

Constitutionalism and Citizenship: The Trajectory of Redemocratization of Brazilian Society

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Abstract

This article analyzes the trajectory of Brazilian society in search of democracy, without the intention of an in-depth chronological cut. Only referenced in the time period beginning with the Proclamation of the Republic, going through two dictatorial periods until the emergence of the “New Republic” and the convening of the National Constituent Assembly, with the promulgation of the Brazilian Constitution, constituting an arduous trajectory of redemocratization until the arrival of the “Very New Republic”. The end of the first republican period that came to power through the political-military movement of 1930, caused a political upheaval and the protagonists of that period had difficulty in maintaining the cohesion of the movement, in view of the oligarchic dissidences. After, came the “Second Republic”, characterizing the “Vargas Age”, with the triumph of the revolution, then, the turbulent period of the military coup of 1964, until the political opening conciliatory of Tancredo Neves.

Keywords

Constitucionalism, Citizenship, Redemocratization, New Republic, Brazilian Society

1. Introduction

The trajectory of redemocratization of Brazilian society followed a long and arduous path delimited in this research between the Proclamation of the Republic, on November 15, 1889, overcoming two dictatorial periods and emerging with the advent of the “New Republic”, culminating with the convening of the National Constituent Assembly and the promulgation of the Constitution of the

Federative Republic of Brazil, on October 5, 1988.

Initially, it should be noted that the intention of this research is not to analyze an extensive period of Brazilian history. Nor does it have the ambition to make deep temporal cuts. On the contrary, the objective is to analyze the arduous “crossing” faced by Brazilian society towards democracy. The analysis technique used seeks the result of exposing generalizing details in contrast to very specific ones, meticulously encrusted in historical precepts, through an alternating and coherent timeline with the political phenomena of overcoming this “crossing”. There is no need to seek sophisticated legal reasoning in this research, because that is not the objective. But the sedimentation of the philosophical argument contained in the theme of constitutional law.

In this context, the scientific parameters of this article are clearly highlighted, critically analyzing the slow process of change that occurred in Brazil, in which the colonial statute was replaced by a modern capitalist model. The authoritarian bourgeois order, in 1930 and in the following years, outlined the particularism of the state formation, creating a distance between the idea of nation and capitalism, using a corate formula, in which it built the “statized nation” with the universalization of ideas and the imposition of “regulated citizenship”.

Unfortunately, the corporate order brought social legislation that did nothing to achieve the full exercise of citizenship. In contrast, there was a setback regarding the conquests of the subaltern classes arising from empiricism in their organizations, which occurred during the “First Republic” (1889-1930).

With the end of the first republican period that was installed in power through the political-military movement of 1930, the historical protagonists of that period had enormous difficulty in maintaining the cohesion of the movement, in view of the oligarchic dissidences.

Soon after, came the “Second Republic”, characterizing the “Vargas Age”, with the triumph of the revolution. There was also the turbulent period of the 1964 military coup, until the political opening that began to be made possible with the emergence of the conciliatory leadership of Tancredo Neves.

The so-called “New Republic” emerged as a state force of transition between the old regime and what scientists and scholars decided to call the “Very New Republic”, this phenomenon being yet another element of cohesion in this process of modernization and democratization of society Brazilian.

In fact, it came to correct a terrible distortion and distance that existed between the aforementioned civil society and the idea of a nation. An absurd asymmetry was between the person, his representativeness and the national spirit, in this harrowing search for a Brazilian citizen identity.

In these introductory notes, it is perceived in advance from the first initial reasoning that democratization depends on strong, determined, modern political parties that have an electoral base legitimately founded on citizenship and on the principle of human dignity.

It is also observed that political and social subjects needed support and recognition in the formation of leaderships, definitively removing authoritarian indi-

viduals and institutions, as was noted during the period of the Estado Novo (1937-1945).

Although under civilian leadership, the country experienced the “Vargas dictatorship”, in which various individual and collective rights and guarantees were suspended and citizens could not exercise their full citizenship.

Even darker were the “years of lead” with the military coup (1964-1985) and the rise to power of the illegitimate government that lasted for more than two decades until the arrival of redemocratization in Brazil, resulting from the political opening for the devolution of power to a civilian government, with the reconstruction of the democratic institutions that were shattered during the military regime.

Freedom of the press, free expression of thought and the restructuring of democratic institutions and political parties were major social achievements achieved, overcoming decades of prior censorship, political persecution, with the dramatic result of hundreds of deaths and disappearances.

The new Magna Carta of 1988 also established the right to private property, fulfilling its social function. Indigenous peoples and quilombola peoples won the right to demarcate the lands they originally inhabited, in addition to establishing guidelines for the use of mineral resources in the country’s subsoil and for structuring and operating state-owned companies.

Another important regulatory framework for the evolution of Brazilian society was the formulation of universal access to health, education and public security for all Brazilian citizens, including the various goals and programmatic norms that are prescribed in the Federal Constitution of 1988, binding the infraconstitutional legislator to its regulation and commitment to the future implementation of these aforementioned fundamental rights. This is the script that will be analyzed and developed in this research.

2. Redemocratization Trajectory of Brazilian Society

The careful analysis of the vast path traced and trodden by Brazilian society, taking into account all social segments and political forces, constituted an arduous and slow trajectory for social evolution.

In this context, the beginning of the republican period is configured only as a historical reference and the great facts registered will have a complementary expository treatment here, without having to follow a rigid temporal chronological march. On the other hand, all matters with a cumulative connection in the history of Brazilian society will be analyzed together.

The objective is a cyclic approach technique with many comings and goings in Brazilian historical chronology, in order to systematize the concepts that underlie this research: citizenship and democracy.

A time of many uncertainties, declared threats and renewed hopes with the possibility of a political opening towards democracy. In this aforementioned scenario of agitation and social anguish, Luiz Werneck Vianna presents his im-

portant work using a strong term as the title: *Travessia*, to signify a long period of redemocratization of Brazilian society. In his lessons, he states that “the meaning of the recent Brazilian political experience” (Werneck Vianna, 1986: p. 12), was truly born and consolidated with the 1974 elections, on the verge of installing the National Constituent Assembly, in which the MDB (Brazilian Democratic Movement), won the political election in most of the Brazilian capitals, constituting itself as an opposition party to the governmental political forces that at that time was the ARENA (National Renewal Alliance).

From then on, a new political “design” was reconstructed in Brazil, through a broad renewal of parliamentary mandates and composition of party seats in the bicameral legislative house of the Brazilian National Congress. In this long and slow transition, a feeling of change and transformation was consolidated in the political actors responsible for this radical transformation of Brazilian society. It was noticed that, gradually, a broad front was formed against the totalitarian military regime installed in state power.

A phenomenon of great relevance observed was the sedimentation of viable political conditions, although not entirely adequate, for the speeches in open space to the action of the masses, mainly of the labor movement of São Paulo and of the other popular segments in Brazil. A profound renewal could be seen in the political frameworks that took place, bringing to the fore the importance of democratic institutions (parliament, political parties, the judiciary, etc.).

In this context, the emergence of the Brazilian “modern left” was observed, which again emerged to seek support in the democratic movement as a strong strategy based on the Brazilian labor and socialist movement. There was a huge absence in the doctrinal field and also in the political field that quickly welcomed and favored the deepening of the intervention of Marxist followers and sympathizers in that mentioned political structure.

In this way, the great importance was observed in the construction of the democratic base through the action of the social segments of the left, bringing the hope of seeing them represented in the Constituent Assembly as legitimate “social and political forces” that fought for changes capable of breaking with the long-standing Brazilian authoritarian tradition.

Werneck Vianna goes on to teach that the monopoly of the oligarchic discourse on “modernity” had the clear intention of redefining state intervention in the Brazilian economy, stating that:

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“In the early republican years, the oligarchy held a monopoly on the discourse of the modern, with its Charter of 1891, federalist and American-style liberal radicalism, in its redefinition of the urban and in its way of operating State intervention in the economy—1906 Taubaté Agreement, tariff policy to protect industry, industrial exhibitions, etc. Positivism, in its original context a conservative ideology, metamorphosed into a progressive one, encouraging the intellectual elites to break with colonial society and its agrarian lassitude to in order to include the country, as wanted by Rio Branco, in the current of the ‘civilizing process’. The meaning of the modern, however, in the order of the 1st Republic does not have the vocation of generalization. Its other nature consists in exclusion. Not that the modern is presented as a deceptive facade barely covering up the society of the colonial tenements, but because it was only capable of directing the past. The world that opens up in front of him, the result of his own transforming action, seems foreign and hostile to his new characters, such as the industrial entrepreneur, nouveau riche and son of immigrants, the radicalized military officer who comes from the families of an impoverished middle class, and a

working class that lives in the ghettos of working villages and is averse and rebellious to oligarchic institutions that do not grant them rights". (Werneck Vianna, 1986: pp. 14-15)

On that occasion, thought was given to the possibility of adjusting political institutions to the modernity of Brazilian capitalism that emerged from the colonial period of slavery, being an economic system that aims at profit and the accumulation of wealth and is based on private ownership of the means of production which can be machines, land or industrial installations, with the function of generating income through work. In this way, canceling the authoritarian mark and promoting a more efficient and fair relationship between the State and Society, it became the most appropriate guideline to be quickly achieved.

The universalization of citizenship and the promotion and incorporation of "subaltern classes" as effective and free contractors of the legitimate order (which needs to be open to a process of continuous and progressive political and social demonstration). It was noted that the class structure began to be born almost literally in the midst of an environment of industrialization and formation of Brazilian capitalism.

There were no doubts as to the appropriate moment with the installation of the National Constituent Assembly to glimpse the impasses and the possibilities of broad discussions and in-depth debates on the great national questions and the optimistic dreams of searching for radical changes in the economy and in politics, in order to rebuild a fairer and more democratic country.

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3. The Citizenship and Modernity Policy

The guidelines to prepare for the reception of modernity in Brazilian politics

moved civil engineering with the reurbanization of the center of the most important Brazilian city and capital of the republic – Rio de Janeiro – a place of intense flow of goods on the port wharf that actively moved the commerce and the banking system.

Nicolau Sevcenko mentions in his work that the Portuguese colonizers were building cities during Brazilian colonization in confrontation with nature and harmonization with civil construction methods, “transgressing technical criteria and did not have a minimum adequate geometric layout” (Sevcenko, 1983: p. 58).

But then came the urban reform led by the engineer Pereira Passos, who demolished old and inadequate constructions, planning and widening streets and avenues to later receive and expand the federal capital with the arrival of modern civilization, transforming the aforementioned Brazilian business center in the style of the public roads of the French “*Belle Époque*”, which was the period between the Franco-Prussian War and the 1st World War and was characterized by euphoria with western techno-scientific progress. In Brazil, the aforementioned “*Belle Époque*” basically took place in Rio de Janeiro, at the time the capital of the country, which was undergoing intense urban, cultural and social changes, already at the end of the 19th century, having its inspiration in the aforementioned French movement based on the Impressionism and “*Art Nouveau*”.

There was a need to give vent to the flow of goods in the port, in the adjacent streets and squares, removing narrow alleys and other obstacles that prevented the good progress of port work, in addition to expelling from the nerve center a well-known “multitudinous rabble” that was an undisciplined presence and uncomfortable, deleterious that they practiced misdemeanors and crimes, in addition to the inopportune and exaggerated begging that hindered the control of the bourgeois order.

He goes on with his lessons (Werneck Vianna, 1986: p. 16), stating that the oligarchic republic sought inspiration in the classic social and economic modes of Brazilian latifundia embedded in the interior of the country with the intention of creating and expanding the aforementioned federal capital with the brilliance ecstatic experience of the new geometry to transform it into the gateway and the urban protagonist of modernity on Brazilian soil, valuing the promising port activity and the movement of financial resources with the negotiation of various agricultural products and also minerals, based on the productive harvests of coffee, as expressed:

“The oligarchic republic combines the backward social and economic forms of the lost landholdings in the interior of the country with the brightness and the new geometry of its federal capital – its ‘calling card’ – with its effervescent port and banking activity that drained and moved the products of its modern coffee plantations. Not that backwardness masquerades as modern, and still less that the modern denies backwardness. A composition

of opposites that mutually support each other, modernity begins its path without breaking with the past, and this will be, in our republican history, its original mark from which it has not yet been detached, always reiterating and renewing a coalition between classes and elites dominant forms of new social roles with the traditional ones". (Werneck Vianna, 1986: pp. 17-18)

From 1920 onwards, the idea of modernization was linked to the nature of universalization, at a time when efforts were being made to substantiate what would become the Brazilian class structures (industrial and capitalist), demanding a concentrated effort to anticipate the building of citizenship Brazilian in modernity.

However, when one preliminarily analyzes the citizenship policy in the democratic transition, it is noticed that society rejected the aforementioned conception of modernity imposed by the oligarchic order.

In the year 1930, modernity came through the ideology imposed by the elites of the new bourgeois State, replacing the previous authoritarian State, creating conditions for the installation of the industrial bourgeoisie that took advantage of the emerging social moment. With the structuring of unions, modernity was expressed only by state decisions that somehow allowed the expansion of citizenship. There was the universalization of the order system that expanded through the conquered labor rights.

Subsequently, several scholars and intellectuals began to form a team, occupying leadership positions and forming a decision-making elite in order to transform a diverse contingent of proletarians into "soldiers of work" who were recognized as true armies rigidly trained to assume this new identity. symbol of modernity. All this, following the guidelines issued by the Ministry of Labor.

In this way, the bourgeois State expands to the point of constituting itself as an "Extended State", according to the very concept of Gramscian ideology, resulting in the hegemony of the "modernity" approach that was disseminated by all state agencies that dealt with the organization of society. Civil society with similar and harmonic criteria.

Even in diversified activities such as industrialism and unionism, urbanism and the environment, architecture and civil construction, education and sports, music, arts and dogmatic sciences, including in the most elite and traditionalist professions such as medicine and law, interventions were observed direct.

Following a well-founded ideology that the State is more modern than society itself, being the reason and conscience of all civil activities, the State calls itself the "New State", trying to prevent the breakdown that would result from simple conflicts and collaborating to the cohesion and consolidation of the national will.

The perfect and harmonious architectural lines built in the construction of the new capital of the country in the heart of the central plateau, bring the idea of modernity linking the sumptuous set of buildings in Brasília to capitalism and the search for a still non-existent Brazilian identity that tries to assert itself in a projection futuristic, trying to supplant the image of underdevelopment reflected

in the exercise of citizenship, demanding an urgent transposition to modern society.

Political interpretations and impetus for social mobilization are not allowed and accepted through mindless social movements. Only political parties have the ability to interpret the political aspirations of the people. As long as this hermeneutics results in the adoption of a conception of the world oriented towards the universalization of the state political project itself.

The phenomenon of democratic transition was expressly marked as a revolutionary political process, but which truly represented only a set of transition acts between an authoritarian regime that lasted for decades to a democratic stage arising from the deconstruction of various institutional structures rigidly controlled by the military government, inherited from the old colonial classical society.

The search for economic objectives linked to a new system to be implemented by restructuring the economic and social formations of “hyper late capitalism” seems to resemble the new structures of modernization implemented by the mentioned revolutionary political process, although the precariousness of the execution of such goals in the pursuit of economic objectives tread dangerously along the borderline of conflict between political actors and supporters in this process of democratic transition.

The chronological framework of the relevant historical facts of Brazilian society has established that the bourgeois revolution here in “terra brasiliis” ended with the political-military movement of 1930. However, this statement seems to be inconsistent, considering that speaking of bourgeois revolution, in this country that was discovered and colonized under the bourgeois ideology, this discussion becomes minimally empty.

In this historical aspect, there is only one certainty: the social segment of the Brazilian industrial bourgeoisie did not participate in any act of the 1930 Revolution. Therefore, the idea of a democratic rupture with the previous regime is vehemently rejected.

It was just an agreed transition that can be explained by the “Theory of the Compromise State”, in order to legitimize the agro-export model, consolidating the power of the rural oligarchies, keeping the bourgeois form duly protected.

This mentioned theory was adopted by several scholars, among the most illustrious, is Robert Rawland who lectured on the emergence of the Brazilian bourgeoisie since colonial times, teaching on the classification of the Theory of the Compromise State: “it is a current of ideology that underlies the detachment of the political form of the theme in the imposition of the capitalist mode of production in the economic-social formation, denying corporate institutionalization a function in terms of modernization, leaving a void of hegemony”. (Rawland, 1974: p. 62)

Florestan Fernandes is another powerful voice teaching that the rural bourgeoisie imposed its guidelines and dominated capitalist modernization, having been a long process that began with the independence of Brazil (September 7,

1822) or even being more controversial and deep its roots were planted in the abolition of slavery (May 13, 1888) initiating this whole process of intervention and growth in the industrial area (Fernandes, 1975: p. 38).

The aforementioned author continues by stating that the continuity of the bourgeois revolution distances itself from the classical paradigm and this contradiction can be clearly observed in this Brazilian historical moment, pointing out that:

“A country that was barely emerging from the colonial statute, and that could not put an end to the social order inherited from the colonial system, engendered not only a very ‘modern’ national State but, above all, virtually capable of the subsequent ‘modernization’ of its economic, social functions. and cultural. It was thanks to this consequence that liberalism ‘grew’ with the political institutions it helped to shape and that, in particular, liberal principles gained, over time, greater consistency and effectiveness, as well as purer, more convinced and bold lawyers. [...] liberalism was the living cultural force of the Brazilian national revolution”. (Fernandes, 1975: p. 38)

It concludes by stating that there is a link between modernization and the new structuring of political formations that are based on Weberian logic, in order to analyze the influence of religions on the emergence of Brazilian capitalism, in view of its socioeconomic nature.

It is important to emphasize that the mentioned bourgeois revolution in Brazil cannot be considered as a historical landmark of great importance, since it must be qualified only as a “structural phenomenon”. In this context, Brazilian liberalism emerged as a political opposition to agrarian conservatism, as an instrument of state action that has been established since 1831 and had a strong emphasis between 1945-1964, including going through intense potentiation and strengthening in 1978.

Antonio Gramsci brings important discussions when he states that some situations marked by conjunctural discontinuity, although possessing an organic cohesion, have the power to explain phenomena of this order, as is the case of the French Revolution, which occurred between 1789 and 1871, in that period after all the traumas of violent changes with institutional ruptures of the constitutional order.

Thus, the aforementioned author continues teaching that:

“Not only does the new class that fights for power defeat the representatives of the old society that do not want to confess that it has been definitively overcome, but it also defeats the brand new groups that believe that the new structure that emerged from the transformation initiated in 1789 has already been overcome. vitality both in relation to the old and in relation to the brand new. [...] The State is conceived as an organism proper to a group, destined to create favorable conditions for the maximum expansion of that group. But this development and expansion are conceived and presented as the driving force of a universal expansion, of a development of all

“national” energies. The dominant group coordinates itself, and state life is conceived as a continuous formation and overcoming of unstable balances (within the scope of the law) between the interests of the fundamental group and the interests of subordinate groups”. (Gramsci, 1968: p. 49)

The intention at this point of the research is just to punctuate Gramsci’s central thought about the conjunctural discontinuity of a society and where the breaking point will take place. On the contrary, it is not intended to deepen the analysis on the theoretical bases of the mentioned author.

It was also observed that all ideological potential that emerged since 1889 ended up dissolving with the collapse and defeat of the “Paris Commune”, which was a popular insurrection considered one of the most important in the history of mankind, in the 19th century, which took place in March 18, 1871, in the French capital, in which the plebs organized themselves politically to protest against the social crisis experienced by the people who were starving and many dying in absolute misery.

It is the full realization of the bourgeois order that stabilized itself as a hegemonic political form with total domination of the economic and social production modes. With the end of the first republican period that was installed in power through the political-military movement of 1930, the historical protagonists of that period had enormous difficulty in maintaining the cohesion of the movement, in view of oligarchic dissent, the disastrous crisis in agricultural exports, tenentism, the formation of the communist party, in addition to other factors that irremediably led the State to interfere in the economy and control the subordinate classes, moving towards the authoritarian imposition of modernization by the hands of the coffee oligarchy, bequeathing to the State a privileged performance.

Society and production units were exposed due to the distance between the constitution of capitalism and the aspirations of the nation, generating a certain type of political and ideological absenteeism is a usual pattern of absences in the process (frequent failures with identical or similar origin), whether due to lack of motivation or another intervening reason.

Those were difficult times, with many uncertainties and one does not visualize a proper identity in the idea of a nation. One perceives the creation controlled by the State of the patriotic spirit, that is, it is an imposition of the State.

The authoritarian bourgeois order, in 1930 and in the following years, outlined the particularism of the state formation, creating a distance between the idea of nation and capitalism, using a corporate formula, in which it built the “statized nation” with the universalization of ideas and the imposition of “regulated citizenship”. An interactive collaboration between the working classes was imposed in pursuit of the greater objective that was national development. (Fernandes, 1975: p. 28)

Unfortunately, the corporate order brought social legislation that did nothing to achieve the full exercise of citizenship. In contrast, there was a setback re-

garding the conquests of the subaltern classes arising from empiricism in their organizations, which occurred during the First Republic (1889-1930) which was also known as the “Republic of Oligarchies” had its beginning on November 15, 1889, with the end of the 2nd Empire (Dom Pedro II) and the Proclamation of the Republic, extending until the Revolution of 1930, which deposed the 13th effective president of the “Old Republic” (Washington Luís).

The particularism of the Brazilian republican State, exercising its power of coercion without concern for the search for consensus between the nation and the capitalist policy that isolated itself and imposed complex guidelines for the mode of production, demonstrating complete precariousness in its political format. In this way, the system’s lack of stability did not allow for the adequate closure of the productive cycle of the alleged bourgeois revolution. The need to re-define relations between the State and social segments was clearly expressed, creating a new political format.

At that mentioned time, the growing evolution of the actions of trade union movements allied to the democratic parties, worked as a counterpoint in the aforementioned scenario of “divorce of the nation” with the projects of implantation of capitalism, generating reflexes until the present day, in view of the lack of completion of this cycle of bourgeois revolution.

Although claiming its effective recognition as a powerful class. In the meantime, government regulatory agencies bordered on the verge of complete obsolescence to serve the interests of the bourgeoisie with capitalist expansion, being transformed into mere apathetic bodies, with no power of guidance or supervision, consolidating themselves as simple bodies of a power project of the elites policies. Therefore, this historical fact can be defined as a true democratic rupture.

4. Intellectuals and Modernization Policy

Starting this discussion about intellectuals and authoritarian bourgeois modernization, in addition to discussing the problems of politics and its forms of organization, it becomes necessary to address the theoretical problem faced by Lenin or Lenin, the famous pseudonym of Vladimir Ilyich Ulianov, who was a Russian politician and theorist and developed a communist revolutionary doctrine, serving as head of the Soviet government from 1917 to 1924, theorized about the lack of hegemony in political debates that involved the whole society, including the full inclusion of intellectuals in this essential debate, as taught:

“One of the fundamental defects of our movement, both from a political and organizational point of view, is that we do not know how to employ all these forces and assign them adequate work. The immense majority of these forces are completely unable to ‘go to the workers’; therefore, the problem of the danger of diverting forces from our essential work does not arise. And, in order to provide the workers with real, living political knowledge that embraces all aspects, it is necessary that we have ‘new men’, social

democrats, everywhere, in all social strata, in all positions that make it possible to know the internal springs of our state mechanism. And we need these men, not only for propaganda and agitation, but also, and above all, for organization". (Lenin, 1977: p. 141)

Again, it is emphasized that the reference to Lenin's doctrine aims to position this research in relation to authoritarian bourgeois modernization solely as a point of contrast for the critical reasoning of this research, in view of the long journey of Brazilian society towards democracy. It is not intended to bring in-depth doctrinal support from this author.

However, the importance of articulation between the State and civil society is clearly demonstrated, using techniques and doctrines for the construction of their political domains and the correct exercise of political-cultural roles, in which state forces are always approaching sympathetic intellectuals of ideology, in the case in question, the search for bourgeois hegemony to conciliate the means of production and civil society.

In the Brazilian case, the creation of the Public Service Administrative Department—DASP, which was created in by Decree-Law n° 576, of July 30, 1938, as a federal government control body by Getúlio Vargas, in order to enable a wide reform in the Brazilian public administration, provided for in the Federal Constitution of 1937, where ideologies such as "Taylorism", performance evaluation, industrialism, among other administrative techniques for managing state policies, were the cradle of several intellectuals who incorporated to the governmental apparatus, resulting in the construction of bases for the control of social relations in the expansion of industrialization and the development of capitalism in the country.

At that time, the state inspection performance in cultural areas was still very embryonic, with little intervention in areas such as music, theater, cinema, scientific production, among others, which were vast fields for the exploration and consolidation of capitalism.

A time when the lack of interest of intellectuals prevailed, most of them are completely available to join the insurgent ideology or oppose it. The production sectors, with the absence of technicians and qualified professionals, made it clear that intellectuals were disconnected, distancing themselves from this reality. Thus, what was predicted occurred in the sense that the academic environment was fatally manipulated to produce several generations of scientists and theorists focused on the consolidation of bourgeois ideology.

The distinguished professionals who formed class elites of important institutions such as the Brazilian Bar Association—OAB, and also of the Engineering Club—CE, dominated the circles and induced the decisions of the respective professional categories, moving them away from democratic positions.

In the chronological sequence of important historical facts, an accumulation of intellectuals emerged in the 60s who positioned themselves in favor of the government and bourgeois modernization, having as one of their main leaders

the President of the Republic Juscelino Kubitschek de Oliveira, who was the 21st President of Brazil (1956-1961). He became famous and called by his initials JK, he was a doctor and officer of the Military Police of Minas Gerais (PM-MG).

JK decided to permeate state management with several professionals, scientists and artists, in order to collaborate in this mentioned transition and consolidation of Brazilian capitalism, in addition to enabling specific actions on the economy and also on social security.

It was also concerned with structuring various cultural actions encouraging development companies (Embrafilme, etc.), as well as in the area of mass communication (Abril Cultural, Phonografic Industries, Rede Globo, etc.), all of which encourage the expansion of capitalism and bourgeois ideology.

That period was very opportune for literacy programs to flourish, such as MOBREAL—Brazilian Literacy Movement, created in 1967 by MEC (Law n° 5379/1967), means of “integrating them into their community, allowing for better living conditions”, with the aim of teaching literacy to 11 million adults in 5 years.

It was extinguished in 1985 and replaced by the Educar Project, replacing the activities of the Cultural Promotion Centers—CPCs, which had their origin in the houses of culture, inspired by the models of the 50 s in France, in which the democratization of the access to culture, through cultural equipment and popular incentive programs, in addition to those well-known and pioneering Basic Education Movements—MEBs, which was founded on March 21, 1961, directly linked to the National Conference of Bishops of Brazil, being a non-profit civil society, governed by private law. The main guideline of that historical moment was that all cultural work should be fostered and controlled by government agencies.

It is also important to discuss the performance of intellectuals, especially jurists with a strong tendency and political activity within the OAB, initiating an ideological current of conciliation seeking an explanation for the social evolution that occurred in Brazilian society in a striking contrast with advanced countries today. That went through violent revolutions or even strong institutional ruptures that had the power to leave a firm mark on the identity of the respective people (USA, France, England, etc.). But it is also necessary to properly value the slow process of change that took place in Brazil, in which the colonial statute was replaced by a modern capitalist model.

Although it appears that Brazilian society was subjected to a counter-revolutionary political reform for an adequate movement of resources and division of power, making the will of the agrarian elites viable, even so, the effort to make the national enterprise viable and to build. Although, the form of implantation of capitalism was harmful to the formatting of a Nation-State, which ended up not incorporating the subordinate classes, becoming dependent on political forms for complete social control.

Florestan Fernandes teaches that the rupture of the colonial pact consequently

led to the formation and foundation of the movement in search of independence from Brazil, characterizing what he decided to call a “hooded revolution” (Fernandes, 1975: p. 33) by the way it was developed. Consolidating until the final outbreak, giving birth to the Brazilian State under the mantle of ambiguity where the conservative elements and the old agrarian colonial structure based on slavery were strengthened, curbing economic liberalism almost completely, but organized through the “ideas that projected the National State and society as a destiny to be conquered in the future”. (Fernandes, 1975: p. 34)

Liberalism in Brazil was an elitist movement, but it was converted into the object of various democratic demands, citing as an example the abolition of slavery that followed later on to the Proclamation of the Republic and the strengthening of Brazilian federalism. However, liberalism did not conquer much space in life and private initiative, but it brought an Enlightenment ideology when it was instrumentalized as an ideal of progressivism.

Until then, the enormous political power of clan society and strongly clientelistic prevailed, in which the abusive favoritism that ran through the entire imperial period until the end of the 1st Republic prevailed, in which Brazilian society was perceived fleeing from its own past in search of civilizing democratic enlightenment.

In this historical context, important political demands were postponed, despite the old claims brought to light by the Order of Lawyers of Brazil—OAB, which the ordinary legislator had denied the class of lawyers, claiming the principle of professional freedom contained in the Constitution of 1891, despite illustrious personalities like Rui Barbosa manifesting themselves in favor of the liberal order. Although the institutional vocation of the OAB is public, protecting individual freedoms, the jurists who built it have always imagined it as a constituted power, whose rigid code of ethics would shape an austere and disciplined professional profile, in order to add the noblest values of society.

In this way, everything was politically negotiated and, on November 18, 1930, the provisional government issued Decree n°. 19,408, creating the regulation of the Brazilian Bar Association—OAB, which was regulated by Decree n° 20,784, on December 14, 1931. From then on, the State ceded control over the category of lawyers, allowing the payment of the “union tax” directly to the institution itself, which became known as the “annuity of the OAB”, compulsorily linked to the affiliation of its members.

These OAB regulations also brought benefits to the professional elites, in addition to bringing power to the Catholic Church to carry out religious marriages with civil effects and also the official teaching of religion in public schools.

The OAB entity followed a hegemonic path towards its complete financial and political autonomy, building its own and exclusive identity, definitively distinguishing itself from other labor categories.

Fábio Konder Comparato teaches about democratic solutions for Brazilian society, stating that the path to be followed should be:

“The historic passage from an elitist democracy to mass democracy, it is necessary to recognize that a transition of this order will not take place in a single stroke, due to the prestige of a savior hero or the outbreak of a revolutionary apocalypse. A profound transformation of structures, mentalities and customs is necessary, which will depend both on a strong organization of political forces and on adequate institutional regulation. [...] Regulating social transformation means rationalizing the process of change, adapting political institutions to the exercise of the modern role of the State, which is to carry out action programs. Brazilian institutions should favor the implementation of action programs, aimed at achieving national historical objectives in the sense of economic and social development, by eliminating the vicious circle of inequality”. (Comparato, 1985: p. 393)

The aforementioned author goes on to state that it is necessary to rebuild the Brazilian constitutional organization. But this does not mean executing only the guidelines and projections emanating directly from the Magna Carta.

It is necessary to outline a fair outline of the fundamental elements of the Brazilian social structure, which goes far beyond the precepts contained in the highest law and in the supraconstitutional order.

Representative democracy makes it possible to obtain success with the demands contained in goals and programmatic norms insofar as they correspond to the true aspirations of the nation, in which the function of parliamentary representatives limited to the elaboration of laws, also extend beyond the horizons of normative regulation, under the responsibility of collaborating in its application and execution.

That is why there is the golden rule of maintaining proper and balanced powers (checks and balances) between the Legislative Power, the Executive Power and the Judiciary Power, so that the constitutionality of action programs and their execution can be organized, legitimizing political decisions.

5. Worker and Popular Movement in Redemocratization

A brief approach to the labor movement and its collaboration in the redemocratization of the country is necessary in order to more accurately assess this historical moment in Brazil.

During the 1st Republic, also known as the “Old Republic”, there were countless economic transformations that directly influenced national policy and, consequently, affected the Brazilian industrialization process, although there was no clear concern with defining the basic rights of workers.

This made the labor movement mobilize in search of the most urgent demands, minimally negotiable, in view of the little space for dialogue between employers and the labor base and the absence of constituted leaders with sufficient experience for these clashes.

The aforementioned experience only emerged with the gradual presence of European immigrant workers who were bringing their strong influences from

the communist foundations of their homeland origins.

Little by little, around their speeches impregnated with anarchist ideology, they gathered the necessary conviction to form the first labor unions of Brazilian textile factories. The sum of these values and the growing participation made the first labor strikes to be rehearsed.

This phenomenon was deeply explained by Antonio Gramsci when he stated that the will of militants and popular masses is repressed when they reach triumph (Gramsci, 1968: p. 53). Therefore, the democratic debate within party activity is extremely important and must be oriented towards social transformation through effective political action.

In Brazilian politics, the left-wing party with greater political grandeur and party activity is the PCB, although it has fragmented and dispersed all its experience at that mentioned time through individuals who chose to act in small political groups or in isolation, but who have expressiveness. until today, bringing organic knowledge that intends to transform a past without great results into a future of political innovations.

On that occasion, wear and tear arose as a result of indiscriminate support for urban rebellions, exaggerated manifestations of protests for popular housing, demands for sanitation in needy communities, demonstrations against the increase in food prices, in which working class groups in small violent or peaceful demonstrations received unrestricted support from the communists.

But it was the inevitable advance of capitalism that shaped the popular classes submitted to the powerful force of the new emerging bourgeois order, using economic and social pressure under the pretext of valuing democracy.

Thus, there was a growing movement of the Brazilian working classes, which already at the beginning of the 20th century had more than 100,000 workers, with emphasis on the largest contingents in São Paulo, Rio de Janeiro and Salvador.

Although the main demand was a salary increase, the reduction of working hours and the provision of social assistance were also considered. Later, the redistribution of private property and a change in the foundations of the bourgeois state were also pleaded.

The industrial centers of the country suffered the first strikes from the year 1903, in which dockers, carpenters, weavers, miners and other more organized classes staged protests and marches demonstrating their just dissatisfaction with the system.

The government's first reaction was to enact a strict law that expelled foreigners who were involved in protest movements or who led strikes and demonstrations against employers or the government.

This new repressive action only stirred up feelings and a general strike broke out and paralyzed the city of São Paulo in 1907. Sometime later, workers in the railway system, together with workers in the textile and food industries, went on strike, demonstrating the power conquered by the labor leaderships in that mentioned period even more.

In this event, there was police repression and during the clashes, a worker was victimized, which resulted in the intensification of tempers and the workers built barricades in various parts of the city of São Paulo, close to the factories.

It is worth mentioning that, at the same time, news about the “Russian Revolution” arrived, and all this agitation stimulated the embryonic movements of workers in Brazil who, in small groups, also attempted violent attacks against factories and industries. Only in 1922 did the first movements of political organization around parties appear, in which the creation of the Brazilian Communist Party (PCB) became official, encouraging a better organizational structure for workers’ unions that would attract an even greater number of affiliates.

In this historical sequence, the first more detailed studies appear on important personalities and movements for the transformation of the Brazilian working reality, analyzing the unsatisfactory level of reflections on immigration and ideology, trade unionism and communism, anarchist movements and their relations with the PCB and their political consequences in the redemocratization of Brazilian society, raising important questions such as the worker’s adjustment to the industry, the implemented sociological matrix and the field of observation.

6. National Conciliation and the Unification Candidate

The elaboration and implementation of the “theory of backwardness of the Brazilian working class” helped to understand the political phenomenon that had as proposition the correlation between the aforementioned stagnation and political populism and, in the face of so many sociological variables, the Marxist theory presented itself as viable by treating about the conjuncture and the complex relations of labor activities with political science, proving to be a progressive force to analyze and execute the concepts of each labor category.

Scientific thought in Brazil faced several obstacles, among them the diversion of attention to the real problem of the economic ideology imposed by the mistaken way of implementing Brazilian capitalism from 1930 onwards, facing the “theory of underdevelopment” and the study of underdevelopment. formation of the modes of production implemented here and consolidated by the policy of liberalism.

In this context, the transition to democracy was an arduous task to be developed in which the PCB itself was supplanted by the emergence of hitherto inexpressive political parties (PT, PC do B, among others) and without the historical tradition of the Brazilian communist movement that influenced the working masses. It was the recognized decadence of great communist leaders and the respective ruling political group.

Admittedly, Brazilian politics was going through hazy moments. However, the ideological enlightenment of the left-wing segments contributed to the emergence of a new era in the path of democracy.

Although surrounded by a voluntarism empty of political objectivity, but adventurous in the sense of polarizing the desires of the subaltern classes that always returned to a position of passivity regarding the implantation of capitalism.

The ultra-left was relegated to political isolation. The transition followed tortuous paths and the imposing modernization of the particularist logic of the regime always characterized the ideals of the new bourgeois order.

The political opening began to be made possible with the emergence of leadership and true conciliatory work by Tancredo de Almeida Neves, who was a lawyer and served as a federal deputy, when he was appointed Prime Minister.

Later, he was elected President of the Republic, as a conciliation candidate by the Electoral College, on January 15, 1985, during the period of the military dictatorship, receiving 480 votes in opposition to Paulo Salim Maluf, with 180 votes and 26 abstentions.

The illustrious Minas Gerais politician was elected to participate in the elaboration of the new Constitution of the State of Minas Gerais. From then on, he engaged in the campaign for the election of Juscelino Kubitschek de Oliveira as governor of Minas Gerais, in 1950.

By effectively standing out in national politics, he managed to be elected president of the republic, in 1985, indirectly through the Electoral College, but he was unable to take office due to sudden health problems, dying a few days after confirmation of his victory in the respective elections.

The period from 1945 to 1964 was marked by a policy of little movement of the subaltern classes that, as a rule, were directly linked to the bourgeois classes to dictate directives and severe labor rules, in addition to the excessive connection to party movement.

In contrast, the aforementioned opening process began the transition in 1974. However, the effectiveness of political acts only began to have notable repercussions with the student protest of 1977, followed by several strikes in the industrial complex of the ABC region of São Paulo, in 1978.

From then on, demonstrations became generalized with civil servants, intellectuals and all other social movements that organized protest acts regardless of links to political parties, demonstrating broad freedom of expression and independence from any bourgeois or party factions.

In this context, the hope of building a new fair and democratic Brazilian society began to emerge with the agonizing prelude to the military government, which could no longer resist such pressure from the people's libertarian aspirations, manifested in various protest events.

It can then be seen that the political-military movement of 1964 was moving towards the last days of its truculent administration, in view of the candidacy and subsequent confirmation of the victory in the Electoral College of the opposition candidate for the Democratic Alliance, Tancredo Neves, consolidated as a result of the brilliant "Direct Elections Now" campaign that sensitized the country over twenty years.

The interview granted by Tancredo Neves to the reporter Mauro Santayana, on November 26, 1978, who works at that time in the newspaper's branch in Belo Horizonte/MG, was notorious. At that point, the aforementioned politician from São João del Rey had just been elected senator for Minas Gerais. In the in-

interview published on two pages, the aforementioned parliamentarian launched some essential points of the platform with which he would reach the Presidency of the Republic that would take place seven years later.

In a meticulous and articulate way, he presented himself in this interview as a reliable name to be the guarantor of the democratic transition, stating that he gave voice to opposition demands while at the same time that he cherished the military regime, the expression with which he would sew the agreement that buried the military dictatorship in 1985. Thus, he stated: “We have to assemble a powerful democratic alliance in order to ward off such dangers” (de São Paulo, 2020: p. 15).

The indirect election was the last negotiation of the aforementioned candidate with the bourgeois elites, bravely emerging as the candidate of national conciliation, although there was still severe resistance to the return of the government to the people and the institution of the democratic regime.

The so-called “New Republic” emerged as a state force of transition between the old regime and what scholars decided to call the “Very New Republic”, this phenomenon being yet another element of cohesion in this process of modernization and democratization of Brazilian society. In fact, it comes to correct a terrible distortion and distance that existed between the aforementioned civil society and the idea of a nation. An absurd asymmetry between citizens, their representativeness and the national spirit.

The most comprehensive example is the construction of Brasília, in search of the realization of a utopia of Latin American modernity that was constituted as the most beautiful and harmonious urban complex to host the Brazilian federal capital, in order to show the world a strong and sovereign that it intends to be, but still isn’t or hasn’t yet emerged under its extremely elegant urban forms of straight lines.

Once again it can be seen that Brazilian capitalism emerged and was implemented out of step with the idea of nation and the paths trodden by the patriotic spirit. The authoritarian elitism of the bourgeoisie still persisted, which was never concerned with a popular project in the construction of Brazilian society. Even economic liberalism was instrumentalized as a state ideology in order to adapt to patrimonialism. It is the purest “Brazilian Enlightenment authoritarianism”, generating a history of continuity and oppression of civil society, in order to perpetuate the interests of the elites.

Therefore, the New Republic is not limited to the completion of an authoritarian historical chronology, but consolidates itself as a trajectory of emancipation of subordinate classes in search of the full exercise of citizenship, in which government managers respect the Federal Constitution of 1988, guaranteeing the individual and collective rights of its citizens.

7. Conclusion

The Magna Carta of a free and sovereign people must contain goals and programmatic norms that guarantee social peace, as well as the effectiveness of in-

dividual and collective rights.

In the path of analysis of this research, it was widely discussed about Brazilian constitutionalism and the search for identity as a nation for the full exercise of citizenship, in brief reflections of the historical moments lived and the trajectory of the Brazilian people in the path of redemocratization.

The great historical challenge is the search for social equality which, as has been observed, continues to cross all of contemporary history. The evolutionary line of society does not follow a straight line drawn without interruptions or free from political obstacles. On the contrary, it is always permeated with setbacks and dramatic deviations that make the citizens of each people, each organized society, sometimes reach the brink of exhaustion and discredit in the effectiveness of democracy.

However, great leaders will always emerge to light the way, initially the search for political equality, then the necessary conquest of economic equality, with a better distribution of income and, finally, the search for recognition as a nation and world equality among peoples.

Throughout the entire journey, especially in democratic periods, there was extreme difficulty in implementing efficient economic policies that would guarantee stability to the constitutional text with the realization of social rights.

The constitutionalization of different aspects and cultural goals, generating individualization of specific programs, serving only some social segments, fixing and expanding the political power of the Brazilian agrarian bourgeoisie, had as a gradual result the creation of susceptibilities of difficult composition due to the multiculturalism of the Brazilian people.

From the Federal Constitution of 1988, Brazilian society anxiously awaited political acts that truly brought about social advances. However, the symbolism of the Brazilian constitutional text became more and more evident, in view of so many non-fulfilled subjective rights and established programs that its breadth of intentions turned into repeated failures in the social area.

Regrettably, what was observed was the consolidation of the constitutionalization of utopias, clearly stamping the tragic reality that the evolution of Brazilian constitutionalism has not yet progressed adequately to fulfill the referred goals and programmatic norms.

In conclusion, this also does not mean to say that these mentioned phases will be concatenated in a structuring way. They will most likely consolidate at different times in history, given that individual memory, as well as collective memory, is much more than the sum of historical data.

It is about the accumulation of achievements of humanity due to its gradual transformation as a society having as a universal parameter of rationality one of the most significant human characteristics: fraternity.

Obviously, everything leads us to believe that these three levels of human development will occur simultaneously, but independently from an evolutionary point of view, taking into account the different stages of human development in

each country in the world and in different regions, under the spectrum of religiosity, culture and universal knowledge.

The social evolution achieved with the significant advances in political participation has been consolidated in the full exercise of citizenship, making it clear that the true conception of democracy values and guarantees respect for social inclusion.

It is noted that the true evolution and transformation of Brazilian society will be consolidated when all institutions jointly seek the appropriate conditions for carrying out harmonically planned action programs as evaluative guidelines of national historical objectives in order to execute development projects economic and social that aim to eliminate poverty, social inequality, breaking this vicious cycle of misery, political alienation and illiteracy.

The sum of diverse virtuous actions and the cult of noble values such as the dignity of the human person, when they converge to universal love, produce the ideal environment for the full exercise of citizenship and the achievement of the maximum stage of true democracy. Then comes the final question: what kind of world do we want to live in? We must urgently choose to build an inclusive, protective, participatory, fair and fraternal society for all human beings on our planet.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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