

Francisco Campos: Political Pragmatism, Ideas, and Intellectual Connections¹

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Crossing Borders Intellectuals of the Right and Politics in Europe and Latin America. Transnational Perspectives

In the midst of the research we have been developing about the political thinking of the Brazilian authoritarian intellectual Francisco Campos, our objective with this text is to conduct an analysis of his discourse from one of his most important works, *O Estado Nacional*. Published in 1942, it brings together a series of the author's texts written during the provisional government and in the early years of the *Estado Novo*. Using Quentin Skinner's reflections as a reference, we are interested in analyzing his discourse in terms of form and content, especially highlighting the intellectual connections made by Francisco Campos based on the references contained in the book. And in understanding the author's main intentions in publishing the work, which authors he was dialoguing with, and whom he was addressing with his discourse.

The importance of studying the political thinking of Francisco Campos lies in the fact that this politician was one of the main intellectuals inspiring the authoritarian regime of the *Estado Novo*, in addition to being responsible for constructing the whole legal apparatus of the new regime, from its Constitution to its principal legal codes. As Vargas's Minister of

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Justice, he acted as an architect of the main institutions that, over a period of 15 years, provided support to the regime.

1- In search of a third way

Much of Francisco Campos's discourse is based on criticism of Brazil's recent past, in order to justify the coup d'etat that gave birth to the Estado Novo and its Constitution, which he authored in the same year of 1937. Beyond the past as a target of criticism, two regimes were rejected by him, totalitarianism and liberalism, being for him contemporary experiences. In defending the new regime, Francisco Campos sought to place it halfway between the totalitarian experiences underway and the regimes of liberal democracy.

The totalitarian regimes were, for him, founded on the view that society, being irrational, needed to be politically controlled. However, such control would have to take place through the activation of archaic forms of collective thought, especially myths, and through coup d'etat, led by a Caesar, a charismatic leadership. For this reason they were ineffective in controlling internal tensions - which seems to be, for Campos, the most important indicator of the effectiveness of political regimes - and violence, latent within them, emerges from time to time and in uncontrollable forms.

His criticisms of totalitarian regimes, however, were far less forceful than those he made of the liberal-democratic model. For Campos, there would be a rift between liberalism and democracy, for the supposed general will expressed by the vote was a fiction, to the extent it presupposed the existence of an autonomous and rational public opinion, which did not exist in reality. The political tensions of the masses would not be resolved by obeying parliamentary rules. Campos reminds readers that it was from the

liberal-democratic regime that totalitarian experiences emerged, as if the former had been responsible for the latter.

The process of modernization through which various countries passed had rendered the resolution of their main problems inaccessible for the general public, as they required technical knowledge available only to a qualified bureaucracy. When subjected to public debate, such problems would become unnecessary tensions, which did not contribute to their solution. This lack of expertise of the masses that would have enabled them to intervene in public life would be repeated in the parliaments, populated by politicians who did not necessarily possess a technical knowledge that would enable them to be good managers.

Beyond his criticism of the popular vote, as we can see, Campos also disqualified the parliament. An organ composed of politicians who hold their power conditionally based on the popular vote, who depend on public opinion, and who, for its control, propagate unbridled emotions or collective hallucinations that put the democratic institution itself at risk. For him, parliamentary bodies are a meaningless waste, because in them one does not try to resolve divergences by means of the exchange of ideas, but by gathering the largest number of supporters for each member so that the decision is eventually favorable to them. The center of politics would cease to be discussion and would become the empire of the will. "*For political decisions, a parliamentary hall today has the same importance as a museum exhibition hall*" (p.34). In citing the German case, he asserts that while Parliament was trying in vain to reach a decision, Hitler took over the streets, even though he was outside the government, by realistic and technical means, to try to control the nation, and thus was more successful.

In the absence of the parliament, the executive branch would also have to legislate, which made the public machine more rapid and efficient.

The technical knowledge embodied by the state bureaucracy qualified it to propose laws much more efficiently than did the legislature.

In this criticism of the parliament he revealed his anti-partisanship. For Campos, Congress had become a stage for the contest of interests and the use of clientelism as a strategy for keeping private groups in power. The dispute between these groups generated instability in the government and threatened national interests. In parliament, the corporatist representation itself, which had been introduced in Brazil in 1934, was insufficient, as it constituted a minority and was controlled by the main political castes engaged in struggle.

Another object of his criticism was the institution of universal suffrage. For him, the majority of voters were more concerned with their survival than with the political decisions to be made. Using arguments widely shared by authoritarian thinkers, Campos states that the Brazilian people could not express opinions on complex issues because of their low educational level. The people were seen by him as an "irrational mass", separated from politics. Thus he justifies the reduction of suffrage proposed by the Charter of '37, which he authored, and according to which popular consultation should only be turned to in eminently political decisions, which should be proposed in simple and general terms so that they can be understood. This was because the political vision of the masses was broad-brush and incapable of encompassing the complexity involved in managing the country.

Contrary to those who accused him of composing an authoritarian constitution, Campos emphasized the democratic character of his model. For him, nineteenth-century democracy, heir to late-eighteenth-century liberalism, was born from the perspective of the individual versus the state. It fell to the liberal constitutions to declare individual rights, with the government as its enemy. Thus the constitutions had a negative character:

the individual was affirmed from negation of the collective. With technological progress, this negative concept of democracy became anachronistic and, according to him, the main challenge of the present was to make these benefits accessible to a greater number of citizens, which came through the reversal of the concept of democracy in force. This meant, in practice, attributing positive rights to individuals. Consequently, it was no longer possible to think of the individual versus the state, since the role of the state was to promote the common good in opposition to privatist interests. "*Power ceases to be the enemy in order to be the servant, and the citizen ceases to be a free man, or a man in revolt against power, in order to be the owner of new rights, positive and concrete, that guarantee him a fair share of the wealth found in civilization and culture.*" (p.58)

Without abandoning the concept of democracy, he modifies its meaning, with the freedom of those who assert it, that the means of manifesting the popular will must depend on the social reality of each people, and that democracy is not defined by its values nor by its ends, but by the means that are utilized to put it into practice. For him, democracy was synonymous with the abolition of privilege and with a more equitable distribution of material and societal assets, which did not occur in liberal regimes, in which such rights were supposedly guaranteed, given that the individual had the right to vote, let alone in totalitarian regimes.

The disqualification of the legislative power and the hypertrophy of the executive would also imply the need to discredit the third power, the judiciary. To that end, Campos sought to disqualify its members and revise all existing codes, such as civil, criminal procedure, commercial, among others.

He would denounce the biased character of the judges, not elected by the people, but endowed with great power, used in contempt of their

ordinary opinions. For him, only the state - in his view, represented by a single power, the executive - would be able to arbitrate justly, because it represented the nation and not the private or partisan interests.

Also regarding the criticism of the judiciary, it is fitting to include its restrictions on the American model that inspired the constitutions of 1891 and 1934 in Brazil, which gave our Supreme Court the power to be the final interpreter of the Constitution. For Campos, this model did not fit with other realities. In the case of Brazil, the conservatism of the judges, in their defense of the existing order, inhibited the manifestation of the interests and powers of the people, which had its autonomy drained by a privileged group concentrating all power in its hands. It is interesting to note that such a concentration of power in the hands of the President was justified by Campos, and that Vargas, the predestined leader, unlike the members of the judiciary, embodied popular aspirations, even though he was not elected. While the judges of the Supreme Court played the role of a moderating power without having for this task the mandate of the people, the necessary objectivity, nor even the neutrality needed to justly arbitrate the conflicts that could threaten the institutional order.

From what was seen so far, Francisco Campos rejected the totalitarian and liberal experiences, especially Italian fascism and American liberalism. For him, the Estado Novo was a regime halfway between one pole and the other, adapted to Brazilian specificities. But what regime would that be?

2- The new regime: corporatist and nationalist

One of the ways he indicated for overcoming the problems derived from liberal experiences - the predominance of privatist interests - without having to resort to communism or fascism, was corporatism. It would avoid

the decay of capitalism, predicted by Marx, at the same time that it would aggregate collective interests. Individual freedom would be safeguarded within the corporate sphere and would be - as it should - limited by the group. At the same time, it would allow self-organization of the workers, inhibiting the continued intervention of the state over the economy.

The delegation of powers to corporations by the State would facilitate their role as arbitrator, to the benefit of all sectors, without some overlapping others. For Campos, open competition mainly benefits the financial sector, which even in times of crisis turns to the State and obtains compensatory protection against its potential losses. The corporate organization guarantees free initiative, but imposes limits so that others are not harmed, since individual freedom cannot be more important than the common good.

In this way, corporatism appears as an intermediating solution between liberalism and totalitarianism: *"In opposition to the liberal-killing freedom of the liberal economy, which consists in recognizing the domination of the strong over the weak, the Estado Novo places corporate discipline, in which economics is not merely an order of things, but an order of persons, and therefore, by definition, a just order."* (p.194)

However, the country was not yet ready for the corporate experience in its entirety. In the Constitution he created there was a National Economic Council, responsible for advising the presidency on issues related to the economic order and trade union organization. Campos would emphasize its consultative character and its submission to the decisions of the president of the republic. For him, the assignment of deliberative powers to the corporate chambers would come over time, after its members became more experienced and after detailed studies of the national reality were carried out.

Besides the announced corporatism, another pillar that would sustain the new regime was nationalism. Campos justifies a series of measures aimed at preserving national interests in strategic areas such as mines, water, and oil. In addition, he defended imposing obstacles to foreigners acquiring lands in Brazil or occupying public positions. He announced a series of laws repressing any form of political organization by foreigners, who could only form associations for charitable or cultural purposes. For him, the Brazilian race was strong enough to drive out invaders and secure their territory. It had never needed the help of foreigners, which had been, when it existed, episodic and ancillary.

In July 1939 he sought to better define the regime that had been established, in which neither the individual would oppose the State, nor the State would reduce the individual to the position of slave. He was defining the Estado Novo regime as authoritarian, not despotic, but strong institutionally, where individualism counterbalanced by the propulsive and coordinating action of the State would coexist. *"Being authoritarian, by definition and by content, the Estado Novo does not, however, contradict the Brazilian character, because it combines force with law, order with justice, with authority with humanity."* (p.199)

On the regime's second anniversary, his speech would try to highlight its popular character. Because it has no losers, it represented the victory of a conception of the world. It was not affiliated with any exotic ideology. It was a national creation that sought to reconcile the liberal climate of the United States with the harsh contingencies of Brazilian life. Thus, it did not create anything new, but it developed what was good in Brazil, which was the climate of benignity, of conciliation, of individual and collective freedoms.

3- Hypertrophy of the Executive branch and the power of its Chief

According to Campos, the State, embodied in the charismatic leader, would be the arbiter to prevent the weak from being massacred in the struggle for life, as they would be protected by him. The public interest would reside in this fact, presupposed of every democracy.

The Estado Novo regime would have as its guarantee the figure of a charismatic leader, marked by destiny. In the image of Caesar, that predestined individual was Vargas, who managed to gather general expectations around himself. In speaking of the leader, he praises dictatorships and their format for relating the leader to his people without intermediaries. The more voluminous the masses, the more political integration takes place through personal will. The political regime of the masses is that of the dictatorship, and its form of expression, the plebiscite. Endowed with prestige, the president must always turn to popular opinion through quick and direct consultations, making his government more democratic than the liberal experiences underway.

In defending the concentration of power in the executive, he affirms that, in the new regime, "*The state ceased to be the night watchman, whose only function was to watch over the sleep of private individuals, guaranteeing public tranquility, in order to assume functions of creation and control in all spheres of human activity.*" (p.89) Such conceptions come very close to fascist and communist regimes, although Campos rejected them.

The concentration of power came about through the legal and political centralization of the new regime. The Charter of '37 would greatly alter the model of federalism inaugurated in Brazil in the late nineteenth century. The restriction of the autonomy of the states, aggravated by the reduction in their seats, would contribute to the weakening of the parliament as a locus for manifesting regionalist interests, which so greatly

marked the deposed regime. The prerogative for government intervention over the federated states was expanded so that national interests overshadowed local ones. The process of centralization initiated after the revolution of '30 would gain exaggerated contours in '37.

The nomination of governors by the presidency of the Republic is justified by the inexistence, until then, of organic laws of the states, thus enabling the president's will to extend throughout the country. The idea was that all organic laws would be subject to presidential endorsement, so that regionalist and autonomous interests could be extirpated for the sake of the composition of a community of national interests.

In his speeches and interviews he sought to extol for his listeners the benefits provided by the Estado Novo. For Campos, the regime established a climate of order in the country, because based on it the state came to have a chief executive, and the people, a guiding leader of its history and destiny. In defense of the personalization of the regime, he declares that the main category of politics is the person. For this reason, the chief executive of the nation is the incarnation of the State.

The state must be popular and cannot be resented. To this end, the chief executive must be loved and obeyed, and his power must result from his conduct as protector of the people, always acting with justice and equity. To unify the State is to unify the nation: a single government, a single military, and a single chief.

Praise of the leader would work through the praiseworthy attributes conferred on Vargas, seen by the author as a "political genius", "a great leader of men", and endowed with "an eminently revolutionary spirit." Such references served to justify the concentration of powers around the chief executive, by stating that "(...) *There is really only one legislative and executive power in the country, which is the President of the republic ...*"

(p.112). Other virtues of Vargas would be highlighted: serenity, impartiality, sensibility, in addition to altruism.

4- Intellectual dialogues

It is important to highlight the main intellectual references that appear in the work by Francisco Campos, to identify his main sources of inspiration. With the exception of the first chapter of the book, written before the Estado Novo was implemented, the references are quite sparse, since the author prefers to use a direct discourse without many figures of speech. This is explained by his interest in convincing the reader of the benefits of the Estado Novo and in justifying the end of the civil and political liberties, inaugurated after the coup.

Nevertheless, in texts written in 1935 and in 1936, Campos allowed himself to construct a discourse where he revealed not only erudition, but produced a text with his own literary style, less concerned that he was justified and more focused on advocating his concepts. It is in these texts that his main intellectual references become visible.

In his criticism of totalitarian regimes, Campos makes use of Sorel's conceptions. Although he challenges them, the influence of the French thinker on the criticisms he would later make of parliamentarism is evident. One can also see influences of the French theorist on the conceptions of myth, and its mobilizing potential on the irrational masses, an idea appropriated by Campos in his criticisms of democracy. Recall here, that in spite of Sorel's connections with socialism, Mussolini's sympathies for his work are well known.

In the same text Mussolini himself would be quoted, but critically so and associated with another philosopher, the German idealist Fichte. Campos's objective was to criticize fascist nationalism, which he claimed

was heir to the German philosopher's ideas. Such nationalism was fragile because it was mythical, that is, for its inability to be grounded in a constitution and in codes that made national sentiments concrete. This error Campos would not commit, because much of his political work was directed towards the construction of legal bases to support the new regime.

His references to Giovanni Gentile also fit into his criticism of totalitarian regimes, especially fascism, of which the Italian philosopher was a part. They are likewise included in the opposition to the model of fascist nationalism, which proposed a political integration of the people into the state by means of irrational forces, transforming politics into theology. For Gentile, the only one free is he who finds the general interest as his own and whose own will is the will of the whole. This integration of the individual into the group is what would ground the totalitarian regimes, both the fascists and the communists, which Campos did not view favorably.

Another author against whom he directs his discursive artillery was Marx, which was expected. Campos harshly attacked the belief in the class struggle, which although it was a myth to him, eventually mobilized countless social sectors that in fact attributed value to it. That is, when a myth gains truth status, it acquires an action value. This was the main risk of Marxism, that of becoming a totalitarian threat well-grounded in the popular unconscious.

In his lengthy discussions about the role of the judiciary and in advocating a thorough revision of all existing legal codes, Campos would engage in dialogue with a number of jurists in works published mostly in the 1920s, such as Cecil Carr (1921), James Hardt (1925), Elihu Root, Roscoe Pound, Giuseppe Chiovenda, among others.

In support of his argument, against the role of parliament, he even resorts to thinkers with whom he disagrees in essence. Among them, he

confers special reference to Harold Lasky, even translating some paragraphs of the author's works, making use of his criticism of bourgeois democracy. Such pragmatism by Campos would be repeated on other occasions.

It is emphasized that the disqualification of liberalism and totalitarianism in his work is carried out through criticism of concrete experiences, both Brazilian and from elsewhere in the world. While his criticism of Communism is mostly theoretical. He considers Marx an anachronistic thinker, whose theses derived from the errors of liberalism. Campos more than once blames the liberal experiences for the advance of the communists.

As for the way the text was constructed, it is possible to highlight the use of figures of speech (metaphors and allegories) that refer to ancient Rome, especially to Caesar. Numerous literary figures such as Faust, Caliban, and Ariel, or mythological, like Medusa, Dionysius, Gorgon, or Jupiter are referenced.

Among philosophers, jurists, political scientists, literary or mythological figures, and political personalities, Campos would refer to 82 names in less than 300 pages.

Finally, it can be concluded that, in thinking he was creating a new regime, genuinely national, halfway between the liberal and totalitarian experiences, Campos came closer to the second than the first. The exaltation of the leader, the break with democratic institutions, and the dialogue with intellectuals who inspired fascism prove this argument. The Estado Novo was not totalitarian. But as an authoritarian regime it came closer to the fascist than the liberal experiences.