

# THE PROFIT OF DEHUMANIZATION IN CAPITALISM AND THE COMMITMENT TO A NEW EPISTEMOLOGICAL-LEGAL CONSTRUCTION FOR SUSTAINABLE PRODUCTION

## *O LUCRO DA DESUMANIZAÇÃO NO CAPITALISMO E O DESAFIO DE UMA NOVA CONSTRUÇÃO EPISTEMOLÓGICA JURÍDICA PARA A PRODUÇÃO SUSTENTÁVEL*

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### **Abstract**

This article aims to present an overview of Latin American legal-political reality in considering the crisis of the industrial capitalist economic system in its conversion to surveillance capitalism, which focuses its operation under new paradigms, without completely abandoning the material production of objects, making information their most precious commodity. The general objective of the article is to show that the evolution of capitalism presents a line of continuity that reveals a process of dehumanization of production and consumption and has a strong impact on peripheral developing countries, not as a natural consequence, but ideological of the referred process. The research method

### **Resumo**

*O objetivo deste artigo é apresentar uma visão geral da realidade jurídico-política latino-americana diante da crise do sistema econômico capitalista industrial em sua conversão para o capitalismo de vigilância, o qual, sem abandonar completamente a produção corpórea de objetos materiais, concentra sua atuação em novos paradigmas que fazem da informação seu commodity mais valioso. O objetivo geral do artigo é mostrar que a evolução do capitalismo apresenta uma linha de continuidade que revela um processo de desumanização das formas de produção e consumo e tem um forte impacto sobre os países em desenvolvimento periféricos, não como uma consequência natural, mas ideológica desse processo. Quanto ao método de pesquisa utilizado, ele será*



will be developed according to the guidelines of a qualitative study for a reflective and contextualized approach to the Latin American reality, resorting to a hypothetical deductive approach via an integrative and documentary review research method. In conclusion, it is understood that the new global context demands a critical and reflective review of our legal-political practices, which involves the construction of a new epistemological-hermeneutical structure that respects human rights and the perspectives toward sustainable and balanced development for everyone.

**Keywords:** center-periphery dependency; human rights; international division of labor; legal epistemology; surveillance capitalism.

*desenvolvido de acordo com as diretrizes de um estudo qualitativo para uma abordagem reflexiva e contextualizada da realidade latino-americana, recorrendo a uma abordagem hipotético-dedutiva, por meio de um método de pesquisa de revisão integrativa e documental. Em conclusão, entende-se que o novo contexto global exige uma revisão crítica reflexiva das práticas jurídico-políticas, o que implica a construção de um novo arcabouço epistemológico-hermenêutico coerente com o respeito aos direitos humanos, bem como com as perspectivas de desenvolvimento sustentável e equilibrado para todos.*

**Palavras-chave:** capitalismo de vigilância; dependência centro-periferia; direitos humanos; divisão internacional do trabalho; epistemologia jurídica.

## Introduction

This article aims to analyze the evolution of the capitalist system from a critical perspective, focusing on the socially harmful consequences of this economic development, especially in peripheral or developing countries. The question that structures and guides this work can be formulated as follows: is the production and consumption process dehumanization an intrinsic characteristic of the capitalist economic system for profit maximization?

The general objective is to carry out a contemporary analysis of the capitalism economic, social, and cultural system that revealed the relationships of domination—and interdependence—established between the center and the periphery. This imperialist/colonial domination could only be imposed based on a primordial cultural domination, which determined the parameters of what should be considered progress, civilization, development, and culture, as something given by nature/de-ideologization, impairing the establishment of an intentional relationship in colonial subjugation.

Thus, in the first stage of industrial capitalism, domination materialized as

an international division of labor that reserved the production of industrialized products for the center and, for the peripheries, a complementary function to this economy, that is, the intensive production of raw materials<sup>1</sup>. Although it is not possible to say that the importance of capital, represented by the ownership of the production means, has been completely abandoned, it is true that the economic system has entered a process of metamorphosis, which now focuses on exploring the possibilities offered by the subjects' behavior information management.

The hypothesis is based on the necessary critical reformulation of the epistemological and hermeneutical principles inherited from a period of modernity (heavy) linked to an industrial capitalism currently in crisis. Nowadays, the transition to a new form of capitalism (liquid) presents ruptures and continuity that require the development of new conceptual structures that break with the hegemonic notion of center-periphery, implementing an emancipatory logic that allows the establishment of new relationships based on sustainability.

To develop the proposed theme, the methodology used in this work is structured according to the principles of a qualitative study, using a hypothetical-deductive approach in accordance with an integrative and documentary review research method.

In order to achieve this objective, the article will present to the reader a development divided into four moments: The first of them will deal with industrial capitalism and the international division of labor, with a brief historical approach, presenting the period of the feudalism crisis as the basis for the emergence of the capitalist system and the formation of the modern State, with reference to some of the most striking characteristics that have characterized it since then. A second moment, already contextualized in a more contemporary period, highlights the challenges of post-industrial capitalism and the division of intellectual labor. In a third moment, we move from the praise of certainty to the self-regulation uncertainty, when one proposes a review of the different perspectives from which the production and interpretation of Law are approached, from the passage through a positivist era to the current situation of crisis marked by the capitalist system metamorphosis. Next, one presents new epistemological perspectives for human development that involves a sustainable rationality proposed to think critically

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<sup>1</sup> This domination is expressed in each country through the reproduction of a logic that reinforced the existence of local elites associated with foreign power, materially and ideologically subjugating the majority of the population. "The dominant social groups were, therefore, always more willing to identify their interests with those of the dominant Eurocentric world, despite their reciprocal differences and sectoral conflicts, submitting themselves and their societies to the patterns of power of that world, to the demands of their historical "logics" of development, of the historical movement in general" (Quijano, 1998 as cited in Mignolo, 2001, p. 123, free translation).

and contextualize the challenges presented. Finally, the reader will be presented with the final considerations made by the authors as a proposal for understanding the new reality faced nowadays.

This justifies the social and academic importance of carrying out critical work that moves away from hegemonic conceptions, tending to support political-legal action strategies consistent with social demands contextualized in Latin America.

Without ignoring the clear extension limitations that the nature of this work presents for the treatment of a complex multidimensional problem, the desire is to provide a critical and reflective voice on what appears to be a conflicting and continually evolving social phenomenon.

## 1 Industrial capitalism and the international division of labor

A brief overview of history shows that the transition from a feudal system of exploitation to the emergence of the capitalist economic system based on capital accumulation was not “a simple process, in which the capitalist elements immersed in feudalism strengthen themselves until they have the necessary power to tear apart the feudal carapace”<sup>2</sup> (Hobsbawn, 1982, p. 229, free translation)<sup>3</sup>.

Two, somewhat divergent, perspectives have been developed to explain the end of feudalism and the rise of capitalism. For M. Dobb (1971), the feudal system collapsed because of the workforce overexploitation, which led to a mass migration of serfs to the emerging urban centers<sup>4</sup>, while for Sweezy (1950 as cited in Hilton, 1982, p. 78), the migration of serfs occurred as a phenomenon coinciding with the birth of the first urban commercial centers<sup>5</sup>, which added to pressure that would lead to the end of the feudal system, already quite eroded by then.

Regardless of the point of view adopted, the fact is that both positions are conclusive in emphasizing the importance of the modern State in the formation of the capitalist system, insofar as it enabled the primary accumulation of capital by the nascent bourgeoisie through the credit granting, while the expropriation of

2 Debates that have not lost relevance and are still ongoing today, placing the relationship between modes of production and forces of production at the center of the scene (Frey Nymeth, 2023).

3 In the original: “un proceso simple, en los que los elementos capitalistas inmersos dentro del feudalismo se fortalecen hasta que tienen la potencia necesaria para romper en pedazos el caparazón feudal”.

4 Here, the development of the capitalist system is presented as an endogenous factor of feudalism already in an advanced state of structural decomposition.

5 With the end of the feudal system and the development of the capitalist system, trade appears as an exogenous factor that puts pressure on the system.

small landowners by the bourgeoisie generated surplus labor.

These particularistic distinctions about context become important again when analyzing the distribution of forces in the emergence of the absolutist State. Following the line of historical interpretation developed by Dobb, Anderson (1998, p. 12, free translation) points out that absolutism was basically an improved form of feudal domination: “in other words, the absolutist State was never an arbiter between the aristocracy and the bourgeoisie, much less an instrument of the rising bourgeoisie against the aristocracy: it was the new political shield of a threatened nobility”<sup>6</sup>.

In this context, the confluence of interests sealed a kind of alliance between the nascent State and the bourgeoisie, which, however, was not free from conflicts, since the emerging capitalist bourgeois class not only fought alongside the nascent government against the feudal privileges, but also protected itself against state interference in economic matters (Held, 1997), as it presented itself as a reconversion of feudal forces now on a capitalist basis<sup>7</sup>.

During this period, supranational powers disappeared, consolidating the modern State under the rule of aristocratic classes, which provided a strong notion of national sovereignty, which, in principle, is refractory to any supranational power (Agnew, 2005). Thus, the principles were forged for the constitution of an all-powerful government that guaranteed the industrial development of the West through the consecration of a perfectly structured legal system (Pardo, 2009), framed within a mercantilist economic system that made possible the first major State interventions in economic matters.

Over time, the evolution of the capitalist system transformed into a process of industrialization that imposed a rationality centered on the international division of labor<sup>8</sup>, theoretically based on the competitive advantages offered by the geographical position of each country and its stage of development. These production circuits, which were certainly dehumanizing, became internationalized/globalized<sup>9</sup> under a relationship of domination and dependence of the industrial

6 In the original: “[d]icho de otra forma el Estado absolutista nunca fue un árbitro entre la aristocracia y la burguesía ni, mucho menos, un instrumento de la naciente burguesía contra la aristocracia: fue el nuevo caparazón político de una nobleza amenazada”

7 Schumpeter (1971) highlights that although feudalism was abandoned, its ruling classes remained with power. It was a feudalism organized on a capitalist basis that promoted bourgeois interests, which, in turn, exploited them.

8 The primordial division of labor between the city and the countryside, with its interdependent relationships, was elaborated by classic authors such as Marx and Smith.

9 Amin (2001) stresses that globalization is presented as a natural effect, which makes it impossible to relate it to the political intention/ideology of those who promote the capitalist system.

center on the insourced periphery, based on the supposed competitive advantages invoked by the bourgeois economy, which in reality are nothing more than the crystallization of the immanent stage of the capitalist system (Amin, 2001; Braudel, 1984).

This logic, centered on mass material production, instituted, on the one hand, a form of biopolitical government (Foucault, 2007) that focuses on the control and domestication of the body, in which

[T]he reasons that, at a given moment, predispose the State to intervene in production can be diverse and complex, as well as the possible forms and objects of this intervention. A situation that leads to one type of intervention may not lead to another, but when, in the past, state intervention as a deliberate and permanent policy, adapted to normal peacetime circumstances has occurred, it appears that the two main objectives that motivated it were: imposing a monopoly in favor of a group of capitalists, or strengthening the bonds of labor discipline, and it is to be expected that, in a capitalist society, the state's efforts to control wages and restrict the worker's freedom of movement are greater when the labor reserve is depleted than when it is abundant (Dobb, 1971, p. 39, free translation)<sup>10</sup>.

On the other hand, a disciplinary society is formed, with which an era of heavy modernity begins, of mass production in factories, of restrictive norms and adaptation to the norm, tending to achieve the standardization of individual behaviors (Bauman, 2012) in order to meet, with greater efficiency, the demands of the mechanical production system imposed by industrial capitalism (Han, 2021).

## 2 Post-industrial capitalism and the division of intellectual labor

Current capitalism is developing under a new paradigm whose predominant input is information (Freeman, 1988 as cited in Castells, 2011, p. 107; Loveluck, 2018), making science and technology its strongest bastions, driven by the alliance with new international actors—especially related to the financial and communication sectors—as perfectly illustrated by J. Echevarria (2003 apud Pardo,

10 In the original: “[L]as razones que, en cualquier época, predisponen al Estado a intervenir en la producción, pueden ser varias y complejas, como también las formas y objetos posibles de esta intervención. Una situación que lleve a un tipo de intervención puede no llevar a otro. Pero cuando, en el pasado, sobrevino la intervención del Estado como política deliberada y permanente, adaptada a las circunstancias normales de tiempos de paz, al parecer los dos principales objetivos que la provocaron fueron: imponer un monopolio a favor de un grupo de capitalistas o reforzar las ataduras de disciplina del trabajo, y cabe esperar que, en una sociedad capitalista, los esfuerzos del Estado por controlar salarios y restringir la libertad de movimientos del obrero serán mayores si está agotada la reserva de trabajo que cuando ella es abundante”.

2009, p. 75, free translation)<sup>11</sup>:

The stock market became interested in investing in science and technology. In 1983, companies such as Merrill Lynch and Morgan Bank advised their clients to invest in R+D companies. In contrast to the mostly government and military financing of macroscience, technoscience found other sources of financing. R + D companies have proliferated, especially in the field of new technologies (ICT, Biotechnology). Many of them have turned to venture capital firms and the stock market to launch their research programs.

This new economy requires the mass information production, which is the raw material produced and used by multinational companies (Zuboff, 2021; Bioni; Zanatta, 2020; Loveluck, 2018) to manipulate and stimulate thoughtless consumer behavior (Mattelart; Vitalis, 2015; Han, 2022) in order to stimulate extraordinary growth in its profitability.

This is achieved, in principle, through the use of social norms inherited from the industrialist period that favor classification, quantification, and surveillance (Rieder; Simons, 2016), and is fed back by the new system based on information automatically extracted from interactions on the network, increasing the effectiveness of domination, creating a frenetic state that encourages the consumption dehumanization (Bauman, 2012; Han, 2021; Chomsky, 2021).

This process, called by some authors informationalism (Castells, 2011; Zuboff, 2021), brings with it a form of psychopolitical governance that is no longer interested in the somatic, but discovers the psyche as the engine of its productive force “[t]his return to the psyche and, therefore, to psychopolitics is related to the form of production of current capitalism, since it is determined by immaterial and incorporeal forms of production” (Han, 2021, p. 42, free translation)<sup>12</sup>.

In this new context, the repressive forms of exercising power that were associated with the crystallized and stagnant State power give way to other more subtle and effective forms of exercising power that are not always repressive, but that often act in a covert way through of manipulation, stimulation, and seduction (Han, 2021), and, at the same time, provide an apparent sensation of unrestricted

11 In the original: “[L]a bolsa comenzó a interesarse por invertir en ciencia y tecnología. En 1983 empresas como Merrill Lynch y la Banca Morgan aconsejaron a sus clientes que invirtieran en empresas I + D. Frente a la financiación de la macrociencia, mayoritariamente Estatal y militar la tecnociencia encontró otras vías de financiación. Proliferaron empresas de I + D sobre todo en el ámbito de las nuevas tecnologías (TIC, Biotecnologías). Muchas de ellas recurrieron a entidades financieras de capital-riesgo y a la Bolsa para poner en marcha sus programas de investigación”.

12 In the original: “[e]ste giro a la psiquis y con ello a la psicolítica está relacionado con la forma de producción del capitalismo actual, puesto que está determinada por formas de producción inmateriales e incorpóreas”.

freedom that is nothing more than the freedom to choose between pre-established action structures.

This is how this “free” construction of subjectivity guided by private interests leads to a society that takes pleasure in being confessional, transparent, parsimonious, punctual, consumerist, and purely relational (Bauman, 2012), all functional to the interests that promote the development of the new system of social, cultural, and economic organization.

We belong to a citizenship that is very far from participatory commitments and closer to vaudeville shows. Close to zero degree of political energy, altered by the frenzy of a combination of inconsequential vicissitudes and scandalous events, promoted by administrations that claim for themselves the disciplined management of an economic vision (the program rather than the policy). Administrations in which the predominant intention is to exchange social benefits for ritual signs of power. Wild power that only wants to manage public affairs for its own interests, power as a use value for itself (Warat, 1996, p. 157, free translation)<sup>13</sup>.

Thus, a society of automated control is structured (Deleuze, 1991), which is mainly in the hands of large private entities, which end up strongly conditioning the State autonomy, but not its sovereignty, which, in formal terms, still corresponds legitimately to the State<sup>14</sup> in a model that resembles Absolutist States in its practical consequences (Mendes de Sousa, 2022).

Therefore, there is progress towards an economy increasingly based on intangible and intellectual development as a fundamental factor for increasing productivity (Castells, 2011; Han, 2021; Drucker, 1993), without this mattering in itself, the abandonment of a productivism logic inherited from the industrial system, but which in any case is reorganized under techno-scientific development principles (Pardo, 2009) that reinforce the relationship of subordination of the periphery in relation to the centers of power.

These objectives are pursued, basically, through two movements that are strongly felt in peripheral countries, increasing their dependence on centers of power, in a reissue of the international division of labor, today intellectual. On

13 In the original: “Pertenecemos a una ciudadanía que está muy lejos de los compromisos participativos y más cerca de las actuaciones de vodevil. Próxima del grado cero de energía política, cambiada por el frenesí de una conjunción de peripecias sin consecuencia y sucesos escandalosos, fomentados por administraciones que reivindican para sí la gestión disciplinada de una visión economicista (el programa en lugar de la política). Administraciones en las cuales predomina la intención de cambiar beneficios sociales por signos rituales de poder. El poder salvaje que solo quiere gestionar la cosa pública para sus propios intereses el poder como valor de uso para sí mismo”.

14 On the particularities of the distinction between autonomy and sovereignty, see Held (1997) and Held and McGrew (2003).



the one hand, it consists of deepening the conditions of precariousness/flexibility of the salaried worker<sup>15</sup> in a way that prevents sufficient margins of autonomy for them to actively engage in reflection on the reality around them and, on the other, in the privatization of knowledge through promotion of government austerity programs<sup>16</sup>, which involves breaking with the system established by the welfare state, replacing it with a system run by the private sector, which does nothing more than promote scientific and technological development in areas within its exclusive interest (Pardo, 2009). Those that seek to be elevated to a universal character through the implementation of a system of self-regulation and self-organization:

This system does not only operate in the domestic space of technology, a private space of companies that one enters voluntarily and which, therefore, would not affect the public decision-making space and the instances that are resolved within it. It is common for self-regulation processes that, if developed with rigor and effectiveness, achieve public effects, beyond the private orbit in which they necessarily originate (Pardo, 2009, p. 103-104, free translation)<sup>17</sup>.

In this sense, it is essential to address the issue of knowledge, as well as the possibility of recreating it according to comprehensive views of contextualized—and non-hegemonic—reality, in order to break with the center/periphery logic imposed by the capitalist system (Amin, 200; Braudel, 1984).

### 3 From the praise of certainty to the uncertainty of self-regulation

Law expresses itself as part of a social phenomenon that encompasses the cultural and historical circumstances it seeks to serve. In this sense, during the period of heavy modernity, the legal system was presented as a tool capable of providing security to guarantee the economic and industrial West progress. “The empire of the law is the basis of the legal order of modernity” (Pardo, 2009, p. 53, free translation)<sup>18</sup>.

15 For a more in-depth study of the relationship between production, capital accumulation, and wages, we recommend the reading of Regulatory Theory: The State of the Art (Boyer, 2009), which provides a critical view of liberal conceptions of the market.

16 This line of thinking was clearly developed and defended by economist John Williamson, presented in the 1989 Washington Consensus as a response to the financial crises affecting Latin America in particular.

17 In the original: “Ese sistema no solo opera en el espacio doméstico de la técnica, un espacio privado de las empresas en el que voluntariamente ingresa, y que no afectaría por tanto al espacio público de decisión y a las instancias que en él resuelven. Es común a los procesos de autorregulación que, si se desarrollan con rigor y eficacia, lleguen a alcanzar efectos públicos, más allá de la órbita privada en la que necesariamente se gestan”.

18 In the original: “El imperio de la ley es la base del orden jurídico de la modernidad”.

Thus, legal thought, in its broadest interpretation, was presented as something sacred/canonized, “said for eternity”, directed at society based on its production in closed cloisters, as an expression of a rational domain of Law (Warat, 1996). According to this positivist logic centered on the legal security provided by the Rule of Law, and always as a consequence of important social struggles, the fundamental human rights known today were enshrined in different historical periods.

A first generation of fundamental human rights finds its primordial development at the time of the French Revolution, in the 18th century, in light of the philosophical conceptions of the Enlightenment and as a response to the absolute power of States. The so-called civil and political rights, which include the right to life, freedom, and security, were then recognized and, at the same time, incorporated into the 1976 International Covenant on Civil and Political Rights. Subsequently, a second generation of human rights developed in recognition of the struggles arising from exploitative relations produced in industrial capitalism. These are economic, social, and cultural rights that impose a positive obligation on States to meet the legitimate developmental aspirations of society, which are positively enshrined in the 1976 International Covenant on Economic, Social and Cultural Rights<sup>19</sup>. Finally, third generation human rights are enshrined, which are contemporaneously expressed as a need for nations to cooperate to address issues of common interest, such as peace, sustainable development, self-determination of peoples, and a healthy environment<sup>20</sup>, which are consecrated in several international treaties.

However, this general structure of certainty established in modernity for a liberal bourgeois society from the 17th to the 19th centuries is beginning to collapse in the face of the social reconfiguration imposed by multinational capitalism for a new era of transmodernity<sup>21</sup> in which new international actors are determined to establish their own systems of self-organization and self-regulation outside of any public control (Pardo, 2009; Held, 1997; Zuboff, 2021). “It should be noted that the expansion of multinational capitalism (true free market capitalism)

19 All have constitutional status in Argentina since their incorporation through art. 75, 22. They are also present in arts. 14 (first generation), 14 bis (second generation), and 41 (third generation) of its writing.

20 It is worth clarifying here that there is no absolute agreement between all doctrinal currents on the composition of each generation of rights, however, an attempt was made to capture those that are generally considered for each of them.

21 This term was coined by Warat (1996) to refer to phenomena generally grouped under the label “postmodernity”. This is because he considers postmodernity an exhausted form of modernity in transit to other styles of thought.

requires a governance formula without politics and a merely rhetorical symbolism of democracy” (Warat, 1996, p. 161, free translation)<sup>22</sup>.

This model of “governance” requires the formation of a society and a de-ideologized, indifferent, apolitical, and individualistic citizenship, ready to lose the social demands achieved over a long time, “on the bottom line of the Rule of Law, which barely functions as a form of advertising” (Warat, 1996, p. 162, free translation)<sup>23</sup> in which messianic ideas, like the disqualification of any divergent opinions, become common in a society in permanent political conflict (Dahl, 2012).

Given such a state of matters, one proposes a hermeneutic democratization (Bonavides, 2016; Warat, 1996) that bring Law closer to the direction of its sources of identification with the contextualized reality in which it is produced, renouncing all attempts at irreflective patronization. This demands a process of repoliticization and reideologization that involves recognition of the other, of the alterity, of care, as well as of a hopeful struggle to achieve greater margins of autonomy and freedom (Warat, 1996) that guarantee a rationally sustainable development of production and consumption.

#### 4 New epistemological perspectives for rationally sustainable human development

The aforementioned precedent allows sharing the line of thought developed by Piketty (2020 in Walden, 2021, p. 33, free translation)<sup>24</sup>, portrayed in the following words:

Inequality is the result of ideological and political considerations, and not so much of economic or technological restrictions. If slave and colonial societies reached exceptionally high levels of inequality, it was because they were built around a particular political and ideological project, based on specific power relations and a concrete legal and institutional system. The same principle applies in the case of proprietary societies, trifunctional societies, social democratic, or communist societies and, in general, in any human society.

22 In the original: “Hay que tener en cuenta que la expansión del capitalismo multinacional (el capitalismo real de libre mercado) precisa de una fórmula de gobernabilidad sin política y de una simbología meramente retórica de la democracia”.

23 In the original: “sobre un fondo de un Estado de Derecho que únicamente incida como forma publicitaria”.

24 In the original: “La desigualdad es fruto de consideraciones ideológicas y políticas, no tanto de restricciones económicas o tecnológicas. Si las sociedades esclavistas y coloniales alcanzaron niveles de desigualdad excepcionalmente altos fue porque estaban construidas en torno a un proyecto político e ideológico particular, basado en relaciones de poder específicas y en un sistema jurídico e institucional concreto. El mismo principio rige en el caso de las sociedades propietaristas, las sociedades trifuncionales, las sociedades socialdemócratas o comunistas y, en general, en cualquier sociedad humana”.

This is an invitation to reflect critically on practices, in order to build an epistemological scaffolding that allows providing strong answers to truly strong questions (Santos, 2010), from a perspective that includes public political action institutionally incorporated by political parties and investigation of the role of Law in relation to power in increasingly complex contemporary societies.

In relation to the construction of an epistemological basis for the development of public policies coherent with the Latin American context, it is necessary to recognize the negative colonialism implications. Such implications are those that extend to the present day in the recognition of reality, always mediated through the prism of hegemonic Eurocentric interpretations, a circumstance that has been the subject of extensive treatment by Latin American intellectuals representing national thought (Ramos, 2011; Mariátegui, 1975; Jauretche, 2018; Arregui, 2004;

In this regard, it is enlightening to emphasize/evidence the intermediary role historically assumed by the media through public opinion between society's and the State's needs (Habermas, 1984), whether originally with the emergence of the press, and then in the industrial period, with the emergence of mass media, especially TV and, currently, digital media. In this sense, it is also important to recognize the impact that these media have not only on the intermediation of public opinion, but also, and increasingly, on the formation of public opinion (Han, 2022; Mendes de Sousa, 2022) and mass culture (Han, 2022).

In this regard, the remarkable process of non-deideologized de-ideologization<sup>25</sup> (Amin, 2001; Han, 2022; Warat, 1996) is evident, which aims to impose itself on society around a discursive rationality that is increasingly difficult to sustain and that manifests itself in the loss of critical nouns, as Santos (2010, p. 16, free translation) points out<sup>26</sup>: "It must be kept in mind that nouns still establish the intellectual and political horizon that defines not only what is speakable, reliable, legitimate or realistic, but also, implicitly, what is unspeakable, unbelievable, illegitimate or unrealistic".

Equally impressive is the surrender of many political representatives to the proposed game and the agenda imposed by the media, which leads to a kind of unification of the public sphere with the political sphere, transforming it into one of the many available commodities, such as trade or entertainment, completely emptying it of content (Rodotà, 2000; Han, 2022).

25 It should be noted here that this process of de-ideologization, in turn, is not free from ideology, as mentioned recently, when reference was made to Amin.

26 In the original: "Hay que tener en cuenta que los sustantivos aún establecen el horizonte intelectual y político que define no solamente lo que es decible, creíble, legítimo o realista sino también, y por implicación lo que es indecible, increíble, ilegítimo o irrealista".

With regard to the legal field, it is necessary to develop a critical perspective that allowed overcoming the tendencies towards dogmatism based on the common sense of jurists, which would be, as Streck (2012, p. 188, free translation) observes:

A complex of accumulated knowledge, presented by institutional legal practices, thus expressing a set of functional representations originating from moral, theological, metaphysical, aesthetic, political, technological, scientific, professional, and family epistemological knowledge that jurists accept in their activities through legal dogmatics.

This fact is repeated even by some judicial authorities “eager to become stars of public discourse, prone to changing their image from neutrality to that of a media artist” (Warat, 1996, p. 154, free translation)<sup>27</sup>, those who speak based on criteria of rationality that do nothing more than reproduce a simplified/simplistic image of society (Warat, 1979).

All of the above leads to a fetishization of legal discourse in which the law is presented as a natural property, abstracted from all contextual conditions of production, creating a myth that deforms a complex reality, making people accept and venerate it in the way it is presented, without being able to recognize the power relations that such a situation generates (Warat, 1979).

Therefore, one understands the need to maintain spaces of ideological diversity that allow questioning the meaning of what the law is for, in its relationship with power? from a critical/controversial hermeneutic view of the dominant power; always seeking to guarantee the defense of fundamental human rights<sup>28</sup>, even more necessary in current times, characterized by volatility and uncertainty.

## Conclusion

As has been demonstrated over time, the crisis of the capitalism economic, social, and cultural system reveals certain ruptures and continuity that manifest themselves as a consequence of a process of internal metamorphosis towards a surveillance capitalism that essentially tends to reinforce asymmetries intrinsic to the system itself.

Thus, one can understand the neoliberal proposal for market deregulation,

<sup>27</sup> In the original: “ansiosos por convertirse en estrellas de un discurso público, propensos a cambiar su imagen de neutralidad por la de animador de medios”.

<sup>28</sup> Observation made by Dr. Luiz Ernani Bonesso de Araújo at the 1 Warat Fest, Universidade Federal do Paraná – Brazil, August 4, 2023.

which aims to reinforce/prolong the North-South colonial subordination relationship, now through knowledge appropriation or enclosure, as something unique and naturally produced by developed countries. As if nothing else could be produced outside of its conceptual structures, as if no other way of relating to the world was possible.

With this proposal in mind, we sought to analyze some of the many current critical theories that present themselves as possible alternatives for rationally sustainable ways of relating to the world. These theories manifest differences naturally, but the common denominator stands out, which requires a break with hegemonic and colonialist conceptions, recreating them based on new conceptual structures.

This is an invitation to develop new epistemological and hermeneutic perspectives based on a contextualized analysis to understand a multidimensional and complex social reality. Hard intellectual work is necessary in a kind of carnivalization of knowledge (Warat, 1996) to promote a creative logic that allows the safeguarding of fundamental human rights, above the economic and individualistic inertia that leads to non-creative destruction.

There is no doubt that this was the commitment with which these lines were written, and one expects that they will contribute to a fruitful debate.

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