. (1996, p. 245)

It is, to my mind, at this very intersection of human social nature and citizenship that the conception of a public political culture should be formulated. Of course, the concept of political culture is very complex and has been the object of more than sixty-five definitions. According to Stephen Chilton (1991), nine criteria for the conceptualization of political culture arise from comparative studies in political behavior, culture, and sociology: supramembership, sharedness, behavioral, postbehavioral, unrestricted applicability, nonreductionism, comparability, objective testability. I am adopting here a succinct definition, proposed by Charles Taylor (1985, p. 52), according to whom political culture is "the intersubjective and common meaning embedded in political actors' practices." Any radical critique of power would go even further and link authoritarian modernization to normalizing techniques that might help us account for the persistence of subjugating forms of social control, not only from above and centralized power, but everywhere

and at all levels of social networks. Ironically enough, Avritzer concludes, in the same text, “thus power and knowledge were utilized throughout a process in which state and market actors attempted to create a modern society without acknowledging social actors’ identity as members of economic, civil, and political society.” (1996, p. 248) Habermas and Rawls ultimately agree on the self-determination of the modern philosopher who can no longer remain indifferent to the political, historical events of her own times.

In order to articulate a reconstruction of “a differentiated, pluralist, and modern civil society” with “a political culture mature enough to accept the promise and risks of liberal and democratic citizenship,” Cohen and Arato carefully investigate liberal, communitarian, and radical concepts of democratic state and society. In particular, they explicitly embrace Habermas’s critical theory, as an alternative view to Rawls’s political liberalism, so as to “accommodate the negative phenomena associated with modern civil society” in alternative postmodernist criticisms. Habermas’s conception of deliberative, participatory democracy is thus endorsed as a more adequate model than the ones proposed by both liberals and communitarians to be linked to the normative grounds of a theory of civil society that accounts for both civil disobedience and social movements. However, as pointed out by feminist critics such as Seyla Benhabib (1992) and Nancy Fraser (1998), Habermas tends to undermine the intersubjective basis of his own theory either by confining its publicity to a historically, socially determined identity (European male) or by mimicking the other of a supposedly communicative reason in the functionalist colonization of marginal lifeworlds. Together with the question of normativity, the problem of the self was the *punctum dolens* of the Rawls-Habermas debate and remains far from a satisfactory thematization, especially from the standpoint of those who are underrepresented in such debates. Hence the appeal of a radical critique of liberal reason to so-called “peripheral” societies, as the Neo-Marxist, economic metaphor of the 1970s still serves to characterize the political, cultural “dependency” of Latin America vis à vis global neoliberalism. In effect, it is in the post-ideological vacuum in the aftermath of the Cold War that liberals, communitarians, and radicals have attempted to rethink and redefine the role and limits of the state and civil society in Brazil, with a view to avoiding extremes in either direction. (Krischke, 2001)

To my mind, the critical appropriation of liberal and communitarian models in Brazil must take into account not only the empirical specificities of the democratizing process, but also the theoretical limitations of most attempts at making sense of normativity within the social sciences. This can be particularly perceived in the judiciary and legislative debates, as well as in the tremendous challenges posed by sustainable development both to public policies and to the

regulation of small, socially responsible enterprises. Hans-Georg Flickinger (1986) has convincingly pointed to the contradictions and shortcomings inherent to the juridification of liberal democracy, of which Brazilian democratization is no exception. Flickinger is particularly critical of the subtle, oft-neglected tendency of democratic, political liberalism to evolve into a “total institution,” increasing the social exclusion and making almost impossible to believe in the effective success of social movements and grassroots claims, as witness both the landless movements and the very starving, miserable victims of famine in Northeastern Brazil (targeted by Lula’s ongoing *Projeto Fome Zero*). Hence the apparent advantage of communitarian models over its liberal counterparts, insofar as the public, social welfare is concerned. (Flickinger, 2003)

Although social movements, such as community-based (*CEBs*) and liberationist grassroots movements in the seventies and the landless (*sem-terra*) movement of the nineties, together with multi-party opposition and NGOs, were decisive in bringing about radical transformations for democratization, Brazilian society paradoxically remained until recently subordinate to the state, even in their subtle reproduction of an authoritarian culture. Hence clientelism, paternalism, corporativism, populism, demagoguery and various forms of corruption seem to betray a hegemonic political culture that survived and permeated the military discourse on “modernization” and “development,” its “liberationist” antagonists, and its “liberalizing” successors. The 1988 constitution (Brazil’s fifth), the bureaucratic-administrative reforms and the land reform under way, attest to this participatory democratic process which has also called into question the agenda of political parties and politicians in their interventions between civil society and state. Witness as well the political, social changes brought about by the Workers’ Party (PT) on the local experience of “participatory budget” (*orçamento participativo*) in several parts of the country, but especially through the mayoral administration of the city of Porto Alegre for four consecutive terms and the current federal government’s efforts to carry out state administrative reforms.

To be sure, neither the more radical socialists nor moderate social-democrats were immune to the vices of authoritarianism, and the public opinion has proved rather skeptical about the programmatic, social solutions offered by different parties traditionally associated with the left, on the three levels of municipal, state, and federal offices. And yet, criticism and skepticism point also to some maturity in terms of political behavior. For an entire conception of political development is at stake in these analyses that seek to evaluate how the mass media, public opinion, and voters themselves concur to repudiate or embrace certain values linked to political events. The fundamental concept of public autonomy, so cherished by both Rawls and Habermas, has become one

of the touchstones of Brazilian political philosophy in the nineties and has been brought to the fore through some of the most basic democratic notions such as citizenship and deliberative participation. It is particularly important to recall that, prior to the globalization awareness of the late nineties, a moralizing turn was taking place in Brazilian politics as early as 1992, under the motto “ethics in politics” culminating in the impeachment of an elected President. (Rosenfield, 1992) It would be as naive to assume that those local political events did not reflect global economic trends as the other way round. Above all, and beyond all the empirical contingencies entailed by such analyses, a representative democratic behavior means that democracy cannot ever be taken for granted, and must be thus regarded as a dynamic process in which the inclusive, pluralist claims of civil society condition and are conditioned by complex forms of active, political participation. The democratization of societies such as the Brazilian one coincides thus with the globalization of economic systems and the changes within political structures that have been gradually restoring (or establishing) the rule of law through constitutional procedures as well as the call for a sustainable development and social responsibility.⁵ Hence the resort to the Kantian idea of perpetual peace, recast by both Rawls and Habermas, in an attempt to articulate state law and international law in a globalized scenario. According to Kant, the abolition of war is the ultimate goal of the system of law, within a cosmopolitan perspective that brings about the constitutional stability of nations that subscribe to the liberal principles of republican democracy. Just as state law and international law bring about the rule of law (*Rechtsstaat*) within one particular nation and among several nations, cosmopolitan law brings the state of nature to an end by the institution of a universal federation of nations (*Völkerbund*). (Rawls, 2001) Both Rawls and Habermas have addressed the challenge of global justice for emergent societies that still face the Kantian predicament of an unsociable sociability without the taken-for-granted human rights that characterize welfare states and egalitarian, liberal democracies. The inhuman face of capitalism is now, more than ever, unmasked in the exploitation and social exclusion of women and children in many societies that provide cheap labor and raw material for industrialized countries. In this sense, the challenge of multiculturalism in Brazil provides us with theoretical perspectives on ethnicities and social policies so as to account for the paradigm of a multiracial society that responsibly deals with racial and social inequalities to be overcome in the very process of democratization, even as democracy becomes the true currency of globalization. Miscegenation, which turns out to be a distinctive feature of Brazilian multiracial identity, is thus explored as a subversion of the very myth of “racial democracy”, as accommodation gives way to

⁵ In Brazil, Ethos Institute remains a national reference. Cf. the site: <http://www.ethos.org.br>

transformation in inter-racial relations. Comparative studies of US and Brazilian slavery systems and racial ideologies have shown that although segregation and miscegenation led to radically opposing outcomes (*grosso modo*, the civil conquests of black movements in the US and the tacit acceptance of “whitening” as a vehicle of social mobility for Afro-Brazilians), the Brazilian experience of democracy ultimately demands an egalitarian extension of freedom to all peoples of color that will or already constitute the majority population. (Andrews, 1991) Afro-American transnational identity in Latin American and Caribbean social groups turns out to be one of the greatest examples of cultural resiliency in the world, but the same concept may as well be extended to other ethnicities across Brazil, such as Latinos, Jews, Arabs, and numerous native American peoples.

In conclusion, what is at stake is a political-theoretical problem, namely, the attempt to account for both democratization and its undermining contradictions in the process of the rationalization of complex forms of social life, as well as to account for the fact that we did not have either a political-liberal nor a nationwide revolutionary experience in Brazil. Moreover, anyone who sets out to think “civil society”, “democracy” and “modernity” in Brazil has to face the challenge of avoiding, on the one hand, the facile importation of European and North-American categories uncritically applied to a Brazilian context, and the aporetic, self-deceptive attempt to create *ex nihilo*, in the pseudo-originality of reinventing the wheel. For the better or for the worse, we must always start *in medias res*, from what we are: a racist, sexist, and elitist society with a tremendous potential for self-overcoming and social transformation. Hence both bureaucratic-administrative reforms and judicial reforms under way attest to this participatory democratic process which has also called into question the agenda of political parties and politicians in their interventions between civil society and state. In effect, the very role of opposition in post-military Brazil has been one of the targets of serious social criticism. As Roberto Mangabeira Unger (1995, p. 240f) put it so well:

There are two ways that a transformative politics can be disparaged. One is to give in entirely to the maxim that politics is the art of the possible. If you always respect the limits of the possible and cultivate the image of the realist, you end up a prisoner to the established system of interests and prejudices. This way is to submit, as the majority of socialist and workers’ parties in the rich Western democracies have done. They have tried to humanize the existing order rather than to remake it. On the other hand, whoever loses touch with unyielding realities becomes disoriented in the vacuum of loose utopias. This was the fate of sectarian and revolutionary leftists throughout the course of the twentieth century. We have had too few examples in the twentieth century of a left that, treading the narrow path between these opposing dangers, has insisted upon testing the limits of the possible. The PT [Brazilian Workers’ Party] has been one of these examples.

Without any pretensions to having solved or even addressed all the problems raised by these debates between Habermasians and Rawlsians, or lying at the transition from authoritarian Brazil to a democratic society, I have outlined some thoughts on global justice and normativity which relate to a broader problematic, namely, that of redefining the role and identity of civil society in the unfinished project of “democratizing Brazil.” It is important thus to stress that the question of “who we Brazilians are” –the question of collective, national subjectivity thematized by Rawls and Habermas-- cannot avoid the tension between what we have been, what we shall become, and what we ought to be. For the question of collective self-identity lies at the heart of a self-understanding of aesthetic, moral, and political culture --even beyond the traditional conceptions of the nation-state. If we want to find the grounds for the “self-reassurance” necessary to carry out a project of emancipation --in Brazil as elsewhere-- the wholistic approach to reason and action must integrate everyday social life, and this requires some commitment on the part of civil society to reaching understanding about validity claims. This is perhaps the secret utopia of the Habermasian fusion of the horizons of solidarity and autonomy, between facts and norms, and undoubtedly the secret to his success among social-democrats and the advocates of the Third Way in Brazil. If Rawls fails to provide us with a substantiated account of the intersubjectively constituted liberal culture that carries out the democratic ideals of his theory of justice, Habermas reconceives “public autonomy” as “the availability of a differentiated network of communicative arrangements for the discursive formation of public opinion and will,” as a system of basic individual rights “provides exactly the conditions under which the forms of communication necessary for a politically autonomous constitution of law can be institutionalized.” (1992, p. 134-5, 207-9) Brazilian citizens have certainly been socialized into a rather corrupt political culture, so full of contradictions and shortcomings when compared to the normative, regulative ideals of the democratic yardstick. And yet, this making of a political culture is only sustained to the extent that Brazilians also produce and reproduce such a culture. The shift from a hypocritical “racial democracy” towards a societal, pluralist democracy is the only way out of the “elitist liberalism” of both military and civilian calls to modernize Brazil. Just as the aestheticist regionalism and nationalism of the modernist movement of the 1920s gave way to a technocratic, nationalist modernization in the 1950s and 1960s only to highlight the oligarchic, hierarchical relations of power that made Brazil one of the most socially unequal nations of the planet, a moral revolution from below alone can secure the rule of law for all and call for a public, democratic distribution of primary goods. If Brazil remains too far from a well ordered society and public participation in the bargain processes is still remote from the majority of the population, the political thrust of social movements and civil

disobedience meets *a fortiori* the normative criteria of a concept of democracy that defies and transgresses any “power that be” for the sake of the people. That the outcast in Brazil discover their own identity as citizens, rights-bearers or as end-in-themselves only attests to the proximity between Rousseau and Kant in both radical and liberal formulations of the *volonté générale* and the kingdom of ends, between Habermas and Rawls. Hence a radical critique of state and society is not necessarily opposed to the regulative ideals of a procedural theory of justice. Whether politics is simply a continuation of the war of all against all or a consensus-seeking overcoming of the state of nature, what is at stake is precisely what is lacking (justice) and yet we seek by all reasonable means to make it possible. In order to carry on our reflections on the limits of the possible, Brazilian civil society must thus continually renew every critique of its own identity, past and present, so as to allow for both freedom and justice to flourish and radically transform itself.

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