

## NEITHER HAMLET NOR FAUST: THE AMOR FATI OF D. QUIXOTE IN FRANCISCO CAMPOS' ANTI-LIBERALISM¹

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**ABSTRACT:** Francisco Campos analyzes the classic *Don Quixote de la* Mancha in his essay Atualidade de D. Quixote (Contemporaneity of D. Quixote), in order to trace the spiritual crisis of modern times and the feeling of despair currently lived by men. Three hallmark figures of literature are featured in Campos' narrative: Hamlet, Faust, and D. Quixote. Hamlet and Faust represent the cowardly hesitation and the hermetic art and literature of liberal intellectuals, who are unable to communicate collective experiences to organize a social order of stability. This makes possible for Campos to state his strong criticism toward liberal institutions and ideas, in a Schmittian anti-liberal bias. It is necessary to recover the rationale of D. Quixote, who, with his amor fati (love for the common destiny), decides, as a statesman, to "transform thought into will and will into action". It is an arduous civilizing task of making the masses a cohesive people, obedient, civilized and united in a common superior order (the National State), guided by Catholic values, and willing to fight against the enemy. It is only possible to save democracy from "cataclysm" if the call for the

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final Crusade is accepted. Hence the *Contemporaneity of D. Quixote*. This article intends to carry out an interpretive effort of the essay *Contemporaneity of D. Quixote*, in order to highlight some aspects of the anti-liberal political and constitutional thought by Campos.

**KEYWORDS:** Francisco Campos; Schmittian anti-liberalism; Don Quixote.

#### **INTRODUCTION**

Modern constitutionalism is deeply influenced by liberalism. The idea of a Constitution – together with the separation of powers, of the Rule of Law *per leges* and *sub lege*, of individual rights and guarantees, of representative parliamentary democracy – comes from the liberal concern of creating limiting mechanisms to political power, so that the Leviathan does not become a frontal threat to the individual. This article's aim is to think, however, about another modern constitutional tradition: antiliberalism, whose most noteworthy thinker in the Twentieth Century was Carl Schmitt.

The constitutionalist Francisco Campos brings in a privileged way this Schmittian anti-liberal view to Brazil and institutionalizes it as Minister of Justice (1937-1942) in the Estado Novo regime of President Getúlio Vargas. It is worth noting that the jurist from Minas Gerais was one of the most influential men in Brazilian public life of the period and was responsible for adapting the country's legal framework, translating the wishes of Getúlio Vargas to the new guidelines and the new values placed on law and politics in a mass society. The watchword was the urgent necessity of overcoming liberal ideas and institutions, as they were seen as anachronic and politically irresponsible. In this line of considerations, the Federal Constitution of 1937, written by Francisco Campos, was fully adjusted to endorse the authoritarian legal-political rationale that informed both the exercise of political power as well as exceptional laws and practices.

Anti-liberalism can be conceived, based on the contributions by Rogério Dultra dos Santos, from the fundamentals used to support the political relationship of authority. While liberalism derives its legitimacy, in the 19th and 20th centuries, from the rational procedures constituting political representation, anti-liberalism sustains – as of the 1920s – another

justification for political authority, inspired by the reaction of conservative Catholic thinkers, such as De Maistre, Bonald, and Donoso Cortés, to the French Revolution. In summary, in the words of Rogério Dultra,

Anti-liberal political representation – that is, the relation between people and government - can be established both by the existence of professional corporations, by an enlightened elite or through plebiscite. In such cases, the State restricts parliament to budgetary functions and / or legislation on general principles, to be regulated by the Executive Branch. When speaking of anti-liberal constitutionalism, the distinctive element is the possibility of suspension of the right authorized by the law itself, which means that this constitutionalism legitimizes the existence of dictatorships. It is in this way that the Executive Branch can exercise its will free of legal restrictions. This constitutional engineering, operates by instruments of exception, is justified by the need for facts and uses a specific way of democratic legitimation, gathered in antiliberal thought, the plebiscitary legitimation (2007, p. 282-283, translated).

The explanation for the adoption in Europe (Germany, Italy, Portugal, Spain) and in Brazil, from the 1930s, of an anti-liberal constitutionalism can be summarized by Cândido Motta Filho – professor of Constitutional Law at USP at that time, later a Minister of the Federal Supreme Court –, which also defended the primacy of the Schmittian perspective, appropriate to legitimize the Dictatorship of Vargas. According to him, the contemporary political scenario, especially after the First World War, shares an "excessive political unrest", which requires an answer, in different countries, for common political and social problems. Therefore, there must be a "great effort to reinforce the authority of the Executive, since a strong Executive is a technical necessity of the freedom regime", that is, of a democracy:

The analysis of political facts, after the war, the examination of parliamentary activities, the growth of criticism in the press among the learned, the riots, the revolutions, the legal transformations of the administrative and political units, all these events signal the excessive political unrest in the contemporary world and the great effort to strengthen executive authority, without destroying the dogmas of freedom (Motta Filho, 1940, p. 15-16, translated).

From the above, this anti-liberal view – which stands in opposition to liberal-democratic ideas and institutions – assumes an authoritarian political-legal bias, which does not tolerate political dissent and which over-

values the authority of the State and concentrates political power in the Federal Executive, in the figure of the President of the Republic, causing relativization or suppression of individual rights and freedoms in the name of the interests and protection of the Nation-State<sup>4</sup>.

In order to contribute to the understanding of anti-liberal constitutionalism in Brazil, Francisco Campos' literary essay will be modestly analyzed. *Atualidade de D. Quixote*, translated here to *Contemporaneity of D. Quixote*, was published in 1951 by the Department of Education of the Minas Gerais state, and the analysis will be complemented – when necessary – by Campos' legal-political work, from 1940, *O estado nacional*, translated here to *The national state*. In this rare and little-known essay by the Brazilian public, Campos faces, in the discursive mold of a beautiful and profound literary text<sup>5</sup>, the challenge of presenting an opposite path to Liberalism to overcome the decay of civilization and the spiritual tension that penetrated the modern liberal man. Therefore, it is a question of examining the efforts of a renowned constitutionalist who articulated in a literary text, in an original and unusual way, politics, constitutionalism and political theology.

According to what François Ost (2004; 2017) teaches in *Contar a lei (Telling the law)* and in the interview "*Direito e literatura: os dois lados do espelho*" ("Law and literature: two sides of a mirror"), Francisco Campos uses a classic of literature to bring forth several resources of collective imaginary in order to produce a founding narrative of a new political-legal order. Henceforth, by interpreting a masterpiece of literature, Campos invokes what Cornelius Castoriadis (*apud* Ost, 2004, p. 28) called a *magma of meanings*, that is, "a set of imaginary social meanings that give meaning to the data of experiences". That is why one can state that in *Contemporaneity of D. Quixote* there is the plethora of meanings from

<sup>&</sup>lt;sup>4</sup> This definition of an authoritarian political regime, useful for the limits of this article, is taken from the synthesis of the Schmittian decisionist perspective (derived from reading the author's works), which operates with an anti-liberal political-legal logic based on hostility. It should be noted, however, that Rogério Dultra dos Santos (2006, p. 1-3), for example, distinguishes the terms "authoritarian" and "authoritarianism" and points out that the authoritarian predicate is conceptually inconsistent to determine the content or form given political configuration and is clearly ideological, preferring the anti-liberal adjective to refer to the Schmittian theoretical model.

<sup>5</sup> Such elegance also appears in the clarifying analysis of Rogério Dultra dos Santos (2006, p. 86-98), in his doctoral thesis, about this text *Contemporaneity of D. Quixote*, by Campos.

which the authoritarian Brazilian Federal Constitution of 1937 was produced<sup>6</sup>.

This paper's objective is to use the beautiful words of the literary work *Contemporaneity of D. Quixote* in order to outline, in the intertextuality Campos-Schmitt, some relevant aspects of Francisco Campos' anti-liberal political and constitutional thinking, such as: the critique of modern times; the perception of politics as hostility; the criticism of liberal individualistic rationalism and modern secularization; political representation (governor-governed relationship) in the context of mass society; legal-political decisionism; the sacralization of power in a moralized perspective of democracy. Based on this central purpose, the structure of the article is justified in a large part – first, the analysis of the literary work of the Brazilian jurist Francisco Campos (*Contemporaneity of D. Quixote*), as a theoretical strategy to point out certain features of the anti-liberal doctrine then received in Brazil – , followed by a final comment on the meaning of the 1937 Federal Constitution in this narrative.

# SCHMITTIAN ANTI-LIBERALISM IN THE LITERARY ESSAY CONTEMPORANEITY OF D. QUIXOTE, BY FRANCISCO CAMPOS

The essay *Contemporaneity of D. Quixote* is the result of a conference given by Francisco Campos, published for the first time in the journal *Digesto Econômico (Economic Digest)*, in 1948, and later in 1951, by the Department of Education of the Minas Gerais state. In this literary production, with deep philosophical and poetical characteristics, the Brazilian jurist presents a proposition – with Schmittian anti-liberal traces – to answer the crisis of our times, which is due to the decadence of civilization and the uneasy feeling of abandonment that impregnates the liberal-individualist modern man. Such crisis is inserted in the context of mass Society and can only be ended towards order, peace, stability, freedom

It should be noted that Campos' interpretation of Don Quixote should not be the definitive conclusion of an alleged authoritarian nature of the Cervantes' text. On the contrary, literary texts bring with them the possibility of a rich profusion of meanings, which in addition to enriching these texts (and often reaffirming their classic character), always make them an open work. In this sense, it is worth checking two articles: (1) that of Melina Girardi Fachin (2017), which relates Don Quixote and the perseverance of humanity in its historical and political struggle for Human Rights; and (2) Marcelo Campos Galuppo (2018), which links Don Quixote and the foundation of a Constitution.

and civilization, if a certain sovereign political authority points the way, by rightfully using irrational elements, of emotional sorts. Hence the cry for the contemporary need of D. Quixote's spirit! In the following section, we transcribe certain excerpts from *Contemporaneity of D. Quixote*, in order to contribute to the knowledge of some aspects of the anti-liberal political and constitutional thought by Francisco Campos.

#### CONTEMPORARY SPIRITUAL CRISIS

Francisco Campos (1951, p. 83) states we are living in times of crisis, which generates a feeling of helplessness to man. And the nature of this crisis is not economic or political, but emotional, due to the absence of meaning that characterizes our times. This raises concerns, discontent, frustration, anguish. In the author's own words: "the crisis of the world occurs when the restrained emotions find nothing more than pale and awkward reproductions of a lost hierarchy. It is the anguish of man without the tradition of rite, symbols and ideals that channel emotions towards obedience to an order" (Campos, 1951, p. 75, translated).

Liberal individualistic rationalism and the consequent process of secularization are largely responsible for this crisis, since modern man, guided by the dictatorship of reason, had radically questioned all areas of reality, including the orientation of collective life based on "higher" Christian religious values. Hence the skeptical and relativistic stance of refusing the superiority of certain values in order to confer order and hierarchy in the face of human affairs. Consequently, our traditional standards of intellectual, political and moral reference have become tragically outdated to make sense of what is new. This time of transition is perceived as decadent; the feeling is that we are "under the eschatological tension of the next and last catastrophe" (Campos, 1940, p. 5, translated). This is so, because emotion has lost its discharge poles, it no longer has the traditional valuative references by which to vent its immense energy potential in a state of accumulated tension.

The rationalized and technical world did not significantly fill the void of divine absence, originated from the process of modern secularization. For this reason, man surrendered to low superstitions and became fascinated by pseudo-myths constructed by skeptical and relativist intellectuals who operate by instigating "moral abuse, the Machiavellian degradation of intelligence that proposes to secrete the masses to, by betraying them, lead them to Caesar's corral" (Campos, 1951, p. 81-82, translated), to a Dictator. The result of the crisis of the ordered employment of emotion is "the totalitarian, communist or Nazi state, and the [destructive] political ideologies of our time" (Campos, 1951, p. 79, translated).

In addition to the need to face the crisis of our historical period, there is also the challenge of doing so in the context of emergence of mass society.

#### SOCIOLOGY OF THE MASSES AND DEMOCRATIC ELITISM

Modern society is a society of masses. For Campos, it is a *reality*: "The entry of the masses into the political scene [...] is already developing a decisive influence onto it" (1940, p. 17, translated). Hence the political need to know them and integrate them into the State regime, in order to govern effectively.

The figure of the squire Sancho Panza represents in the text the "ordinary and primitive nature" <sup>7</sup> of the masses. The traits that constitute them are evolutionarily inferior, in physical, intellectual and moral terms, such as: gluttony; foolishness; porcine eyes, lack of maturity in adult reason and understanding; weakness of the flesh, bovine torpor of the spirit<sup>8</sup>; sensuality of the soul (created in kitchens, stables, dumps); animal thickness of the figure that failed to emerge fully from nature; fat; disability, laziness; instincts (Campos, 1951, p. 6, 13, 20, 42, 18, 28, 30, 35, respectively. Translated).

As for the knight D. Quixote, he represents in the essay the "noble nature" of the ruling elite <sup>9</sup>, given the characteristics of physical, intellectual

<sup>&</sup>lt;sup>7</sup> This expression is used to refer to Sancho Panza, that is, to the masses, on page 30 of the book *Contemporaneity of D. Quixote*.

Which indicates the vulgar supremacy of the flesh over the spirit. Hence, its crude nature, concerned especially with food and reproduction needs, with "worldly satisfactions, illusions, superstitions, vain greed".

<sup>&</sup>lt;sup>9</sup> This expression appears on page 18, to refer to the evolutionary superiority of Don Quixote, who by vocation and nature is able to govern.

and moral superiority: disinterest / altruism, loyalty, delicacy<sup>10</sup>, righteousness; hard reason; friend, protector and kind; gentle and gracious in manners; aquiline traits (Campos, 1951, p. 18, 3, 17, 30, respectively. Translated).

It is important to emphasize that the Brazilian constitutionalist author shares the same European understanding of the period about the intrinsic characteristics of the masses, notably those pointed out by Gustave Le Bon, in his book *Psychology of Crowds*: little capacity for reason, but a lot of predisposition for action; suggestibility; overblown feelings; impulsivity; irritability. Therein lies the explanation of why arguments are not effective to excite the masses, touch their feelings and incite them to action, but only myths and images.

Something that should be emphasized for these authors is that the modern emergence of the masses implies a serious political problem: individuals with those "low" natural characteristics are demanding significant participation in Politics, and they demand rights and greater integration in the social and political life of the country. This is said in the first two pages of *Contemporaneity of D. Quixote*. Francisco Campos alludes to an excerpt from Cervantes' novel that mentions Don Quixote's dream of giving Sancho Panza the crown, with the weight that this task matters, as a reward for his work and fatigue. However, he makes it clear in another passage of the Spanish literature classic that: "if this is so, as it certainly is, you will be hurt, Madam Duchess, if you give this Sancho Panza an island to rule, because he who does not know how to govern himself, how will he know how to govern others?" (1951, p. 28, translated).

The conclusion is that nature makes only some people, who are physically, intellectually, morally superior, can have the ability to rule, which refutes the pertinence of a democracy that enhances the role of the masses, and the acceptance of the perspective of a Democratic elitism<sup>11</sup>.

<sup>&</sup>lt;sup>10</sup> The softening of customs, attributed to the elites, appears again in the following passage referred to D. Quixote to attest that, by nature, he is authorized to rule (Campos, 1951, p. 29, translated): "king by vocation and nature [...], a truly regal soul who is able to fulfill the golden cycle of his gestures in this world".

Once again, Francisco Campos and Gustave Le Bon share the same understanding. For the French social psychologist, since the masses act driven by emotions, inconstant, barbaric, not moderated by reason, wherever the masses dwell there will be violence. Thus (2008, p. 23, translated), due to the "blinding force of quantity", the masses are only

This political problem (the rising of the masses and their demand for greater integration in the political and social life, from the concession of rights and the acknowledgement of a culture of the masses) can be equated as follows: emotionalization of politics and rational use of irrational elements, such as myths, symbols and images to generate political loyalty / obedience. Therefore, there is an urgent need to place a strong antagonism with liberal ideas and institutions, based on individualistic rationalism; which attests to Francisco Campos' adoption of a Schmittian anti-liberal conception of politics.

## POLITICS SEEN AS A FRIEND-FOE RELATIONSHIP: CAMPOS AND SCHMITT'S ANTI-LIBERALISM

To think politically is to think controversially, in a hostility relationship. Francisco Campos brings to Brazil the Schmittian vision of politics, which is seen as a friend-foe relation. The relation of political enmity has, in short, the following peculiarities (Schmitt, 2008, p. 28-39): (1) it occurs between groups, not between individuals, and the enemy is required to be a socially significant group, as it is capable of causing disastrous social effects; (2) dialogue is not possible, negotiation is regulated by the word used with the group considered hostile, foreign; (3) the enemy symbolizes danger to a people's existential identity (values, founding beliefs, institutions, norms, way of life, worldview), implying the impossibility of coexistence; (4) in this war situation, death appears as a real possibility.

Based on these references, liberalism is elevated to the status of political enemy. In Schmitt-Campos' interpretation, a radical opposition to liberal institutions (especially the rule of law and parliamentary democracy) is necessary, as they are anachronistic, politically irresponsible and inept to generate order and political integration of the masses (Campos, 1940, p. 1-111; Ferreira, 2004).

capable of destruction and disorder, absolutely unfit for ruling, for leading a nation towards a dignifying political project.

Such institutions are informed by rationalistic and individualistic presumptions, which makes them anachronistic in the context of mass societies, due to irrationalism and the political use of myths, that is, due to emotional elements. For example, with regard to political representation, that is, the possibility for citizens to compete for the administration of public affairs, the mechanisms constructed by the liberals were suffrage, political parties, and parliament, an environment that makes representative democracy viable. It is important to note that parliamentary democracy presupposes that all political conflicts can be overcome with the so-called "feminine" characteristics of rational dialogue between antagonistic political positions, which aim at asserting their points of view through the public debate of ideas, pacifism and negotiation in parliament, culminating in the best and most just laws, able to solve all relevant social conflicts within the routine of its unitary, coherent and complete normative programming. However, when antagonism becomes political, it becomes an enemy; consequently, there is no dialogue or negotiation with a group that threatens the existence of a people as such. In this sense, the great task of politics is to generate the unity of the nation, identified with homogeneity, absence of pluralism.

Due to that, liberalism is seen as politically irresponsible, because it has a great concern to stop the exercise of state political power, in the sake of the uncompromising defense of individual fundamental rights and freedoms, which: (1) weakens state authority by imposing a series of limits onto its actions; (2) allows the enemies to use those same freedoms of political expression, constitutionally guaranteed, to publicly disseminate enemy political ideas, which incite disruptive actions in the current legal-political order, endangering the existence of the State and the community.

Furthermore, liberal thought and institutions are unable to establish an orderly, morally superior, and integrating political project for the masses. Parliamentary democracy is not appropriate to inculcate in the people the feeling of belonging to a morally elevated political project, capable of engendering solid social ties aimed at a common destiny. There is no expectation that anyone will engage in a collective project justified by an intellectualist and individualist legal-political ideology, which gives primacy to individual life and, consequently, demoralizes collective life. As Francisco Campos states, mass society claims a mass mentality and culture; consequently, political integration will only be possible based on images and myths, in order to discipline the passions that mobilize so much struggle and violence, otherwise they will only result in destruction and disorder: hence the political theology of the moment<sup>12</sup> and the need for strong leadership, full of authority, able to translate public aspirations and lead the masses into a political project perceived as sublime and that, therefore, everyone feels like they are part of.

Finally, it should be emphasized that Schmitt and Campos attest that liberalism, with its intellectualist and individualistic foundations, depoliticizes and demilitarizes politics. This results in the inability of the authority to decide who the enemy is and to offer institutional barriers to overcome them, which enormously threatens the public order and the existential identity of the nation.

This inability of the liberals to make decisions is represented by the anti-heroism of the characters Hamlet and Faust, whose spirits are "gray, soft and evasive like underwater vegetation" (Campos, 1951, p. 50, translated) which testify their incapacity to affect reality with enthusiasm. This is because the modern liberal individualist culture makes individuals, disintegrated from the collective sphere, see the world through a cult of personality, emphasizing their individual aesthetic experiences and employing a monological, non-communitarian language, inept to share collective experiences and enriching feelings, and used to symbolic enigmas. This is due to the fact that

[...]reason is sovereign: it rules from above the world of sensation and sensitivity that bows to the authority of its command. [...] The two Nordics [Hamlet and Faust] are *introspective* or introverted. Hence, the *monologue* is the most appropriate way of expansion. The *language of both* 

In the author's words (Campos, 1940, p. 14, translated): "The state of mass generates the mass mentality, propagates and intensifies the expressions proper to that mentality. Modern political theology is the result of a mass culture, since, in each epoch, the spiritual processes of political integration can only be determined by the expressive or dominant forms of their culture".

is difficult as in general the language of speculative people, since they are more directed to themselves than to others; in them, language is not a means of communication [but monologue, since feelings and experiences are directed to themselves and not to others], but only a symbol, or a mere instrument designed to relieve their inner tension (1951, p. 51-52, highlighted, translated).

This reason considered as sovereign is, as previously seen, "a type of reason that has abdicated or doubts its reality" (Campos, 1951, p. 55-56, translated) and which avoids action at the very moment when it should make a decision on how to act. In this sense, Campos points out that

[...]while they [Hamlet and Faust] say: 'maybe, I think, to be or not to be, I wish I had not been born', and they think endlessly the same thoughts in the immobile balance of their spirit [representing, therefore, the cowardly indecision], by the spirit of Don Quixote the decision passed quickly and, already outside the cover of reflections, the flaming sword of his will shines. [...] [Therefore, in Don Quixote] there are no monologues. [...] D. Quixote is permanently facing outward; Alert and vigilant about what goes on around him like a sentry at the door of a fortress (1951, p. 52, translated).

The contemporary time demands, therefore, a decision-making spirit like that of Quixote.

### POLITICAL DECISIONISM IN D. QUIXOTE

Quixote shows great symbolic strength: he represents the expressiveness of the logical spirit, "hard, defined, dry and uniform as the Mediterranean granite, air and sky" (1951, p. 68-70; 50-51, translated), endowed with the "masculine" ability to transform thought into will and will into action; heroic attitude essential to intervene with courage in dilemmatic political experiences<sup>13</sup> that demand decision in the face of political enemies that threaten the permanence of the State.

The myth of the charismatic personality is present here. It is worth remembering that in a mass society, political integration will be effective if the mobilized myths mention the most immediate experience of the masses. Based on the fact that mass politics is the most personal of politics, the

<sup>&</sup>lt;sup>13</sup> It should be emphasized here, as Rogério Dultra stresses, the significant change of interpretation given by Francisco Campos to Don Quixote, compared to the usual reading that, in a less careful interpretation of this literary work, sees him as a lunatic involved in imaginary battles; therefore, in total disconnection with reality.

hypnotic fascination with the charismatic personality is explained (indicating that in the Schmitt-Campos' perspective, the political regime of the masses is dictatorship). The superior qualities present in Don Quixote, a character of a "luminous, sociable, communicative" spirit, represent the traits that undoubtedly must permeate a great statesman. In order to acquire such attributes, he adopts an ethically superior political pedagogical philosophy, which allows him to overcome both the bourgeois relegation (represented by the search for economic gratifications and unbridled consumption; by the weakening desire for peace; by the hypertrophy of the individual to the detriment of collective issues; by the soul monologue; by the impossibility of shared common experiences) as for the labor-class misery (attested by the primacy of the lowest passions, such as food and reproductive satisfactions). Sancho Panza's coexistence with Don Quixote led him to expand, from Quixote's teaching, the skills to transcend his primitive mass nature towards the civilized status of people, thus reaching moral fullness and overcoming the spiritual crisis of our times.

## CIVILIZATORY PROCESS OF SPIRITUAL ENLIGHTMENT + DEMOCRATIC MORAL PERSPECTIVE

The end of the spiritual crisis of our time resides, in Francisco Campos' perspective, in the civilization process of Sancho Panza (as the masses) carried out by the contact Quixote's routine (as of the great statesman). That is, the solution lies in the possibility of the charismatic leader transforming mass into people, making them feel part of a higher political community (the nation) and a great common destiny, which goes beyond their petty individual interests.

The journey with his master makes it clear that Sancho's crude nature had been advantageously remodeled, showing even more morally illustrious qualities:

With time, Sancho had become more serious, wiser and more sensible, the reach of his language and understanding was broadened, making him realize that the flesh is capable of enduring the greatest pain when the spirit, instead of agreeing with its cowardice, mounts the stallion of fire and insists that, although painful, it can gallop on, without asking where and in search of what benefits (Campos, 1951, p. 42, translated).

The intervention of culture (cultivation of certain virtues) in the crude and ordinary nature of the masses does not happen automatically, it is a civilizing process, of gradual and constant spiritual elevation. It depends both on Don Quixote's pedagogy and Sancho's willingness to learn, which, despite his "ordinary and primitive nature", contains traces of greatness: "In the moments of transition, of the interference of hitherto independent plans, at the crossroads of destiny, Sancho maintains the same *fidelity* as trees to the land" (1951, p. 30-31; highlighted, translated). Besides fidelity, Sancho also has other positive qualities: a heart bigger than the spirit (that is, despite having a 'weak mind', the common people are good), simplicity, hunger for wisdom (1951, p. 33); love and respect for the master – that is, hierarchical obedience, respect for authority (1951, p. 35).

It is worth highlighting how the civilizing process happens (Campos, 1951, p. 43), that is, the transformation of the masses into a people, with a noble collective destiny, carried out by Quixote (representation of the ruler, who is a true Statesman) in Sancho (representation of the masses). This process is not instantaneous, without disruptions and without the willingness to develop skills:

[...]when tasting from Don Quixote's chalice, Sancho noticed that the first drops were bitter; with the following, however, he felt his strength increased, his spirit more lucid and calmer, and the more frustrated his ambitions and the rougher the hindrances, the lighter his body seemed, the hotter the blood, the more peaceful his sleep, and in his soul there was a rumor saying he had finally found what, without knowing it, he had been looking for, ever since he had been born in this world (Campos, 1951, p. 47, translated).

The state of mind for moral aggrandizement was only possible because, after living with Don Quixote's leadership, Sancho was asked to decide on his "supreme definition: frog or star", mass or people (and, as a people, revealing his nobility potential). "Conceal your instincts", overcome "the greasy paste in which nature hurriedly molded you to an elementary figure, without a countenance, without history" (Campos, 1951, p. 33, translated) and become morally higher, "reveal your nobility potential", and make "that poisoned meat ball purge the filth, burn the slag, and fight the impurities" (1951, p. 35, translated). Staying beside the solar figure of Don Quixote, which is the opposition of the figure of Sancho, makes it possible

to gather "all the defeats of life and weave with them the crown of thorns of his final victory" (1951, p. 34, translated); Thus, Quixote works the "miracle of adding meaning to that crude leather bag that is the spirit of our poor Sancho" (1951, p. 32, translated). In other words, it gives a renewed and sublime meaning to his existence, based on the willingness to sacrifice. Both Francisco Campos and Carl Schmitt (2008, p. 32), the latter influenced by the privileged dialogue with Leo Strauss (2008, p. 158-159), believe that the foundation of collective life is not happiness, but sacrifice.

As Francisco Campos himself (1951, p. 78) attests, the emotions of the masses are accessible: the one who can win the hearts, the feelings of the masses, of the working class, is either the charismatic personality, or Communism. Francisco Campos (1951, p. 47) stands and emphasizes the historical magnitude of leadership:

[...]the important thing is that, in Don Quixote, Sancho found a pole for his emotions, the more satisfying, the louder and more electrified. There his nature was quieted, his destiny rested in silence and in that pole, he gained the necessary strength to renounce at once the illusions and greed that had been inspired by his poverty.

In the Brazilian scenario, there was one capable of moralizing the masses and transforming them into a people, willing to sacrifice in the fight against communism, the great enemy of the Brazilian nation. This person was the charismatic personality of the strong leader, Getúlio Vargas, who was the incarnation of Don Quixote in this authentic Crusade! And the figure mentioned to inspire this historic role is none other than the Pope (Campos, 1951, p. 84).

Similar to the Pope's conduct of guiding his spiritual flock, through herding, the statesman Getúlio Vargas must lead the masses in a civilizing project that molds them into people, with a morally superior public soul and direction. The National State is not only a political body, focused on the administration of things, it is also a political soul, and the superior values that inform it are the Catholics.

Following this line of considerations, Francisco Campos emphasizes the need to moralize democracy, as a condition for it to survive the "cataclysm" (1951, p. 82).

Thus, one should

Revisit one's beliefs, revitalizing the institutions that were excessively rationalized by legal thinking, creating the ceremonial, the rite, the liturgy, once again taking the roots in the hearts of the people. To be a Crusade. [...] Soul, sacrifice, courage, risk, passion, humility, penance, imitation of Christ. A river of emotions running, which finds in greatness the liberation people ask for, the job they lack, the ideal that suits the hearts of the people (Campos, 1951, p. 84-85, translated).

It is important not to lose sight of the fact that, if the people's emotions are rampant, but accessible, the re-Christianization of Brazilian society and the political use of rites, symbols, and Catholic liturgy can order the feelings of the people, generate political loyalty, stability, civilization, and a life full of meaning. Therefore, "the peace of the Lord will descend upon our heads and only then will we be given joy in tasting that wine of piety and mercy, whose drunken happiness is the name, and out of it, there's but boredom, dryness, drought, desert sand, infertility, loneliness " (Campos, 1951, p. 22, translated).

# A BRIEF CONCLUSION: THE MEANING OF THE 1937 FEDERAL CONSTITUTION IN THE BRAZILIAN CIVILIZATORY PROCESS

The sacralization of politics, due to the ties with Catholicism, aimed at restoring the public importance of God as the source of values that cannot be renounced in a meaningful existence for human beings:

The November 10 [1937] Constitution is not agnostic. It recognizes ideals and values, and takes them out of the forum for free discussion. These are indisputable values, because they are a condition of national life. If, with that, a futile intellectualism is deprived of the pleasure of dancing in public with certain elegant and suspicious ideas, the Nation gains in substance, in awareness of itself, in tranquility, well-being and security (Campos, 1940, p. 68, highlighted, translated).

The new foundation of the Brazilian state, with an authoritarian profile, which relativizes or suppresses individual fundamental rights and freedoms and prohibits political disagreement (Campos, 1940, p. 232), is the result of an "imperative of national salvation" (1940, p. 35, translated). And the mark of this new regime of exception resides in the Federal Constitution of 1937, which was written by Francisco Campos and which legally translated the demands, among others, of reinforcement of the state authority, legitimizing, therefore, a hypertrophy of the Central Executive

Power, in order to grant broad powers to the President of the Republic so that he could exercise sovereignty and have the exceptional institutional conditions to react to the 'terrible disintegrating forces of the Nation'. Such guidelines arose from the need to oppose, as previously seen, liberal thought and institutions, since they weakened the State due to the concern to devise mechanisms to limit the exercise of state political power, neutralizing it and making it incapable of identifying and repressing political hostility.

The political enemy of Brazil was duly pointed out, as it undermines the existential values that make up the nation's unity, and the preamble to the Constitution of 1937, written by Francisco Campos, openly manifests the institutional 'war' against the extreme political doctrine and practice of Communism:

MEETING the legitimate aspirations of the Brazilian people for political and social peace, deeply disturbed by well-known factors of disorder, resulting from the growing aggravation of party dissent, which, a notorious demagogic propaganda seeks to denature in class struggle, and the extreme, of ideological conflicts, tending, by its natural development, to resolve itself in terms of violence, placing the Nation under the dire imminence of a civil war;

MEETING the needs created by the state of apprehension in the country due to communist infiltration, which is becoming more extensive and deeper day by day, requiring remedies, of a radical and permanent character; MEETING the ideas that, under the previous [liberal] institutions, the State did not have the normal means of preserving and defending the peace, security and wellbeing of the people;

Without the support of the armed forces and yielding to the inspirations of national opinion, both and justifiably apprehensive in face of the dangers that threaten our unity and the speed with which the decomposition of our civil and political institutions has been proceeding;

This document ensures to the Nation its unity, respect for its honor and independence, and for the Brazilian people, under a regime of political and social peace, the necessary conditions for their security, well-being and prosperity, decreeing the following Constitution, which will be fulfilled from today throughout the country (BRASIL, 1937, translated).

The anti-communist imaginary already existing in the country gained materiality in the face of the situation of 'real danger', made concrete in the attempt of insurrection that occurred in 1935, known as 'Intentona Comunista' ('Communist attempt'). Under such extraordinary

circumstances, which cannot be encompassed by routine institutional normality, the exception must be invoked to face political enmity: for this group, the communist revolutionaries, the restriction of the rights of individual and political freedom is authorized (such as: loss of mandate of parliamentarians and public office; parties and unions made illegal; seizure and / or burning of propaganda material; impossibility of functioning of associations and publishers of books labeled as spreaders of this foreign subversive doctrine) and their political ideas should be censored, aiming at safeguarding the identity culture of the Brazilian nation. In these abnormal situations, the predominance of state interests is justified, an institution that politically embodies the existence of the nation, and not individual rights and freedoms. In this Schmitt-Campos anti-liberal perspective, to resort politically to the exception due to the identification of the enemy is to exercise the masculine and personal trait of decision, in the case of social scenarios of serious crises and, thus, not to neglect the constitutive seriousness of politics, since hostility politics is the only reason capable of legitimately demanding the sacrifice of one's life (Schmitt, 2008, p. 32).

It is worth highlighting that the institutional elevation of communism to a political enemy in the Brazilian Constitutional Charter of 1937 has a deeper political and philosophical significance, based on Francisco Campos' reception of the political theology present in Carl Schmitt. Both are Catholic authors. This means that, in thinking politics, they think morality (the decisive combat of life and death) and have a Christian view of history, based on faith (Schmitt, 2008, p. 160-163; Meier, 2008, p. 68): the meaning of human existence (in historical time, that is, in the interval between the birth of Christ and his return), our concrete political action to solve historically posed political problems are the result of the 'morally demanding decision' to revere God or Satan. In other words, what is important is the willingness to sacrifice in order to fight the good fight, preventing evil from setting up in the world.

This Christian perspective of history can be summarized, having as reference the study of Montserrat Herrero, in the concept of *Katechon*, which is the existence of a historical force that, in an unknown way, annuls

the end of time, interposes barriers to prevent the evil (Antichrist) to conquer.

Whenever men act to put barriers to evil in the world, Divine Providence manifests itself in history and, moreover, the importance of politics is justified, namely: to fight without end against the devil.

From the above, communism is perceived as an enemy both in the theological dimension and in the political sphere, as it implies the potential physical and spiritual death of human beings.

If history, conceived from the notion of *Katechon*, has the purpose of preventing the end of time, communism is the materialization of the end of time. This is because it has a reading of history as a class struggle and with the revolutionary process the class war would not subsist: it would be the end of history and, consequently, the end of time.

Furthermore, communism sustains the revolutionary struggle, led by the labor class, the result of which is the destruction of the state and the institutions that support it, as they build an intrinsically unjust social organization. By demolishing God's work and erecting a better, more just one, a Paradise on Earth, communism thus would replace God, dethroning him; Hence it is a thought perceived as the entrance of the Antichrist on Earth.

Following the outlined reasoning, a genuine crusade in the face of the devastating communist enemy is justified in a politically conservative approach. It thus demands from the sovereign the decision to employ all the legal and political means of exception to save us from physical and spiritual death.

#### **REFERENCES**

BISI, Adriana de Oliveira Gonzaga; LEONEL, Wilton Bisi; COURA, Alexandre de Castro. O significado do comunismo na teologia política de Francisco Campos e de Carl Schmitt. *Revista do Programa de Pós-Graduação em Direito da UFC*, v. 38, n. 1, p. 197-222, jan./ jun. 2018. Available at: <a href="http://periodicos.ufc.br/nomos/article/view/19484/73320">http://periodicos.ufc.br/nomos/article/view/19484/73320</a>. Access: 2 Dec. 2018.

CAMPOS, Francisco. *O estado nacional:* sua estrutura, seu conteúdo ideológico. Rio de Janeiro: José Olympio, 1940. 257p.

CAMPOS, Francisco. *Atualidade de D. Quixote*. Belo Horizonte: Publicações da Secretaria de Educação de Minas Gerais, 1951. 86p.

CASTELO BRANCO, Pedro Hermílio Villas Boas. *Secularização inacabada:* política e direito em Carl Schmitt. Curitiba: APPRIS, 2011. 309p.

FACHIN, Melina Girardi. Utopia quixotesca dos direitos humanos. *Anamorphosis – Revista Internacional de Direito e Literatura*, v. 3, n. 1, p. 153-169, 2017. Doi: http://dx.doi.org/10.21119/anamps.31.153-169.

FERREIRA, Bernardo. *O risco do político:* crítica ao liberalismo e teoria política no pensamento de Carl Schmitt. Belo Horizonte; Rio de Janeiro: Editora UFMG; IUPERJ, 2004. 339p.

GALUPPO, Marcelo Campos. Cervantes, Borges e eu: quem é o autor da Constituição? *Anamorphosis – Revista Internacional de Direito e Literatura*, v. 4, n. 2, p. 407-424, 2018. Doi: <a href="http://dx.doi.org/10.21119/anamps.42.407-424">http://dx.doi.org/10.21119/anamps.42.407-424</a>.

HERRERO, Montserrat. *The political discourse of Carl Schmitt*. A mystic of order. London: Rowman & Littlefield International, 2015. 279p.

LE BON, Gustave. *Psicologia das multidões*. São Paulo: Martins Fontes, 2008. 219p.

MEIER, Heinrich. *Carl Schmitt, Leo Strauss y El concepto de lo político*. Sobre un diálogo entre ausentes. Madrid: Katz, 2008. 249p.

MOTTA FILHO, Cândido. *O poder executivo e as ditaduras constitucionais*. São Paulo: Estabelecimento Gráfico Phoenix, 1940. 153p.

NEUMANN, Franz. Notes on the theory of dictatorship. *In*: NEUMANN, Franz. *The democratic and the authoritarian State*: essays in political and legal theory. New York; London: The Free Press; Collier-Macmillan Company, 1957. p. 233-256.

OST, François. *Contar a lei*: as fontes do imaginário jurídico. São Leopoldo: Editora Unisinos, 2004. 461p.

OST, François. Entrevista com François Ost - direito e Literatura: os dois lados do espelho. *Anamorphosis - Revista Internacional de Direito e Literatura*, v. 4, n. 2, p. 259-274, 2018. Doi: <a href="http://dx.doi.org/10.21119/anamps.31.259-274">http://dx.doi.org/10.21119/anamps.31.259-274</a>.

SANTOS, Rogério Dultra dos. Francisco Campos e os fundamentos do constitucionalismo antiliberal no Brasil. *Dados - Revista de Ciências Sociais*, Rio de Janeiro, v. 50, p. 281-323, 2007.

SANTOS, Rogério Dultra dos. *Constitucionalismo antiliberal no Brasil:* cesarismo, positivismo e corporativismo na formação do Estado Novo. Tese (Doutorado em Ciência Política) – IUPERJ, Rio de Janeiro, 2006. 264 f.

SCHMITT, Carl. *O conceito do político/teoria do partisan*. Belo Horizonte: Del Rey, 2008. 243p.

SCHMITT, Carl. La teoria politica del mito (1923). *In*: ZARKA, Yves Charles (coord.) *Carl Schmitt o el mito de lo politico*. Buenos Aires: Ediciónes Nueva Visión, 2010. p. 141-153.

SCHMITT, Carl. Teologia política. Belo Horizonte: Del Rey, 2006. 152p.

STRAUSS, Leo. Comentario sobre el concepto de lo político, de Carl Schmitt. *In*: MEIER, Heinrich. *Carl Schmitt, Leo Strauss y El concepto de lo político*. Sobre un diálogo entre ausentes. Madrid: Katz, 2008. p. 133-168.

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