



A DEMOCRACY WITHOUT POPULAR PARTICIPATION? – IN THE FORM OF A GUARDED CITIZENSHIP

UMA DEMOCRACIA SEM PARTICIPAÇÃO POPULAR? – À GUIA DE UMA CIDADANIA TUTELADA

¿UNA DEMOCRACIA SIN PARTICIPACIÓN POPULAR? – EN FORMA DE CIUDADANÍA PROTEGIDA



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ABSTRACT

The objective of this article is to promote debate on democracy in Brazil, drawing on the concept of citizenship introduced by Jose Murilo de Carvalho in his work "Citizenship in Brazil: The Long Road." The article analyzes the narrative of the development and evolution of the institutionalization of citizenship rights in Brazil, highlighting the socio-political and cultural context of this process and problematizing it through dialogue with other works fundamental to understanding the hypothesis that a democratic regime presupposes the strength and effectiveness of popular participation in shaping political and legal institutions and, notably, in the results of their functions. The methodology adopted in this research is, in summary, exploratory—in terms of objectives; qualitative—in terms of approach; theoretical—in terms of the nature of the research; and bibliographical and documentary—in terms of procedures.

Keywords: Citizenship. Rights. State. Statehood. Brazil.

RESUMO

O objetivo do presente artigo é promover o debate sobre a democracia no Brasil a partir da contribuição do conceito de cidadania trazido por Jose Murilo de Carvalho na obra Cidadania no Brasil. O longo caminho. Analisa-se, por conseguinte a narrativa do desenvolvimento e evolução da institucionalização dos direitos de cidadania no Brasil, destacando o contexto sócio, político e cultural desse processo, e problematizando-o, mediante interlocução com outras obras fundamentais a compreensão da hipótese, de que um regime democrático pressupõe a força e efetividade da participação popular na conformação das instituições políticas e jurídicas e notadamente no resultado de suas funções. Para essa pesquisa a metodologia adotada no presente estudo em síntese: exploratória – quanto aos objetivos; qualificativa – quanto à abordagem; teórica - quanto à natureza da pesquisa; e bibliográfica e documental, quanto aos procedimentos.

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Palavras-chave: Cidadania. Direitos. Estado. Estadania. Brasil.

RESUMEN

El objetivo de este artículo es promover el debate sobre la democracia en Brasil, a partir del concepto de ciudadanía introducido por José Murilo de Carvalho en su obra "Ciudadanía en Brasil: El Largo Camino". El artículo analiza la narrativa del desarrollo y la evolución de la institucionalización de los derechos de ciudadanía en Brasil, destacando el contexto sociopolítico y cultural de este proceso y problematizándolo a través del diálogo con otras obras fundamentales para comprender la hipótesis de que un régimen democrático presupone la fuerza y la eficacia de la participación popular en la configuración de las instituciones políticas y jurídicas y, en particular, en los resultados de sus funciones. La metodología adoptada en esta investigación es, en resumen, exploratoria (en cuanto a los objetivos); cualitativa (en cuanto al enfoque); teórica (en cuanto a la naturaleza de la investigación); y bibliográfica y documental (en cuanto a los procedimientos).

Palabras clave: Ciudadanía. Derechos. Estado. Estadidad. Brasil.



1 INTRODUCTION

The study of political thought or political institutions has as a reference, among so many themes of the Brazilian political and social scenario, the institutionalization of practices, protocols, rules, laws, norms, resolutions, etc. It was important to legitimize State institutions in order to consolidate the process of administration, formation, development and functioning of the State in Brazilian modernity. As J. J. Calmon de Passos points out:

The new phenomenon is the monopoly of the production of law by the State, initially centered on the person of the king, by strategy of the bourgeoisie, in need of getting rid of the pulverization of the feudal system, incompatible with its political and economic project."³

It was necessary to overcome, in pre-modernity, the plurality of law-producing centers, the Empire, the Church, corporations, etc. The unity of the territory, the centralized political order, a sphere of circulation of commercial surpluses within the same legislation are essential factors for understanding this process. Calmon states forcefully in the same sense that:

Later, centered on the bourgeoisie itself, which, in the face of the capitalist process of production, theorized and institutionalized the Rule of Law, which was transformed into a Democratic Rule of Law, taking on the profile of a Democratic and Social State in some countries, after the Second World War. Both the census democracy of the savage capitalism of the nineteenth century, and the social democracy of the second post-war period, were nothing more than adjustments operated by the dominant system according to the imperative of its survival. And also the dismantling of the Social State that has been taking place since the end of the 70s is nothing more than the revenge of the system, taking advantage of the historical conditions that are favorable to it in many aspects".⁴

In fact, the loss of the mobilizing force of labor and the collapse of the trade union movements in the advent of globalization and the development of technology, instrumentalized by financial capital and the inability of national states to contain it, are indisputable. It is true that in the 1980s we had a great union mobilization. Brazil, still based on the orders of the bourgeoisie, began to have large masses of workers, who fought in the debates on the constituent assembly, fought shoulder to shoulder with religious movements (the pastorals), operated on the importance of direct voting and were of crucial importance

³ - Cf. Reflections, fruits of my weariness of living or of my rebellion? In **Ensaio e Artigos**. Vol. I. Ed. Juspodium. Saviour. 2014.p. 516.

⁴ Cf, Idem, Ibidem.



for the opening of the regime of exception inaugurated in 1964. In addition, they founded the CUT and the PT (Workers' Party), with broad support from the Brazilian intelligentsia.

Nevertheless, we understand these processes in terms of dynamics greater than the character of organization and popular political resistance. It is also indisputable that the people, as a central category of understanding the studies of Brazilian political thought, had a decisive participation in the sense of the mobilizing force of the legitimation of domination or as resistance to the limit of the possibility of minimally legitimate institutionalization. Such is the history of modern peoples who promoted the creation, development, and control of the respective states of their nations. Thus, the political struggle was inherent to this historical process, often marked by the blood and glory of resistance to the pure and uncontrolled domination of authoritarian forces, as occurs in revolutions. Popular participation is an inalienable presupposition of a regime that claims to be democratic. Here we allude to the conception proposed by Adam Pzerwoski⁵:

Democracy is not really the power of the people, the transfer of sovereignty to the people, the overthrow of the Prince, but the destruction of any Prince, any Lord or Sovereign, seeing political power pragmatically as a system of negotiations and partial and unstable balances between different opposites.

This correlation of forces only allows for balanced tension in terms of society when popular participation becomes decisive in the face of political power, making its ontological tension - domination/submission, order/obedience - minimally legitimate. As for our history, as Sergio Buarque de Holanda rightly observes, our democracy apparently, even because he writes in the 1930s), was a "regrettable misunderstanding": In his words:

(...)We brought from foreign lands a complex and complete system of precepts, without knowing to what extent they adjust to the conditions of Brazilian life and without considering the changes that such conditions would impose on it.

(...)

Democracy in Brazil has always been an unfortunate misunderstanding. A rural and semi-feudal aristocracy imported it and tried to accommodate it, wherever possible, to its rights or privileges, the same as had been the object of the bourgeois struggle against aristocrats in the Old World⁶.

In fact, Fábio Konder Comparato⁷, categorically about other processes of institutionalization in Brazil, uses the expression of Sérgio Buarque de Holanda, to state that he "referred specifically to democracy, but the qualitative [regrettable misunderstanding] also

⁵ In Love uncertainty and you will be a democrat. Novos Estudos CEBRAP, n. 9/36 et seq. Jul/1994.

⁶ Cf. Raízes do Brasil. 26th Ed. Cia das Letras. 1995. p.160

⁷ Cf. (Org and Preface), FAORO, Raimundo. The Unfinished Republic. Globe. São Paulo. 2007. Pag. 9



fits like a glove to the liberalism, the republic, and the constitutionalism practiced here". All this to affirm the inverse of the historical basis of the so-called developed countries, especially those of the old continent. Or saying once again with Calmon de Passos:

(...) we are a country marked by the stigma of having been a State before we were a Nation. (...) a country in which things happened from top to bottom. The elites decided and the people submitted, or rather, the masses submitted. Political power was constituted and operated from outside (Metropolis) and from above (the landowners and sectors linked to them) to below (the slave population and the scarce class of servants of the crown). We were a country that for three centuries, if not more, had a government without having a people. And where there is a Government without a People, the exercise of political power is necessarily authoritarian, despotic, discriminatory and privileged⁸.

In this line, we understand that the work of José Murilo de Carvalho is pertinent to the understanding of citizenship, as a recognition of participatory institutionality, notably by the advent of the State and not by political struggles that marked the path of our History.

2 THE OBSTACLES TO CITIZENSHIP

Political scientist and historian José Murilo de Carvalho states that our construction of the paths towards citizenship began in the 1930s, when Getúlio Vargas, at the same time that he threw the country into dictatorship (1937) with the support of the military and curtailed the political and civil rights of the population, dedicated social rights to professional corporations. The story on this path is complex. In Carvalho's conception, the feeling of "statehood" (Carvalho, 1987) was valid, in which the State has a privileged place in the social imaginary. It is what guarantees the minimum living conditions. Therefore, it is to the State that the population must turn. Obviously, not everyone achieves the privileges guaranteed by the intervening public power with the same speed, a fact clear to businessmen who spare no means to seek tax exemptions from the State when at least investments at zero cost. Hence our culture is marked by clientelism, nepotism, state tutelage, corporatism and corruption (Nunes, 1987).

And it was through the exploitation of these phenomena: "At least three of the five presidents elected by popular vote after 1945 - Getúlio Vargas, Jânio Quadros and Fernando Collor - had messianic traits."⁹ All of them made an effort to demonstrate the possibility of a short-term solution to secular problems of Brazilian society. And this culture became clear in the 1930s, when the most spectacular change in the field of social rights took place:

⁸ Cf. Brasil, Modernidade e constituição In Ensaio e Artigos. Vol. II. Ed Juspodium. Saviour. 2016. Pag. 330

⁹ CARVALHO, José Murilo de. *Citizenship in Brazil. The long road*. Rio de Janeiro: Ed. Civilização Brasileira, 2001. p. 222.



One of the first measures of the revolutionary government was to create a Ministry of Labor, Industry and Commerce. Next came the vast labor and social security legislation, completed in 1943 with the Consolidation of Labor Laws. From this strong impulse, social legislation has not stopped expanding its reach, despite the great financial and managerial problems that still afflict its implementation today¹⁰.

As for political rights, they only appeared in 1945 with the departure of Vargas from power and the calling of elections for president. In this period there was relative freedom of organization and of the press. There were not a few parties that organized themselves outside and within the scope of the legislature, with the exception of the Communist Party, which had been impeached in 1947. Those were good times for the author, Brazilians fought for reforms, demanded changes in the agrarian structure, in education and in the country's fiscal and banking framework. Political participation, despite the constant possibilities of a coup, survived with democracy until 1964, the year in which Brazilians were again stripped of political rights.

But it is in the field of civil rights discussion that Brazil has advanced to a certain extent. In the European example, especially England (Santos, 1979; Marshall, 1965), these rights were the first to be born in Brazil, apparently they are halfway through childbirth. It is not necessary to outline all the mishaps that Brazilian society went through after 1964. Many events are still fresh in the memory. In regimes of exception there are no rights, but there are only duties that produce, at the whim of the dominant, guilty and more guilty. Carvalho does not fail to mention details of the difficult path taken by the opposition. Many were exiled, tortured or prevented from practicing their profession or organizing politically. Since then, we know that many bodies have not been counted and that others have not even been found. Our dictatorship was the "way": torture is done here, a body is hidden there, another here, one, two, three are committed suicide... Hard and dark times, but which led the author to the following question: "How to evaluate the 21 years of military government from the point of view of the construction of citizenship?" Your answer:

There were clear setbacks, there were also clear advances, from 1974 onwards, and there were ambiguous situations. Let's start with the relationship between social and political rights. At this point, the military governments repeated the tactic of the Estado Novo: they expanded social rights, while restricting political rights. The democratic period between 1945 and 1964 was characterized by the opposite: expansion of political rights and paralysis or slow advancement of social rights".¹¹

¹⁰ Cf. CARVALHO, Idem. p. 87

¹¹ Cf. CARVALHO, Idem. p. 190



The fact is that the military bet on the costs of a government of exception, in which there are no political and civil rights in favor of an economic model that in the medium term guaranteed the country and, especially, the middle class, economic dividends. The political opening, gradually guaranteed by the progressive wing of the military, brought political and civil rights back. Not without the development of tiresome negotiations and opposition movements. In the 1970s, there were already signs that the authoritarian regime then in force was moving towards democracy. Carvalho highlights the beginning of electoral propaganda for legislative positions (1974), the end of AI 5 (1978), prior censorship on radio and television, the reestablishment of *habeas corpus* for political crimes, the attenuation of the National Security Law that allowed 120 exiles to return to the country, the abolition of forced bipartisanship (1979) and the amnesty law in 1979 under the government of General João Batista de Figueiredo. One issue deserves to be mentioned, Carvalho perceives the messianic power in the governments of João Goulart, Collor and Jair Messias Bolsonaro. Critical of the latter, he states that the development of the government was not accepted or supported by all the military and that Bolsonaro did not even understand that state tutelage belongs to the State and not to the government, in which he abuses and does not give up showing, before his death, in a prophetic remark he asserted that:

The tutelary vision is that of the military corporations, especially the Army, not Bolsonaro. It can even be used against Bolsonaro, if he leads the country to a situation of serious instability. Recently, a general repeated a mantra of this vision saying that the Armed Forces serve the homeland, not governments [General Alberto Cardoso, who idealized the GSI and Abin, in the Fernando Henrique Cardoso government, stated in 2019 that the role of the Armed Forces "is to defend the homeland and guarantee the law. We are not servants of the government, we are servants of the Brazilian people"]. Now, in article 142 of the Constitution it is written that the Armed Forces are subject to the supreme authority of the President of the Republic. Contradicting this statement, the article itself goes on to say that the Armed Forces are intended "to guarantee the constitutional powers." These are two incompatible things, a legal aberration. Either they submit to the president or they guarantee the Powers. In case of a president who threatens the independence of the Powers, without there being a serious threat to the country, what will they do? The ideology of guardianship will lead them to opt for the second part. I imagine that the military who embarked on the government's leaky canoe find themselves in a dilemma: either they leave, or they risk making the Armed Forces pay the cost of the president's mistakes¹².

¹² - Valor Econômico newspaper. **Interview - José Murilo de Carvalho. By Malu Delgado. Valor econômico**, v.21, n.4994, 05/06/2020. Politics, p. A10. Available at: <https://www2.senado.leg.br/bdsf/bitstream/handle/id/573078/noticia.html?sequence=1&isAllowed=y> Accessed in December 2020.

3 ANOTHER REDEMOCRATIZATION

Our article escapes the longest delay in the events that marked the Bolsonaro government. We follow the previous reasoning by revealing that civil rights in Brazil were only recovered after 1985 with the departure of the military from the executive government, which gave way to Tancredo Neves. In the midst of civil mobilizations, the 1988 Constitution sealed the rights still pending in the country. According to the author, the Constitution of 88:

(...)innovated by creating the right of habeas data, by virtue of which any person can demand from the government access to existing information about him or her in public records, even those of a confidential nature. It also created the 'injunction mandate', by which one can appeal to the courts to demand compliance with constitutional provisions that have not yet been regulated. It also defined racism as a non-bailable and imprescriptible crime and torture as a non-bailable and non-amnesty crime. An ordinary law of 1989 defined crimes resulting from prejudice, color or race. The Constitution also ordered the State to protect the consumer, a provision that was regulated in the Consumer Protection Law of 1990.¹³

Unfortunately, the redemocratization and the constant strengthening of institutions under democratic foundations did not indicate changes in the national scenario.

There was naivety in the enthusiasm. There was a belief that the democratization of institutions would quickly bring national happiness. It was thought that the fact that we had regained the right to elect our mayors, governors and the president of the republic would be a guarantee of freedom, participation, security, development, employment, and social justice. Of freedom, he went. The expression of thought is free, political and union action is free. Participation too. The right to vote has never been so widespread¹⁴.

According to Carvalho, 15 years after the military dictatorship, problems that have long been disseminated in the media and researched in universities have not been solved in Brazil, such as illiteracy, generalized insecurity, urban violence, the issue of basic sanitation, education, health, social and economic inequality, among others. The issue becomes more serious when we remember that the 1988 Constitution, considered by the author to be the most citizen-friendly that this country has ever had, preserved privileges and gave rise to corporatism, because:

Each group sought to defend and increase its privileges. Despite the criticism of the CLT, the union centrals were divided on the union tax and union unity, two pillars of the system set up by Vargas. Both the tax and the uniqueness were maintained. Civil servants have achieved job stability. Retirees got the limit of one minimum wage in

¹³ Cf. CARVALHO. Ditto. p. 209

¹⁴ Cf. CARVALHO, Idem. p. 07

pensions, teachers got retirement five years earlier, and so on. The political practice after redemocratization has revealed the strength of the large corporations of bankers, merchants, industrialists, workers' centrals, public employees, all fighting for the preservation of privileges or in search of new favors. In the area that interests us more closely, corporatism is particularly strong in the struggle of judges and prosecutors for better salaries and against external control, and in the resistance of the military and civil police to changes in their organization¹⁵.

It is difficult to strengthen collective citizenship when a large part of the population is privileged who spare no effort to invade the political scene by electing leaders who legislate in their favor. Hence – and of course for other reasons, such as rampant corruption, unpreparedness and the repeated scandals – the discredit that our executive and legislative power enjoys. Not even the judiciary is good news. A fact that most of the judiciary does not fulfill its role. The poorest people's access to justice is small: the majority of the population cannot afford lawyers, claim promptness and bear the costs and delay of a judicial process¹⁶. From this perspective, the historian points out that of the rights that make up citizenship in Brazil, it is still the civil rights that present the greatest deficiencies in terms of knowledge, extension and guarantee.

Still as an example of a deficit in the field of civil rights, the author draws attention to the inability of the State to maintain rights such as individual security and physical integrity of citizens. In addition to the massacres, requested bullets, increase in kidnappings, organization of criminal factions and the national homicide rate, it is necessary to highlight "the inadequacy of the bodies in charge of public security to fulfill their function".¹⁷ The author reminds us that the military police, linked to the States or the Army, have always been used as small armies, intelligence agencies in times of dictatorship and controllers of the dangerous classes. This profile of institution is inadequate for maintaining the individual security of citizens:

(...)The police soldier is trained in the military spirit and with military methods. It is prepared to fight and destroy enemies and not to protect citizens. He is barracked, answers to his hierarchical superiors, does not live with the citizens he is supposed to protect, does not know them, does not see himself as a guarantor of their rights¹⁸.

The scenario is dramatic, because, as the author points out, not even in the fight against crime the military police, and in this case one can add the civil police, is competent.

¹⁵ Cf. CARVALHO. Ditto. 223

¹⁶ - This theme has been the privileged point in some researches. For a good analysis of this problem, both in Brazil and in Latin America, see SADEK, Maria Theresa (1999), GRYNSZPAN, Mario (1999), SUTIL, Jorge Corrêa (2000) and GARRO, Alejandro M. (2000).

¹⁷ Cf. CARVALHO. Ditto. P.212

¹⁸ Idem, Ibidem. p. 213



On the contrary, in many states of the federation, civil and military police have been involved in criminal activities, to the point of organizing gangs, militias and death squads. In the field of police action, the scenario is also not promising: the police are incompetent. In addition to not controlling the massacres, they have been protagonists in most of them, as was the case of the massacre in the Carandiru Detention House (São Paulo / 1992), the massacre in Vigário Geral (Rio de Janeiro / 1992) and in Candelária (Rio de Janeiro / 1996), in which seven minors were barbarously murdered by police officers while they slept. In this sense, it is understandable the statements that "the population either fears the policeman, or does not trust him".¹⁹

It is not necessary, however, to read so many lines to realize that the majority of the population can count, and very little, on the "armed wing of the State". And it is not a mistake to say that, nowadays, it can hardly count on institutions that guarantee health and education. In this sense, the proposal for reform of the State carried out by the federal government is comical²⁰. To reform what does not work, to demand the participation of those who do not have the minimum guarantee of survival, is to be thinking of a country that is not the one of reality. The proposals outlined by government agencies are, to say the least, inconsequential. There is effectively no organized civil society in the country, there is not even a culture of participation²¹. And if we don't really have the guarantee of rights, in whatever fields we need, how can we talk about citizenship? Moreover, betting on the constitution of non-state *social organizations*, independent of public action, is to sin by naivety, since it is obvious that such establishments will be managed with private preferences as principles, far from the values that permeate public interests.

In such circumstances, the configuration elaborated by José Murilo de Carvalho about the formation of our citizenship is opportune. According to the author, Brazilian citizens can

¹⁹ Idem, Ibidem. P. 214

²⁰ - In Brazil, the most important herald of State reform is the economist and former minister Luís Carlos Bresser Pereira, who entrenched in the Ministry of Federal Administration and State Reform – MARE in 1997, in the government of Fernando Henrique Cardoso, produced several texts that served to co-opt managers and leaders. An approach to this problem can be found in BRESSER PEREIRA, Luiz Carlos. *The reform of the State of the 90s: logic and control mechanisms*. Brasília, DF: MARE / Ministry of Administration and State Reform, 1997. (Notebook 1) 57 p. See also, BRESSER PEREIRA, Luís Carlos. *Reform of the State for Citizenship – The Brazilian Managerial Reform in the International Perspective*. São Paulo: Ed. 34 & ENAP (National School of Public Administration), 1998.

²¹ - Added to this observation are two problems: the first concerns the low trust that Brazilian citizens have both in their institutions and in their compatriots (Carvalho, 1999); second, there is not even an awareness among Brazilians of the rights they can enjoy. In the research carried out by CPDOC/FGV/Iser in Rio de Janeiro, Dulce Chaves Pandolf, noticed that "equality before the law, for example, a fundamental civil right, was almost not mentioned by the interviewees. Most people are unaware of their legal guarantees and, when they are affected by their civil citizenship, they do not usually resort to justice." See, Perception of rights and social participation. In CARVALHO, José Murilo de et al. element. *Citizenship, Justice and Violence*. Rio de Janeiro: Editora Fundação Getúlio Vargas (FGV), 1999. p. 55.



be divided into three different "classes": in the first, there are the "doctors", the privileged who are always above the laws and are able to defend and enforce their interests, as they have the power of money and social prestige. The historian refers to those who are "invariably white, wealthy, well-dressed, with a university education. They are businessmen, bankers, large rural and urban landowners, politicians, liberal professionals, high officials. Often, they maintain important links in business, in the government, in the Judiciary itself. These bonds allow the law to work only to their benefit. In an approximate calculation, the 8% of families that, according to the 1996 National Household Sample Survey (PNAD), received more than 20 minimum wages, could be considered 'doctors'. For them, laws either do not exist or can be bent" (Carvalho, 2001, p. 215 and 216).

In the second class are the "simple citizens" who, unlike the privileged, are under the control and benefits of the law. "They are the modest middle class, salaried workers with a formal contract, small employees, small urban and rural landowners. They can be white, brown or black, have completed elementary school and high school, in part or in full." In reality, it is a class that does not have the right notion of its rights and, even when it does, does not have the means to appeal or defray the costs of a lawsuit. It is this class that the police and the agents responsible for enforcing the laws take care of. It can be said that we are referring to those who are on the "tightrope". They cannot make mistakes: if they make mistakes and are right, they do not know or cannot appeal, and, if they are wrong, they have no excuses, it is called the van. According to the author, the majority of the population is located here, "they could be located in the 63% of families that receive between two and 20 minimum wages. For them, there are the civil and penal codes, but applied in a partial and uncertain way".²²

Finally, there is the part of the population that vegetates in the third class. These are the infamous "elements" (a nomenclature from the times of the dictatorship that is now part of the police jargon). People who live on the margins of formality and rights guaranteed by the State:

They are the large marginal population of the big cities, urban and rural workers without a formal contract, squatters, maids, odd jobs, street vendors, abandoned minors, beggars. They are almost invariably brown or black, illiterate, or with incomplete elementary education.

In reality, they do not exist in the world of formality. Population without a name and place, have their rights ignored and often disrespected by the government, the police and

²² Ditto. Ibidem. P. 216.



even other citizens. They are not wanted and therefore they are discriminated against to the point of not resorting to justice when it is their right. There remains, then, for many the clear and only option of challenging the rule of law by opting for criminality and the marginal world. For the author, the "elements" are not a minority and a good part of the Brazilian population is at this level. In the PNAD, they "would be among the 23% of families that receive up to two minimum wages. For them, only the Penal Code is valid".²³ (Carvalho, 2001, p. 216 and 217).

4 FINAL CONSIDERATIONS

In this scenario, difficult to live with others, the young Brazilian democracy, as a form of government, is always in check. The author highlights, however, positive factors: currently, both the left and the right believe in democratic values, the international scenario does not seem at all conducive to supporting dictatorships, the population seems to be excited about the possibility of participating in governmental decision-making bodies (as is the case of some PT city halls), and there are not a few non-governmental institutions that carry out activities with the State in favor of the public good. However, and here we refer to the initial words of this text, we cannot fail to mention the negative factors. According to the author, the decrease in the role of the State in areas central to the guarantee of citizens' rights is worrying. In addition, it is doubtful that the development of the culture of consumption among the population, including the most excluded, will give way to the values of citizenship. We cannot confuse the citizen with the consumer, at the risk of alienating the conscious citizen, participant in the political and social directions of his country, by the distant consumer, concerned with the immediate interests of the market and alienated from collective problems.

Finally, the emergence and maturation of corporatism within state institutions is shameful. Many bet, and here one hardly disagrees with the author, on "statehood", since it guarantees privileges and social prestige. To think of a democratic country with strong social inequalities in the field of cultural, social, economic and political capital is to think that the construction of democracy is not easy, because problems that were often intentionally hidden or masked come to light. It is no coincidence that Carvalho asserts that the cancer that is gradually eating away at the bowels of Brazilian democracy is social inequality among citizens. And, in this case, his final question: "to what extent will Brazilian democracy be able to survive with the *cancer of inequality*?" Strictly speaking, it would be asking at what moment can we expect a democracy in Brazil, in which the population lives free at an equal level and with the same opportunities as the population? The historian is skeptical and did not mince

²³ Ditto. Ibidem.p.216/7



words – in an interview with the newspaper O Globo – before his death. When answering a question, is Brazil experiencing an environment of civic desistance? - stated that:

There is a sense of failure. We cannot become a great power. As José Bonifácio said, the dream of Independence was that, due to the size and population, we were able to transform ourselves into a "great empire". But who got it? A China. Which country coming from the Portuguese or Spanish tradition was successful? This makes us start to ask: what went wrong? (Do you have answers yet?) Honestly, no. What country do we build or not build? This implies looking forward. Inequalities are scandalous, we are the seventh or eighth most unequal country in the world. The educational level has improved, but it remains very low. Unemployment is enormous. About 60 million people receive federal aid. Growing at 2%, does this country have a future? It may be my age too, but I'm very pessimistic²⁴.

In this sense and understanding current events it is difficult to think positive even in the long term, it is true that some nurture some hope, this feeling typical of Brazilian culture, but many understand the difficult and dangerous path on which democracy drags in Brazil. This pessimism is nothing new and appears in the arguments of Calmon de Passos (2006) after analyzing the social order as an objective logical structure of reality, therefore, the institutionalization of the formation of the State for a nation preexists. In general terms, it asserts that the 1988 Constitution, despite guaranteeing rights, was not able to guarantee the actual exercise of citizenship, as follows:

In the strictly formal sphere, our Constitution is unsurpassed. No other in the world is richer and more verbose in granting the individual fundamental rights. (...) With regard to the definition of procedural instruments at the service of the realization of these rights, we are, equally, prodigal. (...) Strictly speaking, therefore, we have nothing to claim, since we have already obtained everything. It is only up to us to enjoy, happily, this political-legal-institutional paradise.

Apparently, history won the case for the noble jurist. Citizenship, institutionalized from the formal Charter of the Constitution of 1988, was what the author of Citizenship Tutored defined, "because formally enunciated in a superabundant way, political power was organized in such a way as not to suffer any type of effective social control in conditions to limit, supervise or direct it".²⁵ Without losing sight of the way in which the Judiciary and the Public Prosecutor's Office have also been institutionalized, which are responsible for them, it seems to us – from the author's analysis, to make citizenship formally enunciated effective.

²⁴ - O GLOBO. **José Murilo de Carvalho**. Interview 'Brazil will not be a great country. I'm pessimistic'. By Manuel Carvalho. from Jornal Público, from Portugal, January 1, September 2022. Available at: <https://oglobo.globo.com/cultura/livros/noticia/2022/09/jose-murilo-de-carvalho-o-brasil-nao-sera-um-grande-pais-estou-pessimista.ghtml>. Accessed on 02/01/2025.

²⁵ Cf. Protected Citizenship. Ditto. p. 385



Finally, it is possible to state, according to the author²⁶, full citizenship can only be achieved by political struggle and by the commitment of the interested individuals themselves to actually be effective. Therefore, it can never be given or granted. However, institutional paternalism demobilizes. It compromises the process, weakening it and creating obstacles to the effective construction of a democracy, among us, of bases, or real democracy.

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²⁶ Idem, Ibidem.

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