

TOWARDS A BRAZILIAN CRITICAL THEORY OF JUSTICE: SOCIAL LIBERATION, PUBLIC JUSTIFICATION, AND NORMATIVE RECONSTRUCTION

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Abstract: In this essay, we argue for a Brazilian reception of critical theory which seeks political emancipation by means of its social movements promoting several normative claims and forms of liberation, allowing thus for a public justification and reconstruction of social justice in an emerging democracy. A Brazilian critical theory of justice is shown to arise out of the social, conflictuous reality of its identity claims and struggles for recognition, within an ongoing process of democratization which, since its beginning over thirty years ago –after two decades of military dictatorship and following some five centuries of a violent process of colonization and authoritarianism –, has reached its climax of internal divisions and polarization today.

Keywords: Brazil, critical theory, democracy, justice, liberation, reconstruction.

Resumo: Neste ensaio, defendemos uma recepção brasileira da teoria crítica que busca a emancipação política por meio de seus movimentos sociais, promovendo reivindicações normativas e formas de libertação, de modo a permitir uma justificação pública e uma reconstrução da justiça social em uma democracia emergente. Uma teoria crítica da justiça brasileira mostra-se emergente da realidade social e conflituosa de suas reivindicações identitárias e lutas pelo reconhecimento, dentro de um processo contínuo de democratização que, desde o seu início há mais de trinta anos - após duas décadas de ditadura militar e após cerca de cinco séculos de um processo violento de colonização e autoritarismo -, atingiu o seu clímax de divisões internas e polarização nos dias atuais.

Palavras-chave: Brasil, democracia, justiça, libertação, reconstrução, teoria crítica.

1. Alexis de Tocqueville's classic *De la démocratie en Amérique* (2 volumes, 1835 and 1840) has been hailed as one of the first seminal studies on the genesis and consolidation of emerging social states that crystallized in the political and moral ideals of a modern, constitutional democracy in the New World, so as "to reanimate its beliefs, to purify its motives, to regulate its movements."(TOCQUEVILLE, 2003, p.25). In *Die protestantische Ethik und der Geist des Kapitalismus* (1905), Max Weber famously set out to show how Puritan, Calvinist ethics, social and practical ideas (particularly, the Protestant work ethic) fostered the development of capitalism in 18th- and 19th-century New England. Both Tocqueville's and Weber's monographs have been regarded as masterful analyses of the "manners and mores" of American political culture

and its liberal, social institutions, allowing for an interesting articulation of the latter with political virtues and shared democratic values, such as freedom, equality, and civic solidarity, as well as moral and religious beliefs. Descriptive statements such as “hard work, frugality, and discipline were typical Calvinist virtues in colonial North America” can be contrasted with prescriptive statements such as “one ought to work hard if she or he wants to succeed.” In a nutshell, both classical liberalism and a democratic institution of free-market point towards a social ethos that cannot be hypostasized into ideological or religious beliefs, away from its institutional, economic, and political structures.

Now, as we reason by way of analogy in regards to Brazilian social, cultural context, – in a first-person self-understanding seeking objectivity in both ethics and social sciences –, we might recall that Brazil housed the first Jews in the New World, dating back to the 16th century, following the massive expulsion of unconverted Jews from Spain (1492) and Portugal (1497), as the oldest synagogue of the Americas was established in Recife, in the Northeast (*Kahal Zur Israel*) – hence, the first Jewish community in then New Amsterdam (nowadays New York City) were Sephardic Dutch and Portuguese who fled the Inquisition in Brazil (GRINBERG, 2005; NOVINSKY, 2015), signaling the diasporic encounter of Sephardic, Marranos, and Afro-Brazilians in the Tropics. (FENNELL, 2007) This country still holds the world’s largest Catholic population in a single country, with some 130 million believers, at the same time that its 44 million evangelicals and neopentecostals make it one of the world’s largest concentration of Protestants nowadays. And yet, despite its historical, expressive Judeo-Christian background and its quite impressive figures, Brazilian democracy remains far from consolidated, as it faces its longest and deepest recession and its worst institutional, social, and moral crisis since its transition to democracy 30 years ago, after 21 years of military rule (1964-85). In effect, the most recent, gravest cases of environmental disaster and endemic corruption carried out by large Brazilian and multinational corporations (e.g., Monsanto, Vale and BHP, when the dam broke in Mariana, Vale do Rio Doce, in November 2015, and Petrobras, Odebrecht and JBS), along with innumerable national and private companies that were unduly favored by billionaire scams from the Treasury to BNDES (Social and Economic Development Bank) or involved in malpractice investigated by Car Wash Operation (*Lava-Jato*), by the Public Ministry and by the Federal Police, in the last ten years, culminating with the current ongoing institutional crisis in this country only attest to the importance of extending our ethical-normative research to its social, political, and economic dimensions, comprising not only private business but also governmental corruption. If business ethics is ironically regarded today as an oxymoron

(DUSKA, 2000), Brazilian endemic corruption might be said to be a pleonasm, just as it had been questioned by a local politician in the 1980s, *coronel* (or *capitão de mato*) Antonio Carlos Magalhães, and denied by revisionist sociologist Jessé de Souza, as he questioned Brazilian modernist readings of Freyre, the *jeitinho* (Brazilian way of bending the rules of the game), and the Weberian tropicalist versions thereof (SOUZA, 2015).

In this sense, the way human individuals are socialized (insofar as humans become individuals through socialization, comprising both social reproduction and integration into society through social norms, as they are internalized, assimilated, enacted and acted out in one's social roles) ultimately refer to institutions (i.e., stable, valued, recurring patterns of social behavior) that are, in turn, identified with a social purpose, transcending individuals and individual intentions by mediating the rules that govern living behavior. Institutional facts are thus an important subset of social facts, broadly understood, in function of having the status functions we intend them to have (HABERMAS, 1984, 1989). In Brazil, this can be clearly observable in the so-called Brazilian way (*jeitinho*) of transgressing, bending or using legal procedures in one's own benefit without any accountability or regard for the social, public good (POWER and TAYLOR, 2011). In our research program of normative reconstruction, we have thus tried to raise this question anew: how can we reconcile the republican ideals of our young democracy with particular beliefs (religious, partisan or other shared beliefs within given social groups) so as to allow for a sustainable, reasonable form of public justification that promote the common good and social justice (including human rights and inviolable, individual liberties, duties and rights that are publicly recognized and endorsed by all members of society)? In order to tackle this highly complex issue, we are assuming that we must deal both with its implicit social epistemology and its normative challenges, on the intertwining levels of social cognition and lifeworldly practices. Moral values, broadly construed, can be thus defined as those to be embraced by rational agents, that is, according to the most reasonable criteria for such persons, under certain conditions (to be more useful, more efficient, leading to the best way of life or simply out of duty as some kind of categorical imperative). Certainly, there is no agreement among moral philosophers as to what would be "good" or "better", even as to what we call "moral intuitions", which could be constantly subjected to a "reflective equilibrium", in that judgments and intuitions can be always revised. Therefore, a major challenge to normative theory in ethics, law, and politics nowadays is to articulate a justification that meets rational criteria, both in ontological-semantic and pragmatic terms, taking into account not only issues of reasoning but also interpretation, self-understanding, historicity, and

language features inherent in a social ethos, political culture or way of life. Hence we also take into account post-colonial criticisms that call into question Hegelian-like ideas of progress and civilizational processes that tend to betray questions of subjectivation and self-identity by neutralizing their hegemonic thrusts of domination across class, gender, and ethnic-racial relations (ALLEN, 2016).

In this essay, we argue for a Brazilian reception of critical theory which seeks political emancipation by means of its social movements promoting several normative claims and forms of liberation (landless and workers' social movements, Afro-Brazilian, feminist, and gay movements), allowing thus for its public justification (what is best for Brazilian democracy) and normative reconstruction (how democracy has been constructed in concrete, identity claims) (ROCHA and BEZERRA, 2001; NOBRE, 2013). A Brazilian critical theory of justice, as expected, is not drawn out of a theoretical hat, as in a thought-experiment, but it arises out of the social reality of a given, concrete society, a rather young democracy in its ongoing process of democratization which, since its beginning over thirty years ago – after two decades of military dictatorship and following some five centuries of a violent process of colonization and authoritarianism –, has reached its climax of internal divisions and polarization today. In effect, one cannot make sense of Brazilian current inequalities without revisiting Brazilian political history, which was profoundly marked by systematic authoritarianism and four centuries of slavery (SCHWARCZ and STARLING, 2018). Theoretically speaking, social liberation was not only contemporaneous with Rawls's and Habermas's respective accounts of public justification (thinking of the *annus mirabilis* 1971), but can be also recast as correlates in a critical-theoretical normative reconstruction of Brazilian social *ethos* and *demos*. Hence the task for an Afro-Brazilian critical theory of justice must start from grassroots struggles for recognition (DARBY, 2009), particularly in social movements which have been onstage in a dramatic debunking of the ideology of racial democracy, disguised in many conservative and status quo agendas of authoritarian domination (HELLWIG, 1992; TWINE, 1997). The unfinished project of modernity in Brazil turns out to be the unfinished task of social liberation and struggles for egalitarianism and for a public justification of policymaking, crystallized in the Judiciary, Legislative and Executive powers. Normative reconstruction is shown to be a useful tool to recast Marxist analysis in postcolonial, immanent critique of today's global capitalism and institutional arrangements (including family and gender structures, and their intersectionality with ethnicity and racial critical theory).

In effect, as the self-understanding of Brazilian democracy moves away from consensus (for instance, when an elected president had reached 80 % of popular support and democracy seemed to be fully consolidated and stable) and becomes more and more fragmented and antagonized by the extreme poles of the spectrum, we see with dismay that the far-right (supporting a return to military dictatorship or monarchy) and the far-left (some who still call for communism) attract discontent from both conservative and liberal camps. And yet, a call for participatory democracy, with more social inclusion and egalitarianism, has been taken seriously by all segments of society, especially among the younger generations (AVRITZER, 2009).

2. It is well known that Latin American liberation theology and philosophy in the 1960s and 70s were greatly indebted to the so-called first generation of critical theory, especially to what was then perceived as the social utopian, negative dialectical thrusts of Benjamin, Adorno, Horkheimer, Bloch, and Marcuse's critique of authoritarian capitalism. Habermas's normative claims and the pragmatist, linguistic turn of his discourse ethics and theory of communicative action were also embraced by several liberation thinkers who were fighting the neoliberal agenda that coincided with the end of military regimes in the 1980s and the transition to democracy in the 1990s. (STEPAN, 1989). With the end of the Cold War and the emergence and consolidation of new social movements and left-wing parties at the turn of last century in Brazil (esp. Workers' Party, PT, which was founded in 1980 and remained in power from 2002 through 2016, with three and a half presidential terms, with Lula da Silva and recently impeached Dilma Rousseff), liberation thought was neutralized and eventually paved the way for a new wave of neoliberalism that is now taking over global capitalism, together with the fast-growing neopentecostal and evangelical movements, signaling a new world order that allows for post-secular, hybrid configurations of political and religious identities (BROWN, 2015). The regional inequalities in that country were only accentuated with democratization and tend to become even worse with neoliberal policies that took over the country in the last years. We can thus observe, from Global-South and postcolonial standpoints, that the recent attempts to recast Rawlsian-like egalitarianism and critical-theoretical accounts of liberation that stood up for social justice and participatory democracy in Brazil serve to recast third – and fourth-generation and pragmatist contributions to a critical theory of society that rescue the alterity-recognition normative correlation and undertake an immanent critique of reification and alienation in environmental, gender, and ethnic issues, without neglecting their cultural and self-identity intertwining features (JAEGGI, 2015; ALLEN, 2016).

One outstanding example of such an empirically-based, critical-theoretical approach is the seminal study of Brazil's controversial income-transfer program *bolsa família* (PINZANI and REGO, 2014).

In the same vein, we firmly believe that one may recast the Jewish roots of a Brazilian critical theory of justice as liberation by revisiting the ongoing debates on diaspora and transnationalism and by focusing on the transnational origin of Afro-Brazilian studies (BAUBÖCK and FAIST, 2010), before proceeding to examine particular cases, such as transnationalism in the Black Press and in the Black Atlantic religion. Furthermore, one may analyze and discuss the construction of identities in the African Diaspora in Europe and the Americas, as well as the new Black social movements, such as Black liberation and Black feminism (DAVIS, 1981; HARRIS, 1993).

That Brazil was accidentally “discovered” by the Portuguese in 1500, at a time when the Italians, Spaniards, French, Dutch, English, German, and other Europeans were sailing around and expanding their businesses overseas, just attests to the interplay of contingencies that characterize global, historical processes and societal, civilizational formations. However, historical contexts cannot be taken for granted, nor any given idea of continuity or patterns of historical evolution, as if one existing set of institutional arrangements were to be regarded as necessarily giving birth to another set. Since society is a social artifact, a formative context might serve to explain the basis of a certain set of institutional arrangements and their reliance upon each other (UNGER, 2004). Hence, it is by resorting to our transformative imagination that we can make sense of ongoing social, political problems in Brazil, by means of an interdisciplinary research program that takes into account both the complex historical and cultural makeup of Brazilians, including their problematic modern quests for cultural identities (esp. Afro-Brazilian, Native-indigenous, feminist, queer, and hybrid identities), and the social analyses that seek to unveil their rationale combined with economic, legal, and political variables. Such an intersectional approach (esp. bringing together gender, ethnicity, and class antagonisms in the new wave of liberation narratives) characterizes both the new generation of liberation thought and critical theory (VUOLA, 2012).

3. When one speaks of a Brazilian reception of critical theory, one can divide it into three generations (Liberation, 1960-1970; Democratization, 1980-90; Post-9-11, 21st century), within a historical-political approach, or into two levels for a theoretical-conceptual approach: (1) the first in relation to the Marxist critique of world capitalism, and (2) a second level on the normative deficits of our democratic ethos in post-secular pluralist societies. For these two levels, we have proposed to develop what would be a Brazilian critical

theory of justice, following the work initiated by Merquior, Schwarz, Rouanet, Löwy, Freitag, Flickinger et al., and actualized by Nobre, Avritzer, Neves, Souza, and Safatle, among others, following an immanent critique and its normative reconstruction that starts from our concrete social reality, its normative deficits, contradictions, and social pathologies. In all these authors we have found an original appropriation of critical theory that attempts to situate our systemic (economic, legal, political and administrative) processes vis à vis social, interpersonal and cultural relations (the pre-theoretical *sens pratique* of *Lebenswelt*). It seems, however, that although (1) may succeed in terms of a self-understanding of our peripheral capitalism, selective modernity or reformulations of the theory of dependence, it fails to articulate it with (2), leaving the normative deficits of our democratic ethos unanswered. We should thus like to argue for a critical theory of liberation that recasts some of the original Brazilian theologians (Alves, Boff, Schwantes), and liberationist thinkers (Freire, Boal, Löwy), by taking into account the latest critical-theoretical rapprochements of a theory of recognition (Honneth) with Emmanuel Levinas and Jacques Derrida's ethics of alterity and Michel Foucault's criticisms of neoliberal biopolitics (BROWN, 2015). In this sense, we argue that liberation remains the most appropriate metaphor to make a case for a critical theory of social justice in Brazil. Hence, when we revisit Habermas's and Honneth's uses of normative reconstruction in critical theory we must keep in mind that their idea of reconstruction, just like Freire before them and Forst after them, refers us back to John Dewey's (2004). Let us emphasize, in passing, that liberationist thought is not confined to Catholic, Christian or religious claims but arises out of an immanent critique of capitalism which certainly comprises Judeo-Christian components in tandem with Greek-Roman philosophical and cultural contributions to Western civilizational processes leading to modernity. Thus, the justificatory rationale for normative claims in Brazil's rather belated policymaking in affirmative action has been broadly defined as an institutional effort to rectify past injustice due to slavery and racism (including eugenic legislation), so as to obtain a situation closer to the ideal of equal opportunity by policies aimed at a historically socio-politically non-dominant group (typically, minority groups and women of all races), especially intended to promote fair access to education or employment. Following the US legislation in the 1970s, especially after the seminal papers by Thomas Nagel and Judith Jarvis Thomson in 1973, debates in Brazil supporting and opposing affirmative action have shown the highly complex problem of social integration in an emergent, pluralist democracy that takes diversity seriously. Hence, both backward-looking and forward-looking justifications of affirmative action, whether they tend to be

more or less deontological or utilitarian, have evoked to justify in both substantive and procedural terms the approach to racial and cultural identity, reflecting very much the same polarization. While liberal, redistributive views seek to correct and compensate for past injustice, by resorting to compensatory procedural, arguments for corrective justice, the recognition-based, communitarian arguments tend to promote by means of social movements and struggles for recognition a society free from prejudice and disrespect. In Brazil, Axel Honneth's contribution to this debate has been evoked, as over against Nancy Fraser's redistributive account, just to confirm that the dialectics of recognition is far from solving the racial inequalities that constitute some of our worst social pathologies, as shown in recent articles by Sérgio Costa, Paulo Neves, Celi Pinto, and Ricardo Mendonça (FRASER and HONNETH, 2001). In order to go beyond the Fraser-Honneth debate, we sought to revisit Honneth's critique of Foucault's genealogical account of power and of Habermas's theory of communicative action, by recasting a lifeworldly, nonreifying conception of juridification that meets social movements and identity claims stemming from grassroots practices of recognition from below. One of the few European political philosophers to allude to Gilberto Freyre's masterpiece, Honneth's dialectics of recognition could thus offer us a much more defensible diagnosis of the Brazilian symbiosis between a slave-societal ethos, an ideology of racial democracy, and a lifeworldly praxis of disrespect insofar as his "critique of power" reexamines and rehabilitates the Foucaultian, Habermasian accounts of systemic power relations (HONNETH, 1991).

As several critics of liberation theology and capitalism remarked, neither the disciplinary character of capitalism nor the Marxist analysis of liberation theology can be taken as some neutral device to unmask political ideologies, but remain open to all kinds of criticism, from both left and right. As Michael Novak aptly observed, "capitalism is not a set of neutral economic techniques amorally oriented toward efficiency. Its practice imposes certain moral and cultural attitudes, requirements, and demands." And he hastened to add, "Capitalism itself is not even close to being the Kingdom of God... The presuppositions, ethos, moral habits, and way of life required for the smooth functioning of democratic and capitalist institutions are not a full expression of Christian or Jewish faith, and are indeed partially in conflict with the full transcendent demands of Christian and Jewish faith" (NOVAK, 1993, 227f.). Hence, it is understandable that different approaches to the liberationist critique of capitalism as one finds, say, in Franz Hinkelammert, Michael Löwy and Daniel Bell, recast Ernst Bloch's and Walter Benjamin's immanent critique of Marxist historical materialism in a normative reconstruction of political

messianism with a view to avoiding the idolatrous temptation of reducing the transcending thrust of historical becoming to its end (as in post-Hegelian, neoconservative views of the end of history) or to any innovative particular moment, such as modernity, global capitalism or democratic socialism, so as to flee the romantic idea of utopian primordality (Paradise Lost, the Greek ideal *polis*, Atlantis and the like). In effect, Löwy has convincingly shown that Bloch and Benjamin's theoretical-critical appropriation of Max Weber – from whom they got the inspiration for debunking “capitalism as religion” – results in a messianic, romantic anti-capitalism, which would be decisive for liberationist political theology: “Benjamin's 1921 fragment is one of the striking examples of this strain of ‘inventive’ readings – all by romantic-socialist Jewish-German thinkers – which use Weber's sociological research, and, in particular, *The Protestant Ethic and the Spirit of Capitalism*, as ammunition in order to mount a thorough attack on the capitalist system, its values, its practices and its ‘religion.’” (LÖWY, 2009, 72),

Latin American liberation theology has often been regarded as one of the most important, original contributions to a critique of Western civilization and modern rationality in religious, postcolonial, and cultural studies (BELL, 2001). Latin American liberation theology has also been particularly relevant for social, political analyses in so-called postmodern, deconstructive interpretations of theology, culture, feminism, and ecology. In the last analysis, liberation theology has also raised a polemical debate on the relevance of a certain *liberation philosophy* in Latin America. Our own methodological working hypothesis has been that if one takes both deconstruction and Marxist analysis seriously, the problematic relation between theology and philosophy makes the project of a Latin American liberation philosophy untenable, as over against the original intent of a Latin American liberation theology (which sought to maintain its Christian-theological identity), unless the postmodern condition that allows for such an unholy alliance be taken as a fact in Latin America or a mitigated social constructionist version of the liberation radical movement be recast in the ongoing quest of social democracy – in our own terms here, in the normative reconstruction of the Latin American democratic *ethos*, of which Brazil is one concrete example. Hence, one should rather speak of “theologies of liberation” in the plural, so as to refer to the historical, political phenomena and social movements comprising not only Catholic and Protestant groups self-identified with the liberation theology of the 1960s and 70s but also feminist, African and diasporic, indigenous movements, Palestinian, Irish, and many other ethnic minorities that claimed political liberation vis à vis oppressing regimes and social, economic institutions. In Latin America, it is important to recall, liberation theology emerged in the 1960s, in reaction to the

military coups that were taking place all over the subcontinent, following the Cuban revolution (1959) and as an alternative to the ideology of “development” – *liberación versus desarrollo*. From the very outset, Latin American liberation theology was an ecumenical, progressive movement, radicalizing the reformation of the Church in the 20th century, as attested by the early seminal contributions by Rubem Alves, Gustavo Gutiérrez, and Leonardo Boff. Both Alves’s *Toward a Theology of Human Liberation* (doctoral thesis defended in Princeton, NJ) and Gutiérrez’s *Hacia una teología de la liberación* (seminal paper presented at Chimbote, Peru) were written in 1968, and both thinkers took part in the ecumenical consultation on “Theology and development” in Cartigny, Switzerland. Boff’s first masterpiece *Jesus Christ Liberator* was originally written in 1971. The radical hermeneutics of liberation theology was, from the very beginning, understood as “a new way of doing theology out of the liberating praxis” that seeks to reconcile the biblical gospel of freedom with a political activism within a context of oppression, injustice, and institutionalized violence. The social-utopian, political messianism of Bloch and Benjamin, and Marcuse’s liberationist critique of cold-war capitalism are thus combined with a Biblical hermeneutics of Hebrew prophetism that inevitably refers us back to a pre-understanding conditioned by social praxis, since there is no such a thing as a neutral theoretical interpretation. For liberation theologians, the preferential option for the poor, officially assumed by the Latin American Conference of Bishops (CELAM) in Medellín (1968) and in the Puebla Conference (1979), was decisive for the propagation of a revolutionary orthopraxis of liberation, as opposed to the reactionary orthodoxy that tacitly supported the *status quo*, the military regimes and oppressive institutions and corporations that celebrated the progress of capitalism for a very few, in detriment of millions of miserable, marginalized inhabitants who lived in extreme poverty (BOFF and BOFF, 1987).

4. It is also important to recall that the programmatic strategy of resorting to a Marxist analysis to carry out its critique of capitalism from the perspective of a social gospel of liberation allowed for liberationist hermeneutics to be articulated by means of three theological axes, namely:

- (1) the historical-formal criticism of liberal Protestant theology (as found in German scholars such as David Strauss and Rudolf Bultmann, and post-Hegelian and post-Heideggerian hermeneutics, such as the ones found in works by Gadamer, Sartre, Ricoeur, Levinas, and Pannenberg);

(2) political, secularizing theology (Johann Baptist Metz, Richard Shaull, Harvey Cox);

(3) theology of hope (Jürgen Moltmann, deeply influenced by Bloch and Heidegger)

As for the philosophical presuppositions of the liberationist hermeneutics, we might mention:

(4) an ethics of reciprocity and alterity, the concern for the Other – the poor, the widow, the orphan, the stranger, the victim, the outcast (Walter Benjamin, Emmanuel Levinas);

(5) the so-called Marxist analysis inspired by Neo-Marxist authors (Antonio Gramsci, Ernst Bloch, Walter Benjamin, Herbert Marcuse, Erich Fromm, and other representatives directly or indirectly associated with the Frankfurt School);

(6) a hermeneutics of suspicion (Marx, Nietzsche, Freud, esp. in Foucault and Ricoeur)

Besides Paulo Freire, other important precursors of Latin American liberation theology were Bartolomé de las Casas, Frantz Fanon, and Celso Furtado (1963), whose structuralist, developmentist economic analyses paved the way for the critique of cold-war, late capitalism. As opposed to the first wave of liberation theology in the 1950s and 60s, mainly confined to the academia and the Latin American intelligentsia, there was also a popular, second wave of liberation that was carried out by social, grassroots movements and the base ecclesial communities in the 1970s and 80s – only in Brazil there were more than 200,000 of these communities, which were overtly supported by the pastoral and progressive sectors of the Catholic Church and later on, with the emergence of the third sector, by hundreds of nongovernmental organizations (NGOs). The emergent paradigm of liberation – as it sought to definitely subvert and replace development – had then five distinct guiding goals, to wit:

(7) The task of a new theological language, so as to address some of the main problems raised by the United Nations development programs, the ecumenical meetings of the World Council of Churches in the 60s and 70s – esp. in 1966, in Switzerland, “Church and Society” and the ISAL movement, created in Lima in 1961. We must recall *en passant* that both “development” and “liberation,” besides their semantic, binary logic of opposition, in fact refer to the Enlightenment, political metaphors of “autonomy” and “emancipation,” hence to the liberal idea of freedom, already at work in the correlation of progress and development;

(8) The primacy of praxis over theory, following the pastoral orientation of charismatic, communitarian leaders such as Dom Hélder Câmara and Don Manuel Larrain, through a pedagogical process of “consciousness-raising” among the poor –keeping in mind that both Freire’s and Habermas’s learning processes stem from Dewey’s correlation of democracy and liberal education. As Gutiérrez (1988, 43) famously put it in a nutshell, “to reflect upon faith as a praxis of liberation is to reflect upon a truth which is not only asserted but done.” Therefore, the primacy of doing over saying, action over discourse, *orthopraxis* over orthodoxy, is the starting point of every reflection on liberation;

(9) The de-ideologizing role of theology, since theological reflection, turns to be a radical critique of both society and Church, impelled by the Word of God. This is in effect the social, utopian thrust of critique and protest, messianism, and prophetism, highlighted by both Alves and Boff;

(10) The methodological radicalization of ecclesiology, christology, eschatology, and the different theological disciplines, insofar as the Church is called to leave its spiritual *ghetto* and assume its historical existence in a world of oppressors and oppressed. Gutiérrez’s felicitous formula, “*una nueva manera de hacer teología*” (“a new way of doing theology”), means above all that there is no perspective that is actually free from some form of ideology as the concrete, historical locus always precedes the analytical, conceptual logos. To radicalize the theological method comes down to recognizing the “hermeneutical circle” within which liberation itself is caught up in its very de-ideologizing role, which can be fairly understood as the deconstructive thrust of liberation theology;

(11) An anthropological turn in theology, already begun with Feuerbach and consolidated by Bultmann’s existential demythologization. The human being to be liberated is an unfinished project, autonomous, creator of its own destiny: *homo homini deus est*. Thus, the future and the becoming of human nature constitute together an anthropogenetic task as theology rescues the utopian dimension of the *imago dei*, unveiling the constant tension between a yet-to-come fulfillment (messianism) and the immediate claim for justice (humanism). In a post-Heideggerian attitude, Alves (1968) calls for the overcoming of a messianic humanism toward a humanist messianism. The anthropological turn operates a veritable liberation from theo-logy (understood in traditional, onto-theo-logical terms)

towards a post-metaphysical philosophical anthropology.

5. The importance of recasting Afro-Brazilian culture in a critical theory of society is to offer some insights into the Brazilian contributions to political and social analysis of egalitarianism, both from empirical-sociological and normative standpoints in interdisciplinary researches that seek precisely to avoid the theoretical imposition of particular categories upon different social contexts, attending to the critical insertion of such analyses to be carried out, as it were, in an “immanent critique” of such complex processes and phenomena (HALL, 1990). In order to account for the normative dimension of a Brazilian democratic, pluralist *ethos* we must tackle some of the very problems lying at so-called processes of democratization, starting with the draft of the 1988 Constitution (after two decades of military dictatorship) and culminating in the current polarization between a highly unionized, minoritarian industrial proletariat and a far larger, informal working-class sector, so as to address the programmatic, normative question: “Why, after all, should we stand up for democracy?” Afro-Brazilians, together with Native-indigenous peoples, women, and gay activists in Brazil, keep calling for more recognition and social inclusion in our democracy, which remains one of the most unequal of the world and with a shameful record of violations and aggressions perpetrated against women, homosexuals, and people of color. It is against this context of critical, global challenges that we propose to evoke an “Afro-Brazilian Diaspora in Transnational Perspective”, so as to explore the cultural dynamics of global migrations and their enriching contributions to the Brazilian melting pot, as liberating practices out of oppressive, racist regimes (LESSER, 2013). In any interdisciplinary approach to global justice, poverty, and sustainable development nowadays, we can also realize that global inequalities are inevitably related to regional inequalities at different levels of jurisdiction and governance (REHBEIN, 2015). Hence, the so-called South Global allows for an articulation with the Frankfurtian-inspired critique of global capitalism and public debates of related topics such as liberation movements, racism, and social, economic inequalities in Latin America. In effect, an Afro-Brazilian critical theory of society must start from the basic realization that people can justify their social practices and moral actions in different ways and for different reasons, as public justification is correlated to a normative reconstruction qua method of critical, theoretical analyses of society, politics and social, political behavior. Justification, therefore, is not only a theoretical, procedural construct, but it is also a way of endorsing a collective “way of life” and related social practices as normative claims are made in given historical, cultural contexts, such as the Afro-Brazilian social

ethos of resistance vis à vis the Lusitanian geopolitics of expansion and Brazilian authoritarianism. In order to account for the very idea of a failed modernity within Brazilian history, say, when Marquis of Pombal ordered the expulsion of Jesuits in the 18th century, as Rouanet aptly remarked, one realizes that there was no Enlightenment in Portugal and Brazil (as opposed to Britain and the thirteen New England colonies), just as there was no bourgeois revolution nor a liberal experience of sorts: the Brazilian Republic was from day one a farce that favored the local oligarchies and paved the way for 20th-century authoritarianism (ROUANET, 1982, 227).

Afro-Brazilian culture has been thus marginalized and became one of the major catalysts for social change in this country. Even today, when one speaks of Afro-Brazilian culture some of the most known social practices remain those related to festivities or religiosity, like capoeira, carnival (in Brazil and Portugal, we call it “*carnaval*”), and candomblé, together with Afro-Brazilian cults overall, quilombola movements and popular music – not only samba but also hip-hop and funk, just to think of the most outstanding for a critical-theoretical analysis in societal terms, including a critique of culture and of ideology, especially the so-called “racial democracy” (ASANTE, 2002). Together with Abdias Nascimento and Lima Barreto, one may refer to the work of Petrônio Domingues as Brazilian historiography took a turn, so as to revisit the trajectory of the black movement organized during the Republic (1889-2000), with the stages, the actors and their proposals (BARCELOS, 1996). Throughout the intellectual production of local and regional black leaderships (José Correia Leite, Francisco Lucrecio, Hamilton Cardoso, Lélia Gonzalez, among others), this *theatrum philosophicum* staged testimonials, memoirs, and essay texts that succeeded in showing how, during the Republican period, this movement undertook different strategies of struggles for recognition in favor of Afro-Brazilians’ claims for social inclusion.

As it was already pointed out, the reception of critical theory in Brazil coincides with the beginning of the military dictatorship. In addition to the pioneering works by José Guilherme Merquior (*Reason for Poem*) and Roberto Schwarz (*The Mermaid and the Suspicious*), in the early 1960s, we can also recall several thinkers who attended the seminar on Marx’s *Das Kapital* (1958-1959), such as José Arthur Giannotti, Fernando Novais, Paul Singer, Octavio Ianni, Ruth and Fernando Henrique Cardoso, Bento Prado Jr., Francisco Weffort, Michael Löwy, Roberto Schwarz, Leandro Konder and Sérgio Paulo Rouanet, at a time when Brazilian philosophy was dominated by French structuralism. It was above all through liberationist theologians, philosophers, and thinkers that critical theory became effectively known and diffused in our political culture, having contributed decisively to the critical analyses of military

authoritarianism (1964-1985) and of our gradual transition to democracy. Others like Luiz Bresser Pereira, Renato Janine Ribeiro, Zeljko Loparic, Hans-Georg Flickinger, João Carlos Brum Torres, Nelson Boeira, and Barbara Freitag, offered decisive insights into criticizing and assessing the Brazilian receptions of Marx and neo-Marxist research programs, including critical theory and structuralism, just as they recast some of the complex problems inherent in Brazilian identity as originally offered by the social, historical analyses of thinkers such as Gilberto Freyre, Sérgio Buarque de Holanda, Florestan Fernandes, Celso Furtado, Caio Prado Jr, and Raymundo Faoro, together with the seminal contributions by left-wing intellectuals such as Helio Jaguaribe, Alvaro Pinto and Nelson Werneck Sodré. In effect, Brazilian liberation thought interestingly recast Marx, Nietzsche, and Freud's hermeneutics of suspicion in rather agonistic, structural terms that (esp. in authors such as Alves, Freire, and Boff) reappropriate the mixed blessings of critical theory in the utopian, negative dialectics of its first-generation exponents (Benjamin, Adorno, Horkheimer, Bloch, Marcuse), without attending to the normative, sociological claims that would characterize the pragmatist turn of the second and third generations of the Frankfurt School (Habermas, Honneth). One of working hypotheses has consisted in reexamining the sociological and normative deficits that one still finds in various proposals of critical theory that can be filled in by a phenomenology of liberation that takes both critical theory and cultural studies into account, particularly the questions of gender, ethnicity, and race, well beyond the capitalist-socialist divide. What we have dubbed the phenomenological deficit of critical theory allows indeed for such a recasting of a phenomenology of liberation, precisely at the level of a weak social constructionism that mitigates and mediates some of the too-strong, objectivist claims of Marxism in liberation philosophy and some of the too-weak, subjectivist "representations" of postcolonial and cultural studies. In this sense, the future of liberation philosophy in Latin America hinges upon the very fate of social democracy, itself bound to the ups and downs of globalized capitalism in developing societies. It is our contention here that, from a critical-theoretical standpoint, Brazilian social democracy may successfully take into account both the conservative criticisms of egalitarianism, populism, and paternalism (in political thinkers such as Denis Rosenfield and João Pereira Coutinho) and the radical critique from the far-left (in Marxist philosophers like João Quartim de Moraes and Antonio Candido). Insofar as there is no ontological commitment to an essentialist universalism in globalization, liberation or world ethics, we have argued for a (quasi-transcendental) pragmatist perspectivism in semantic, phenomenological terms. we are thus committed to a weak social

constructionism that reflects a phenomenological-pragmatic perspectivism (REHG and BOHMAN, 2001), as a Brazilian self-understanding of race and multiculturalism aims at both deconstructing racial democracy myths (which is in itself a deconstruction of scientific, historical conceptions of race) and liberating accounts (such as Eurocentric grand narratives of liberation, including colonialism, capitalism, liberalism, and socialism), without being reduced to any anarchist, libertarian, communitarian or nihilistic view.

More recently, we think about the original contributions of Marcos Nobre, Jessé Souza, Marcelo Neves, Leonardo Avritzer and Alessandro Pinzani on the democratization of Brazilian political culture, where we can also situate the recent work of Vladimir Safatle, as representatives of what might be regarded as the latest generation of a Brazilian critical theory of society, in spite of their theoretical dissidence and internal disagreements with some Frankfurters. Marxism has never succeeded in Brazilian circles as a comprehensive doctrine but has actually been appropriated as an economic tool to justify opposing the social exclusion brought about by the elites, conveniently allied with oligarchical thugs and military rulers. Marxism remains, within a Brazilian critical theory of society, an appropriate tool for social-theoretical analysis, both of systemic structures, such as political-administrative, economic, and social institutions and of lifeworldly, social practices and shared beliefs and values (religious, personal, associational, and societal), as attested by many liberationist studies on popular religion and sociology of religion (ANDREWS, 1991). Brazilian democracy is very much still in the making and has been emerging in this complex context of normative conjugation of globalization and liberal democratization, and since the beginning of this century, the public debate reflects normativity issues that were also articulated in other socioeconomic and cultural contexts of the second half of last century.

6. Finally, we set out to revisit the normative reconstructive program in our Brazilian critical theory of society by conjugating an immanent critique with a justificatory, moral grammar as they have been respectively proposed and elaborated by Seyla Benhabib (1986, 2002) and Rainer Forst (2002, 2011) in their cultural-pragmatic turn. Just as modern epistemology has systematically dealt with the epistemic justification of true beliefs and propositions aimed at knowledge, contemporary social and political philosophy has sought to establish normative criteria for the public justification of power, regimes of government, or the best forms of constitutional policy. In liberal, contractualist models, members of a society must consent to and endorse the normative arrangements that legitimize power and its forms of institutional coercion.

Thus, Rawls was able to formulate his political constructivism through an idea of public reason capable of justifying and providing reasons for citizens to publicly endorse the decision-making and deliberative processes that procedurally legitimize the social, economic, and political institutions of a constitutional democracy that seeks to become more and more a just, egalitarian society. Contrary to the constructivist normativism inherent in an ideal theory and its hypothetical original position, Habermas could, in turn, start from the factual existence of Law within society as a medium and as a positive principle of coercion to seek a normative-discursive justification, thus avoiding the systemic functionalism of sociological models and discursively reconstructing the procedure of legitimization and universalizable norms so that they are effectively acceptable to all citizens. As early as 1994, Forst tried to combine Rawls's constructivist proceduralism with Habermas's critique of liberal individualism, arguing that the principle of justification must respond to concrete normative claims which seek to have their validity publicly recognized, by emphasizing the pluralism of differentiated contexts of justification and by identifying the conditions capable of rescuing such validity claims. In this sense, we have also sought to investigate in what sense Forst's justificatory-reconstructive theory succeeds in meeting, on the one hand, a critique of proceduralism and its normative deficits (notably, in Honnethian terms, the persistence of reifying pathologies in the democratic social ethos, the systemic colonization of the lifeworld and non-recognition in reified relationships, such as disrespect for the otherness of the other, sexism, racism, homophobia, etc.), while at the same time recovering the recursive thrust inherent in the Rawlsian method of reflective equilibrium and in Habermasian normative-reconstructive program (BAYNES, 1992). Hence, we believe that Forst has successfully shown the limitations of both models and a reasonable way out of the liberal-communitarian *dialogues de sourds* by bringing in the normative contexts of justice for self-understanding and public justification:

The analysis of the debate between supposedly "context-forgetful" liberal-deontological theories and "context-obsessed" communitarian theories thus leads to a differentiation of four normative contexts in which persons are "situated" as members of various communities; that is to say, they are intersubjectively recognized and are authors and addressees of validity claims in various communities; communities of ethical, constitutive bonds and obligations; a legal community that protects this "ethical identity" of a person as a free and equal legal person; a political community in which persons are the authors of law and mutually responsible citizens; finally, the moral community of all human beings as moral persons with the right to moral respect. A theory of justice is at the same time context-bound and context-transcending insofar as it takes these normative dimensions into consideration, without absolutizing any particular one. According to this theory, the society that unites these contexts in the appropriate manner can be called just (FORST, 2002, 5).

The development of the different stages in our own research program in normativity and critical theory led us to realize that the fact of reasonable pluralism in our young democratic culture unveiled the conditions of the possibility of what Rawls (1996, xix) called “a reasonable public basis of justification on fundamental political questions”, but such conditions couldn’t be met in the limited experience of an illiberal, constitutional democracy, still dominated by the particular interests of the elites and their oligarchical structures, pervading both economic and political, legal power. According to Forst, the right to justification is fundamental, as a natural right, insofar as it assumes a substantive form in a given context of justice and needs to be institutionalized (FORST, 2011). In his own words,

Every moral person has a basic right to justification, a right to count equally in reflections regarding whether reasons for action are justifiable. This is what, in my view, the Kantian idea of the dignity of a person as an “end in itself,” as a justificatory being, implies. A moral person can demand to be respected as an autonomous author and addressee of moral claims; she has the freedom to say “no” to claims made by others that violate the criteria of reciprocity and generality (FORST, 2011, 130).

Therefore, the right to justification is revealed as the very basis for the justification of human rights, as well as for any attempts to publicly justify the basic structure of democratic societies which have not emerged out of liberal traditions but have struggled for the reciprocal, general recognition of their basic rights. According to Forst’s normative-reconstructive argumentation, a moral constructivism of the basic legal, political and social structure of justice is ultimately correlated with a political constructivism of democratic legitimation of juridical, political and social relations among citizens. For Forst, indeed, power is a crucial phenomenon for the genesis of normativity in the complex and conflicting interpersonal relations, just as a procedure of intersubjective justification is necessary for such normativity to be engendered in the bosom of human experience. Forst has resorted to a Wittgensteinian-inspired approach to the moral grammar of human sociality when he evokes “two pictures of justice” to allude to the Ancient principle of the *sum cuique* (“to each his own”), which concentrates on what individuals are due in terms of a just distribution of goods, rendering subjects into passive recipients of justice, as opposed to another picture “geared to intersubjective relations and structures, not to subjective or putatively objective states of the provision of goods or of well-being” (FORST, 2013, 20). By resorting to a Foucaultian-inspired, noumenal conception of power, Forst succeeds thus in overcoming the shortcomings raised by the false dilemmas opposing recognition to distributive justice, and postcolonial identity politics to a

cryptonormative idea of progress, just as Brazilian critical theory has been hoping for, avoiding both alienating social forms of life (JAEGGI, 2015) and self-identity predicaments of indetermination vis à vis negativity (SAFATLE, 2016).

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