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## P R E F A C E

"Mortals should have mortal, not immortal, thoughts," says the Greek philosopher Epicharmus. This book deals with mortal thoughts. Its assumption is that sociocultural paradigms spring forth, follow their natural course of development, and eventually die; but unlike the death of people, the death of a given paradigm signals the emergence of a new one. On the other hand, having in mind Sartre's dictum that "an idea as yet unfulfilled has strange similarities with utopia," the book deals with utopia as well.

Between one and the other, between mortality and utopia, this book takes as its main subject matter the paradigmatic transition. The idea that the paradigm of modernity has exhausted all its possibilities of renovation, and that its continuing prevalence as the dominant paradigm is due to historical inertia, is here taken for granted. [The clearest symptom of such an exhaustion is the impossibility of thinking social emancipation consistently within this paradigm.] From the sixteenth and seventeenth centuries on, modernity emerged as an ambitious and revolutionary sociocultural paradigm based on a new dynamic equilibrium between social regulation and emancipation. By the mid-nineteenth century, this equilibrium began to tilt gradually in favor of regulation, to the detriment of emancipation, until the latter was totally absorbed by the former. This is the situation we find ourselves in at the end of the twentieth century.

The collapse of emancipation into regulation symbolizes the exhaustion of the paradigm of modernity; but at the same time it also signals the emergence of a new paradigm. Ours is, therefore, a time of paradigmatic transition. Times of transition are difficult to characterize and even to name. They are not unlike the "interregnum" Mallarmé talks about in his autobiography, a time between "*trop de désuétude*" and "*effervescence préparatoire*." Such times are half blind and half invisible, in that they represent a transition between what is old and familiar, on the one hand, and what is new and strange, on the other. To bring them under one sole designation, such as postmodernity, for example, is thus necessarily inadequate; but precisely because the inadequacy is necessary, the designation itself has a grain of truth, and hence its use is legitimate, provided it is duly specified.

The book's central idea is that the paradigmatic transition has several dimensions that evolve at different paces. I identify two such dimensions: the epistemological and the societal. The epistemological transition is more visible than the societal, and occurs between the dominant paradigm of modern science and an emergent epistemological paradigm that I call *the paradigm of a prudent knowledge for a decent life*. The societal transition occurs between the dominant para-

digm of the capitalist world system and interstate system, and one or more emergent paradigms of which we have as yet no more than what Fourier once designated as “*vibrations ascendantes*.” Although each one of these transitions assumes a multiplicity of aspects, I deal only with a few. As regards the epistemological transition, I pay a great deal more attention to its theoretical and methodological than to its sociological conditions. As to the societal transition, I follow Durkheim’s lesson in taking law and its articulation with the forms of social power as a privileged indicator of the crisis of the dominant paradigm and hence of some of the most important paradigmatic transitions in progress. Actually, even though they are different, and have a different pace, the two transitions are closely linked together. This is the reason why the book’s argument is focused on three major analytical fields: knowledge, law and power.

As a strong critique of the dominant paradigm, this book situates itself in the critical tradition, but it also swerves from it in two fundamental ways. First, modern critical theory is subparadigmatic, that is to say, it tries to develop the potential for social emancipation within the dominant paradigm itself. On the contrary, the assumption of this book’s argument is that the dominant paradigm has long exhausted all its potentialities for emancipation, as is quite manifest in the voracity with which it transforms them into as many forms of social regulation. Critical thought must therefore assume a paradigmatic stance for a radical critique of the dominant paradigm from the standpoint of an imagination sound enough to bring forth a new paradigm with new emancipatory horizons. The critique’s radicality is justified only inasmuch as it allows for the formulation of radical alternatives to the mere repetition of the possible. Otherwise, the critique will lose all efficacy and tend towards Phryronism, closing all alternative gateways and choking itself to death in the confined space thus created by itself. So, the paradigmatic critique must be critical of the critical tradition itself. Secondly, the paradigmatic critique distinguishes itself from the subparadigmatic critique in that, unlike the latter, it does not wish to stop at the oppositional, centrifugal, and vanguardist moment. To be sure, all critical thought defamiliarizes. But the mistake of modernist vanguardism was to indulge in the belief that defamiliarization is a goal in itself, whereas, on the contrary, defamiliarization is but the moment of suspension necessary to create a new familiarity. To live is to become familiar with life. The true vanguard is transvanguardist. The goal of postmodern critical theory is, therefore, to turn into a new common sense—an emancipatory common sense.

This is a self-reflexive book. It is fully aware that what we say is always more than what we say about what we say. The exactness of self-reflexivity has its origin in the awareness of this excess of saying. It is an exactness that is difficult to fulfill because it must be fulfilled both at the personal and at the collective level. Personal self-reflexivity may be easier to fulfill, provided we mark the admonishments of the masters. John Dewey’s, for example: “Now it is an old story that philosophers, in common with theologians and social theorists, are as sure that personal habits and interests shape their opponents’ doctrines as they are that their own beliefs are ‘absolutely’ universal and objective in quality.” Or Kierkegaard’s: “Most people are subjective concerning themselves and objective concerning all the others—frightfully objective sometimes. But the important thing is to be objective concerning oneself and subjective concerning all the others.” Or, finally, Bourdieu’s, when

he cautions the sociologist against being a sociologist vis-à-vis all the others and an ideologist vis-à-vis himself. The specific difficulty of the self-reflexivity of an argument regarding the paradigmatic transition resides in the fact that the formulation of such an argument must needs bestride both paradigms at the same time. The exercise of self-reflexivity, which is always implicit as the book’s argument unfolds, becomes explicit, and indeed quite crucial when, in Part Two, Chapter Three faces itself in Chapter Three-in-the-Mirror.

As I have already suggested, self-reflexivity has a collective dimension as well. Excess of saying does not depend merely on the fact that whoever does the saying is more situated than what is said; it also depends on the fact that what is said is situated in a culture that tends to forget its own situatedness. At this level, the demands of self-reflexivity compel the individual social scientist to write as a trustee who is relatively disloyal to the culture of origin. In this book, modernity is simultaneously less and more than what is conventionally understood by modernity. Less, because modernity is here understood as Western modernity. More, because European modernity includes many other traditions besides those that ended up consecrated in the modern canon. I mean traditions that were gradually suppressed, marginalized or subverted so that the canon could be convincingly canonical. And if, inside a given canonical culture, the process of exclusion is highly significant, as Raymond Williams has taught us, among cultures it is even more significant, as Edward Said has shown. A narrow view of ourselves tends to encourage an even narrower view of the other. With this understanding in mind, in an effort to unearth some of the suppressed traditions, the argument developed in the book involves a great deal of archeological excavation into Western modernity, the underlying assumption being that perhaps only ruins can express a fact completely. On the other hand, since the book’s argument resorts to other traditions of other cultures as well, another kind of archeological excavation is also required, in view of the long and complex interrelations between these other cultures and Western culture, mainly in colonial and neocolonial contexts in which Western culture managed to prevail as the hegemonic culture. Of course, this search for suppressed cultures is of no archeological interest whatsoever. It is rather a means to reinvent a new way of learning capable of enabling us to traverse the paradigmatic transition and explore to the full the emancipatory potential that it carries.

The book has four parts. In Part One (Chapters One and Two), I trace broadly the crisis of the dominant paradigm and sketch briefly the outline of the paradigmatic transition. In Chapter One, my attention is focused on the epistemological transition; in Chapter Two, on the societal transition, taking law as a code for the transformations pointing towards a paradigmatic reading of the present time. In Part Two (Chapters Three, Three-in-the-Mirror, Four and Five), I engage in a series of sociological analyses of law in order to illustrate the crisis of the dominant juridico-political paradigm and point the way towards a vast and profound theoretical reconstruction. I therefore analyze three time-spaces of legality: locality, nationality and transnationality. The perspective I adopt is that of the oppressed social classes and groups; the struggles against the many forms of oppression define for me the demands of the paradigmatic transition. Lukács said that without a commitment a writer will never be able to distinguish the essential

from the inessential (I think this is true even for someone who, like myself, does not believe in essences at all). In Chapter Three, I present an analysis of the local and internal legal order of a large squatter settlement in Rio de Janeiro; participant observation was the method chosen to conduct this particular research project, of which Chapter Three-in-the-Mirror is a self-reflexive reading. In Chapter Four, I describe various instances of transnationalization of the juridical field and the way in which they reflect the social struggles in a new context characterized by the dramatic intensification of transnational practices and interactions. In Chapter Five, I present an analysis of the social struggles in another Brazilian city, whereby the articulation and interpenetration of the different time-spaces of the legal field are clearly shown.

In Part Three (Chapters Six and Seven), I offer the prolegomena of a theoretical reconstruction to highlight the breadth and depth of the crisis of modernity, singling out the main forms of oppression that it takes, as well as the main fields of the societal and epistemological struggle to be undertaken in the period of paradigmatic transition that we are now entering. In my discourse I resort to spatial metaphors, a rhetorical device privileged by postmodern knowledge, whose general contours I had already traced in Chapter One. In Chapter Six, I identify and characterize the six structural spaces of sociability in capitalist societies within the world system and the interstate system. My analysis is focused on three major forms of social regulation: forms of power, knowledge and law. In Chapter Seven, I concentrate my theoretical reconstruction on the forms of law and push the spatial metaphor to its extreme, that is to say, to its very literalization: the forms of law are analyzed as if they were really maps. I speak then of a symbolic cartography of law.

Finally, in Part Four (Chapter Eight), I try to identify the main parameters of the emancipatory struggles in the paradigmatic transition. This is no easy task, given the fact that the social sciences were constituted within the paradigm of modernity which, in turn, has meanwhile exhausted all its emancipatory potential. As such, to think emancipation and the struggle for emancipation is both an act of societal transgression and an act of epistemological transgression. Thus, in Chapter Eight I resort to another suppressed tradition of modernity—utopian thought. Utopian thought, which had already been invoked in Parts One and Two, is again summoned in Chapter Eight to assist in a double task; on the one hand, to reinvent the social fields of emancipation (I mean emancipations, in the plural, not Emancipation with a capital E); on the other, to reinvent individual and collective subjectivities bearing the capacity and the will to traverse the paradigmatic transition and explore to their fullest the emancipatory potentialities of the emergent paradigm.

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