

Progressive movement of the institutionalization of political reason
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Movimiento progresivo de institucionalización de la razón política
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Movimento progressivo de institucionalização da razão política

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ABSTRACT

Political philosophy literature rarely reconstructs the historical development of the institutionalization of political reason systematically. An analytical gap remains in understanding how different traditions addressed the challenge of protecting collective decisions from passions and arbitrariness. Through a qualitative literature review of classical works, this study revisits the historical construction of mechanisms aimed at producing more rational and just decisions. The analysis reveals a progressive movement of rationalization: a transition from virtue-centered conceptions of rulers to institutional models based on the limitation of power, separation of functions, and institutional self-restraint. It concludes that the rationality of collective decisions depends fundamentally on building institutions capable of structuring and limiting the exercise of political power in pluralistic societies.

Keywords: political reason; political institutions; rationality of decisions; political philosophy; constitutionalism.

RESUMEN

La literatura de filosofía política rara vez reconstruye, de forma sistemática, el desarrollo histórico de la institucionalización de la razón política. Persiste un vacío en la comprensión de cómo diversas tradiciones enfrentaron el desafío de proteger las decisiones colectivas frente a las pasiones y la arbitrariedad. Este estudio revisita, mediante una revisión bibliográfica cualitativa de obras clásicas, el proceso de construcción de mecanismos destinados a producir decisiones más racionales y justas. El análisis evidencia un movimiento progresivo de racionalización: la transición de concepciones centradas en la virtud de los gobernantes hacia modelos basados en la limitación del poder, la separación de funciones y la autocontención institucional. Se concluye que la racionalidad de las decisiones colectivas depende fundamentalmente de la construcción de instituciones capaces de estructurar y limitar el ejercicio del poder político.

Palabras clave: razón política; instituciones políticas; racionalidad de las decisiones; filosofía política; constitucionalismo.

RESUMO

A literatura de filosofia política raramente reconstrói, de forma sistemática, o desenvolvimento histórico da institucionalização da razão política. Persiste uma lacuna na compreensão de como diferentes tradições enfrentaram o desafio de proteger decisões coletivas contra paixões e arbitrariedades. Este estudo revisita, via revisão bibliográfica qualitativa, o processo de construção de mecanismos destinados a produzir decisões mais racionais e justas. A análise de obras clássicas evidencia um movimento progressivo de racionalização: a transição de concepções centradas na virtude dos governantes para modelos baseados na limitação do poder, separação de funções e autocontenção institucional. Conclui-se que a racionalidade das decisões coletivas depende

fundamentalmente da construção de instituições capazes de estruturar e limitar o exercício do poder político em sociedades pluralistas.

Palavras-chave: *razão política; instituições políticas; racionalidade das decisões; filosofia política; constitucionalismo.*

INTRODUCTION

The organization of political life has always been permeated by a structural tension between reason and the passions. Since classical philosophy, political reflection has been grounded in the recognition that collective decisions are frequently influenced by private interests, momentary impulses, and power struggles. In this context, various philosophical traditions have sought to understand how politics could be organized to yield decisions that are more stable, predictable, and guided by rational criteria. Throughout the history of Western thought, this concern has progressively led to the formulation of institutional arrangements designed to limit arbitrariness, discipline the exercise of power, and structure mechanisms capable of guiding political action beyond immediate contingencies.

Despite the extensive literature dedicated to political philosophy and institutional theory, much of the analysis tends to examine specific authors or traditions in isolation, without systematically exploring the historical development of a broader intellectual movement focused on the institutionalization of political reason. Consequently, an analytical gap persists in the reconstruction of a trajectory that connects different moments of political thought around the same theoretical problem: the quest for mechanisms capable of organizing politics in a manner that reduces the influence of passions, immediate interests, and arbitrariness in collective decision-making.

Building upon this gap, the research is structured around a central problem: how can politics be organized so that collective decisions are not dominated by immediate interests, passions, or arbitrariness? This question has permeated the history of political philosophy since its inception and reappears across various historical contexts, taking on diverse formulations as the social, institutional, and intellectual conditions of societies evolve. The investigation is based on the premise that, although the proposed responses over time differ, they share a common concern with constructing mechanisms capable of structuring the rationality of political decisions.

In light of this research problem, the objective of this study is to revisit, through a systematic literature review, the historical process by which a progressive movement toward the institutionalization of political reason has developed. It seeks to identify how distinct philosophical and theoretical traditions have contributed to the formulation of institutional mechanisms aimed at producing more rational and just political decisions within societies inevitably marked by passions, interests, and conflicts.

To achieve this objective, the research adopts a qualitative methodology based on a systematic literature review of classic works in political philosophy and institutional theory. The analysis consists of reconstructing, from both a historical and conceptual perspective, the contributions of various authors who addressed the problem of rationality in collective decision-making. The methodological procedure focuses on identifying how each author frames the problem of potential irrationality in politics and which institutional or normative solutions are proposed to confront it.

The structure of the article follows this historical development. Initially, it examines the reflections of classical philosophy on the relationship between reason and governance. Subsequently, the contributions of medieval thought and the modern tradition to the construction of the institutional foundations of political order are analyzed. Following this, the study addresses central formulations of constitutionalism and modern political theory aimed at the limitation of power and the balance between competing interests. Finally, it discusses contemporary contributions that analyze institutional mechanisms capable of disciplining collective decisions within democratic contexts marked by pluralism, conflict, and bounded rationality.

1. METHODOLOGY

The literature of political philosophy is vast in its approaches to the exercise of power, requiring a rigorous scope for this research. To address the central problem of this study, a qualitative and systematic bibliographic review method was adopted, grounded in a hermeneutic-reconstructive approach. To ensure the rigor of this scope and avoid the arbitrary selection of primary sources, the methodological path was structured around the prior definition of three units of meaning, which functioned as search keys for the scrutiny of Western political philosophy literature.

The formulation of this research problem stems from the observation that political reason does not impose itself spontaneously or naturally against human complexity; rather, it stands as a fundamental theoretical provocation. If collective decisions tend to be captured by passions and immediate interests, the imposition of rationality demands a deliberate effort of restraint. To enable the bibliographic review to track how Western philosophy responded to this provocation, the central problem was analytically decomposed. The logical relationship established is that any tradition of thought capable of fully addressing the research inquiry would necessarily provide the complete structure of this restraint, implying the presentation of: *i*) a clear diagnosis of the threat to rationality; *ii*) a practical mechanism capable of blocking said threat; and *iii*) a normative horizon to justify the order.

From this structural decomposition, three interconnected semantic keys were established a priori: *i*) Human Passions and Vulnerability: Defined as the key to mapping theories that diagnose human imperfection—whether in the form of passions, selfish instincts, pleonexia, or factionalism—as the primary threat to collective deliberation. This excluded purely utopian models that presuppose

unrestricted natural goodness; *ii*) Normative and Institutional Structuring and Restraint of Power: Defined as the primary filter of the research. The aim was to track works proposing the limitation of arbitrariness not merely through moral exhortation, but through the objective and normative structuring of power, such as mixed constitutions, subordination to universal laws, separation of powers, or rules of prior engagement; and *iii*) Political Reason and Justice: Served as the key to delimiting the selection to theories whose ultimate goal is to ensure stability, predictability, and the justice of decisions, excluding approaches strictly focused on the pragmatic and strategic exercise of maintaining "power for power's sake."

The reading and screening of the vast corpus of Western philosophy consisted of seeking the intersection of these three keys throughout history. The requirement that an author respond in a conjugated manner to the diagnosis of passions, the formulation of limits on power, and the pursuit of political reason resulted in the selection of fifteen traditions. The application of this filter revealed that the institutionalization of reason was not a uniform process but developed through four distinct—and often antagonistic—historical matrices.

Antiquity revealed the foundational moment of the problem. The selection of Plato fulfilled the criteria of the diagnosis (the risk of democracy being captured by passions) and the normative end, but pointed to a dependence on the virtue of the Philosopher-King. It was through Aristotle and Polybius that the key of institutional structuring gained materiality. These authors were included because they shifted the solution from individual wisdom to the design of the Polis constitution: Aristotle through the balance of the politeia supported by the middle class, and Polybius through the theorization of the Roman mixed constitution as a check on the cyclical degeneration of governments (anacyclosis).

In the period of Christian development, the selection identified an antagonistic response to the previous one. The classical diagnosis of passions was replaced by the doctrine of original sin and the intrinsic moral fragility of the human being. The inclusion of the message associated with Jesus addressed the need for a universal ethic that imposes moral limits on temporal authority. Augustine of Hippo was selected for introducing an anthropological realism where the political institution does not serve perfection but functions as a necessary coercive remedy against the disorder of worldly interests in the "City of Man." Thomas Aquinas closed this block by fulfilling the key of power-limiting structure through his theory of law, in which political power is only rational if its human normativity is strictly subordinated to the limits of natural law and rational order.

Modernity produced an epistemological rupture. The search keys filtered authors who secularized the problem, abandoning power limitation based on transcendent natural law in favor of an artificial and mechanical model. The diagnosis of "sin" was replaced by ineradicable self-interest in the state of nature, justifying the inclusion of Hobbes. Spinoza and Hume were selected because their contributions do not seek to morally eliminate passions, but to design institutions capable of channeling affects and interests in favor of

collective stability. The fulfillment of the keys was consolidated with the selection of Montesquieu, Kant, and James Madison. These thinkers elaborated the definitive structure of institutional self-restraint, such as the separation of functions where "power checks power," the subordination of passions to the Rule of Law, and the structuring of a representative republic capable of neutralizing factionalism.

Finally, the application of the keys to contemporary literature sought authors who transposed the classical problem of passions to democracies marked by pluralism, cognitive limits, and mass pressure. John Rawls met the criteria by presenting the "veil of ignorance" as a rational choice procedure that blocks immediate interests and passions during the constitutional design. Moving from hypothetical choice to actual practice, Jürgen Habermas fulfilled the requirements by proposing the model of "deliberative democracy," demonstrating how the institutionalization of discursive procedures acts as a necessary filter to ensure that the "force of the better argument" prevails over purely strategic interests in the public sphere. Jon Elster was included for translating the structural key of power restraint into rational choice theory, demonstrating how contemporary constitutions function as "pre-commitment" devices—using the metaphor of Ulysses tied to the mast—to protect rational deliberations against the momentary impulses of majorities.

The adoption of this methodological path grounds two central epistemological caveats. First, it dismisses any teleological bias in the interpretation of a "progressive movement" of rationalization. The transition from classical virtue to models of institutional self-restraint is not conceived here as a linear, continuous, or inevitable historical march, but as a retrospective hermeneutic reconstruction, the common thread of which was revealed strictly by the analytical filters applied. Second, the rigor of this positive inclusion matrix justifies the methodological choice to omit traditions of thought that do not equate these three elements simultaneously; such traditions naturally fell outside the analytical scope. Consequently, an exhaustive list of nominal exclusions was dispensed with, as the delimitation of the research's literary corpus is self-sustaining through strict adherence to the pre-established criteria.

2. RESULTS

The findings of the bibliographic review result from the application of the methodological matrix to the fifteen selected traditions. The analysis demonstrates that the institutionalization of political reason was not a linear process, but rather an unfolding across four major historical milestones, each reflecting epistemological ruptures in the way human arbitrariness is restrained.

The first milestone is situated in Classical Antiquity, the foundational moment of the problem's formulation. The second is characterized by the profound anthropological reconfiguration brought about by Christian and medieval thought. The third, corresponding to Modernity, establishes the definitive rupture toward mechanical institutional design. Finally, the fourth moment transposes

the classical dilemma to the landscape of complex contemporary constitutional democracies.

2.1 FROM VIRTUE TO THE MIXED CONSTITUTION

In the classical period, the diagnosis arises from the observation that deliberation in city-states tended toward degeneration due to popular passions and factional interests (stasis). The theoretical evolution during this stage reveals the first major transition in institutional structuring. Initially, Plato responded to the problem by relying on the moral and individual wisdom of the Philosopher-King to achieve justice. However, the classical matrix advances as Aristotle and Polybius shift the solution from individual virtue to institutional structure. By formulating the idea of the mixed constitution (politeia) and the system of reciprocal checks against the cyclical corruption of governments (anacyclosis), these authors inaugurate the notion that the normative ends of stability and moderation depend on objective power arrangements, rather than merely on "good men."

2.1.1 Plato

Plato structures his response to the political problem based on an ontological conception that reflects the very diagnosis of human vulnerability. The 'sensible world,' characterized by imperfection and change, is understood as the domain of irrational impulses and immediate interests that destabilize collective decisions. In contrast, the 'world of ideas or forms' houses universal essences, representing the normative horizon of justice. For the philosopher, containing arbitrariness requires that true political knowledge does not derive from the sensory and passionate experience of the masses, but from the rational apprehension of these immutable forms. In this context, philosophy transcends abstraction and assumes a practical function of restraint: guiding both individual and collective life so that reason and the good prevail over the passions of the city.

On the political plane, Plato formulates a profound critique of the Athenian democracy of his time. For him, political regimes governed by immediate popular desires tend toward instability and injustice, as collective decisions can easily be captured by passions, private interests, or rhetorical manipulation¹. Politics, in his conception, should be guided by the rational knowledge of the common good. The central problem of his theory consists precisely in preventing the political order from being dominated by irrational impulses or contingent interests.

The solution proposed by Plato lies in the construction of a city organized according to a rational hierarchy. In his work *The Republic*, he argues that justice in the city occurs when each social class performs its corresponding function: the rulers, endowed with philosophical knowledge, must direct the city; the guardians (or warriors) must ensure its defense; and the producers must

¹ Platão, *A República*, trans. Ciro Mioranza (São Paulo: Lafonte, 2020), VIII, 298-304.

secure the material basis of social life². The central figure of this model is the philosopher-king (or philosopher-ruler), an individual who, having contemplated the Form of the Good, possesses the capacity to provide rational guidance to politics³.

Plato's contribution to the research problem materializes the application of the analytical categories in Classical Antiquity. Regarding the diagnosis of human vulnerability, the philosopher recognizes that the stability of the political order is constantly threatened by the immediate desires of the majority and momentary impulses. In response, the mechanism of restraint he formulates is not yet based on structural institutional design, but on the capacity to subordinate passions and private interests to the rational direction of philosopher-rulers. In this way, Plato fulfills the normative horizon of the model by asserting that justice should not be a mere expression of the immediate will of the citizens, but an activity guided by the philosophical knowledge of the common good in a universal sense.

2.1.2 Aristotle

The transition from Plato to Aristotle marks the first major methodological shift in the quest to restrain political irrationality. While the master entrusted rationality to a virtuous elite capable of accessing transcendent Forms, the pupil moved away from this idealism to seek objective solutions within the very dynamics of the city. Although the diagnosis of human vulnerability remains the same, the mechanism of restraint undergoes a radical change: the answer to arbitrariness is no longer sought in the realm of immutable Ideas, but is instead investigated within the empirical and institutional architecture of the polis.

Consequently, Aristotelian philosophy is characterized by an empirical and analytical method that directly shapes its response to this research problem. Unlike Plato's dualistic metaphysics, Aristotle maintains that reality must be understood through the observation of concrete things and the way human communities actually organize themselves. Knowledge is not founded upon the contemplation of separate Forms, but on the rational investigation of the nature and purposes (*telos*) inherent in institutions. This teleological perspective establishes that the city possesses a purpose of its own: the normative horizon of promoting the "good life" and moderation (*eudaimonia*). To prevent this purpose from being corrupted by private interests or factional passions, the understanding of politics becomes dependent on identifying concrete arrangements capable of balancing social forces. In the ethical and political fields, Aristotle develops the idea that the human being is a political animal (*zoon politikon*); that is, a being whose fulfillment depends on life within a community⁴. Politics emerges as the sphere in which individuals can achieve the highest human good, which he terms *eudaimonia*, frequently translated as happiness or human flourishing. The city is not merely an instrumental

² Platão, A república, 136-140.

³ Platão, A república, 190-192.

⁴ Aristóteles, A política, trad. Nestor Silveira Chaves, 1ª ed. (São Paulo: La Fonte, 2017), Livro Primeiro, 1, 13-14.

arrangement to ensure security, but rather the community in which human life can attain its moral and rational fulfillment⁵.

Regarding the problem of how to prevent collective decisions from being dominated by passions or immediate interests, Aristotle offers a response distinct from that formulated by Plato. While his teacher relied on the figure of the philosopher-king as the guarantee of political rationality, Aristotle shifts the focus toward the institutional structure of the political community. The stability of the regime would depend on the balance between different social forces and the existence of a constitution capable of organizing political participation in a moderate manner.

This conception appears systematically in his work *Politics*, in which Aristotle analyzes various forms of government and their degenerations. He distinguishes regimes oriented toward the common good—monarchy, aristocracy, and *politeia*—from their corrupted forms: tyranny, oligarchy, and extreme (or degenerate) democracy⁶. The institutional solution he considers most stable is *politeia* (or polity), a mixed regime that combines democratic and oligarchic elements and is sustained primarily by a politically moderate middle class⁷.

Aristotle's contribution to the research problem materializes the definitive transition to the second analytical key. By grounding the diagnosis of human vulnerability in the inevitable plurality of interests in political life and the risk of a single social group concentrating power, the philosopher moves away from the reliance on individual virtue. In its place, he formulates a strictly institutional mechanism of restraint: stability depends on a mixed constitutional structure capable of balancing these divergent forces.

Through this, Aristotle ensures that the normative horizon of rationality and the common good does not depend exclusively on the wisdom of exceptional rulers, but on the objective organization of the polis. This realistic perspective inaugurates the understanding that political moderation requires institutional balance, laying the theoretical groundwork for the classical tradition to soon explain how the reciprocal control of these forces could halt the natural cycle of corruption and government degeneration in large republics.

2.1.3 Polybius

The quest for a mechanism of institutional restraint in Antiquity gains practical materiality as the analytical focus shifts from the restricted Greek polis to the reality of a republic in full expansion. While Aristotle theorized the balance of forces on the scale of the city-state, Polybius projects this solution onto the complexity of the Roman imperial landscape. The diagnosis of human vulnerability in his theory takes the form of anacyclosis, through which he observes that every pure regime inevitably degenerates, as the concentration of

⁵ Aristóteles, *A política*, 14.

⁶ Aristóteles, *A política*, 87-88.

⁷ Aristotle, *A política*, 136.

power corrupts virtues and transforms them into tyrannical, oligarchic, or demagogic passions. To halt this natural cycle of corruption, Polybius does not appeal to morality; instead, he identifies the mixed constitution of the Roman Republic as the ideal model for the structuring of power. The rationality of decisions and the normative horizon of stability thus become dependent on a system in which monarchical, aristocratic, and democratic principles exercise reciprocal control.

Polybius's contribution to the problem of preventing collective decisions from being dominated by passions or immediate interests arises precisely from his analysis of this cycle. For him, no pure regime is stable for long periods, as the concentration of power within a single political principle inevitably produces its own degeneration. The solution found by the Roman Republic consisted of a balanced combination of different forms of government within a single institutional structure⁸.

Polybius describes the Roman constitution as a mixed system in which three elements mutually balance one another. The monarchical component was represented by the consuls, responsible for the conduct of government and military command. The aristocratic element was present in the Senate, which exercised great influence over political and financial decisions. The democratic component manifested itself in the popular assemblies, responsible for the election of magistrates and the approval of laws⁹. This institutional structure created a system of checks and balances in which each part possessed the means to limit the others.

In this model, the rationality of political decisions did not depend exclusively on the virtue of rulers or the wisdom of the people, but on the institutional design itself, which distributed power among different bodies. The stability of the Republic resulted precisely from the interaction and reciprocal control between these structures. Thus, Polybius formulates one of the first systematic analyses of the idea of institutional balance as a mechanism for restraining passions and private interests.

The central teaching of his reflection lies in the insight that enduring political regimes depend on the balanced combination of different principles of government. By recognizing that every form of power tends toward abuse when concentrated, Polybius anticipates a tradition that would profoundly influence modern constitutionalism. His theory of mixed government would later be taken up by pivotal modern thinkers, particularly Montesquieu and the authors associated with *The Federalist Papers*, who similarly sought to structure institutions capable of restraining the excesses of political power.

⁸ Políbio, *Histórias*, 331-332.

⁹ Políbio, *Histórias*, 333-335.

2.2. The Development of Christianity and Medieval Philosophy

With the decline of the classical world and the rise of Christianity, the quest for political rationality undergoes a profound inflection: the problem shifts from the instability of city-states to the intrinsic moral fragility of the human being, grounded in the doctrine of original sin. Faced with the impossibility of earthly perfection, the restraint of power takes on a character of ethico-normative subordination. Building upon the ethical universalization of the Christian message, Augustine conceives of coercive power not as an instrument of perfection, but as a necessary "remedy" (*remedium peccati*) against the disorder of worldly interests. This tradition culminates in the systematization of Thomas Aquinas, whose structural response to arbitrary power consists of the imperative subordination of human law to natural law. At this stage, the normative horizon is consolidated in the premise that political authority is only rational and legitimate if it is limited by universal moral principles aimed at the common good..

2.2.1 Jesus

The institutional model of the Roman mixed structure, once celebrated as the pinnacle of political balance, soon found itself confronted with the tensions of a vastly expanding empire. As power structures became instruments of absolute imperial domination, the quest to restrain arbitrariness shifted from the external architecture of the State to the moral and inner condition of the individuals. It is precisely within this setting that the figure of Jesus emerges, marking a profound rupture in the conception of justice, law, and authority.

Although Jesus did not formulate a political theory in the mold of classical philosophy, his message introduced a universalist ethical dimension that directly challenged the absolutization of temporal power. In a context where imperial law demanded formal submission and religion was often conflated with political status, his preaching proposed that true justice transcends mere literal compliance with state-imposed norms, grounding itself instead in moral intent and *caritas*. This paradigm shift established that political power lacks absolute authority over conscience, triggering a reconfiguration of legitimacy within Western civilization.

The contribution of this message to the research problem materializes as a profound anthropological shift. The diagnosis of human vulnerability moves away from focusing solely on the organic corruption of political regimes and begins to recognize the intrinsic moral fragility of the human being as the root of disorder. To counter this threat, the formulated mechanism of restraint operates on a different plane: rather than proposing purely institutional arrangements, it demands an ethico-normative subordination, where the legitimacy of power structures is conditioned by the limits of morality. Thus, a new normative horizon is consolidated, in which the rationality of collective decisions must remain obedient to universal principles of human dignity.

This principle appears in teachings found in the Gospel of Matthew, particularly in the so-called Sermon on the Mount, where it is asserted that true justice surpasses the literal fulfillment of the law and is grounded in moral intention and neighborly love¹⁰. This universalist ethics weakens traditional distinctions based on social status, origin, or political power, introducing an egalitarian conception of human dignity.

Among the best-known teachings associated with this tradition is the so-called "Great Commandment" (or Commandment of Love), according to which love for God and for one's neighbor constitutes the foundation of moral life.¹¹ Another relevant principle is the idea that political power does not possess absolute authority over the moral conscience, expressed in the distinction between spiritual duties and civil duties.¹²

The primary contribution of this message lies in the introduction of a universal ethical dimension that conditions the legitimacy of power structures, establishing the primacy of morality over force. Politics ceases to be treated merely as a problem of institutional engineering and begins to demand the recognition of universal principles tied to human dignity. By grounding true justice in the moral formation of individuals, this conception broke with the classical paradigm and provided the theoretical basis for subsequent Christian philosophy, paving the way for Augustine of Hippo and Thomas Aquinas to shortly thereafter integrate this universal ethics into the coercive and normative structuring of the State.

2.2.2 Augustine of Hippo

The philosophy of Augustine represents one of the first great attempts to integrate the universal ethical dimension of the biblical tradition with the philosophical thought of Antiquity. Influenced by the Neoplatonism derived from Plato's philosophy, Augustine establishes the normative horizon of his theory by conceiving that truth possesses a transcendent nature and that human knowledge finds its fulfillment in divine illumination. In this formulation, reason is not rejected, but understood as the instrument that leads the human being toward an understanding of the divine order that grounds reality. However, unlike the classical Platonic optimism, Augustine warns that human rationality is irreparably obscured. It is this structural tension between the perfection of the divine order and earthly fallibility that will inaugurate a new and pessimistic diagnosis of human vulnerability.

On the moral and political plane, Augustine introduces a decisive element into the Western tradition: a profoundly realistic anthropology regarding human nature. For him, humanity is marked by original sin, a condition that weakens the human capacity to permanently orient itself by reason and justice. Passions, pride, and private interests make social conflicts inevitable. In this sense,

¹⁰ Bíblia Sagrada, trad. João Ferreira de Almeida (Barueri: Sociedade Bíblica do Brasil, 2011), Mateus 5:20-48.

¹¹ Bíblia Sagrada, Mateus 22:37-40.

¹² Bíblia Sagrada, Mateus 22:21.

politics does not emerge primarily as an instrument for the realization of virtue, but as a necessary mechanism to contain the disorder provoked by human imperfection¹³.

This conception appears systematically in his work *The City of God*, written in the context of the crisis provoked by the sack of Rome in 410¹⁴. In this work, Augustine formulates a philosophical interpretation of human history based on the distinction between two symbolic communities: the City of God and the earthly city. The former is formed by those who orient their lives toward the love of God, while the latter is composed of those who organize their actions according to a disordered love of self and temporal goods¹⁵. Both coexist historically, and politics belongs to the domain of the earthly city.

Augustine's theoretical contribution materializes, therefore, in the radicalization of the analytical categories through a profound anthropological realism. Moving away from the Platonic expectation of rulers fully guided by reason, his diagnosis of human vulnerability establishes that the institutional order is required precisely because human nature is flawed. Faced with this moral fragility, the formulated mechanism of restraint assumes a repressive character: coercive political power becomes indispensable not to achieve absolute virtue, but as an instrument to limit the destructive effects of passions and disordered interests. Consequently, the normative horizon of politics is resized, coming to be understood as an imperfect sphere whose primary function is to guarantee the minimum conditions of coexistence and prevent temporal disorder.

2.2.3 Thomas Aquinas

If Augustine's realism bequeathed to the Middle Ages the conception of politics as an indispensable coercive remedy, the philosophy of Thomas Aquinas emerges to solve the problem of how to impose limits on this very coercion. Characterized by a synthesis between Christian theology and the thought of Aristotle, his theory departs from the strong Platonic influence of his predecessor. Aquinas incorporates Aristotelian metaphysics and its teleological conception of reality to ground the normative horizon of his reflection: the premise that the universe possesses a divine rational order in which every being has its own proper end. From this perspective, the diagnosis of human vulnerability is subtly reconfigured. Although human nature remains morally flawed, reason is not entirely obscured; it is capable of recognizing this universal order and guiding political action, paving the way for the creation of a new and definitive medieval instrument of restraint.

On the moral and legal plane, Aquinas develops a theory of law that would become one of the most influential in the Western tradition. For him, every normative order derives from a rational structure of the universe. This conception is organized into four levels: the eternal law (*lex aeterna*), which

¹³ Santos Agostinho, *A Cidade de Deus: Parte II (Livros XI a XXII)*, trad. Dias Pereira (Petrópolis: Vozes, 2017), XIX, 15, 371.

¹⁴ Santos Agostinho, *A Cidade de Deus*, 335.

¹⁵ Santos Agostinho, *A Cidade de Deus*, 375.

corresponds to the divine reason governing the cosmos; the natural law (*lex naturalis*), which consists of the participation of human reason in this universal order; the divine law (*lex divina*), revealed in the Scriptures; and the human law (*lex humana*), formed by the norms instituted by political authorities to organize social life¹⁶.

This theory has profound implications for the problem of how to organize politics so that collective decisions are not dominated by immediate interests or arbitrariness. For Aquinas, the legitimacy of positive law depends on its conformity with natural law—that is, with rational principles of justice derived from human nature itself. A norm that contradicts this rational order ceases to possess full moral legitimacy, even if it has been formally promulgated by a political authority¹⁷.

In this sense, Aquinas partially shifts the problem of political rationality from an exclusively institutional plane to a broader normative plane. Politics cannot be understood merely as the organization of power, but as an activity oriented toward the pursuit of the common good. The legitimate ruler is not simply one who exercises authority, but one who guides his decisions according to rational principles of justice that promote the collective realization of the political community.

This conception is systematized above all in his work *Summa Theologiae*, in which Aquinas rigorously organizes the foundations of theology, ethics, and the theory of law¹⁸. Another relevant work is the *Summa contra Gentiles*, dedicated to the rational defense of the truths of Christianity. Furthermore, he authored extensive commentaries on the works of Aristotle, contributing decisively to the assimilation of Aristotelianism into Medieval thought.

Thomas Aquinas's theoretical contribution consolidates, therefore, the closure of the medieval matrix by formulating a strictly juridical-normative mechanism of restraint: the imperative subordination of human law to natural law. If in Classical Antiquity political rationality depended on the philosophical knowledge of rulers or the constitutional structure of the community, in Aquinas the normative horizon establishes that political authority loses its absolute value, becoming legitimate only when it conforms to universal rational principles and is oriented toward the common good. This structuring, by conditioning temporal power to superior moral principles, exerted a profound influence on the theories of the legal limitation of power.

2.3. Institutional Self-Restraint

The advent of Modernity represents the definitive epistemological rupture toward mechanical institutional design. The diagnosis becomes secularized in the thought of theorists such as Hobbes and Hume, who treat self-interest and

¹⁶ Thomas de Aquino, *Suma Teológica*, trad. Aldo Dell'Agnolo et al. (São Paulo: Loyola, 2005), I-II, q. 91, aa. 1-4, 553-560.

¹⁷ Aquino, *Suma teológica*, 605-606.

¹⁸ Aquino, *Suma teológica*, 545.

passions not as sins to be morally eliminated, but as ineradicable forces of human nature that generate permanent conflict within the state of nature. It is during this period that institutional structuring reaches its apex: to restrain factions and arbitrariness, the solution shifts from divine law to the artificial architecture of the State.

From Hobbes and Spinoza, who idealize institutions to channel affects and ensure peace, the movement evolves toward the definitive constitutional structure with Montesquieu, Kant, and James Madison. The functional separation where "power checks power," the subordination of passions to the Republican Rule of Law, and the system of checks and balances in large, pluralistic societies become the essence of restraint. The normative end consolidated in this period is the guarantee of political liberty and stability through impersonal rules.

2.3.1 Thomas Hobbes

The definitive rupture with the Christian and teleological paradigm is materialized in Hobbes, whose thought is structured upon a profoundly realistic and secularized vision of human nature. Influenced by the emerging scientific method and the mechanistic rationalism of modern science, the author conceives of human behavior solely as the result of desires, fears, and interests. In this setting, his diagnosis of human vulnerability is radicalized in the hypothetical formulation of the state of nature: in the absence of an authority capable of regulating the interactions of individuals who continuously seek the satisfaction of their needs and the preservation of their own lives, the result is inevitably a state of permanent competition and conflict.

To restrain this destructive irrationality, the formulated mechanism of restraint abandons the appeal to divine natural law in favor of the artificial engineering of the State. Through a rational covenant, the transfer of the autonomous use of force to a sovereign authority becomes the only arrangement capable of imposing rules, thus securing the new normative horizon of politics: no longer the pursuit of virtue or salvation, but the strict guarantee of peace, security, and collective survival¹⁹.

This anthropological conception leads Hobbes to the formulation of the famous hypothesis of the state of nature. In this hypothetical condition, in which no common political authority exists, individuals find themselves in permanent insecurity, as each person possesses unlimited freedom to act according to their own interests. As a result, a situation of generalized conflict is established, which Hobbes describes as a "war of all against all."²⁰ In this state, human life becomes unstable and precarious, as there are no institutions capable of guaranteeing security or stability.

¹⁹ Thomas Hobbes, *Leviatã*, trad. João Paulo Monteiro e Maria Beatriz Nizza da Silva (São Paulo: Martins Fontes, 2003), XIII, 107-109.

²⁰ Hobbes, *Leviatã*, 109.

The solution to this problem consists in the creation of a common political authority through a rational pact among individuals. Each person renounces the autonomous use of force and transfers this power to a sovereign authority capable of imposing rules and guaranteeing peace. This sovereign, whom Hobbes calls Leviathan, represents an institutional construction designed to prevent a return to the state of permanent conflict.

In his theory, Hobbes describes the State as an "artificial person," created by human reason to ensure security and order. Politics is no longer understood as a space for the realization of virtue—as it was in Aristotle—or as a sphere subordinated to a transcendental moral order—as in Thomas Aquinas. For the author, politics emerges as a rational instrument designed to control human passions and prevent the collapse of social order.

Hobbes's theoretical contribution thus consolidates the foundation of the modern political structure. By treating passions not as moral deviations, but as ineradicable mechanical forces, he demonstrates that the rationality of decisions does not emerge spontaneously, requiring instead the crafting of an artificial institutional design of control. However, by conditioning this mechanism of restraint upon the absolute concentration of power in the hands of the sovereign, the author drives his realism toward an authoritarian limit.

2.3.2 Baruch Spinoza

The promise to overcome Hobbes's authoritarian limit without abandoning his anthropological realism materializes in the theory of Spinoza. Grounded in a rigorous rational system inspired by the geometric method, the author develops a monist ontology according to which all reality constitutes a single infinite substance. From this conception, human actions are understood as necessary expressions of the laws of nature, rather than results of absolute free will.

With this, his diagnosis of human vulnerability rejects moral conceptions that treat passions and desires as deviations from reason. As constitutive and ineradicable elements of human nature, passions must not be repressed by force, but understood rationally. To address this dynamic of the affects, the formulated mechanism of restraint abandons the concentration of power of the Leviathan in favor of sophisticated institutional engineering: politics must organize institutions capable of channeling these passions, transforming the inevitable clash of interests into collective cooperation. In doing so, his theory redefines the normative horizon of Modernity, establishing that the true stability of the political community is only achieved when institutional arrangements protect not merely life and security, but the very liberty of the citizens.

This political reflection materializes in a systematic analysis of the forms of government and the institutional architecture necessary to preserve both liberty and political order. Within this scope, the author reconfigures the relationship between religion, political authority, and intellectual liberty, establishing the defense of the strict separation of religious and civil power. For Spinoza,

upholding the freedom of thought is not a threat to the State, but rather an indispensable condition for political stability itself²¹.

Regarding the problem of how to organize politics so that collective decisions are not dominated by passions or arbitrariness, Spinoza offers a response that stems from human nature itself. Since individuals are inevitably moved by desires, fears, and interests, political stability depends on the construction of institutions that transform these individual motivations into collective cooperation²². Political reason consists, therefore, in understanding the mechanisms that govern human behavior and structuring power in a manner compatible with these dynamics.

At this point, his theory partially converges with the reflections developed by Thomas Hobbes, with whom he shares a realistic view of human nature. However, while Hobbes emphasizes the need for a strong sovereign authority to guarantee order, Spinoza maintains that political stability also depends on the preservation of the citizens' liberty²³. A political regime becomes more stable when individuals perceive that their own conditions of existence and liberty are protected by political institutions.

Spinoza's central contribution to the research problem lies in a radical reinterpretation of political realism. While he converges with Hobbes's premise that individuals are inevitably driven by desires, fears, and interests, the author moves away from the necessity of a purely repressive sovereign authority. For him, true political rationality consists in understanding these behavioral mechanisms and structuring power so that the very dynamics of affects drive cooperation. By demonstrating that a regime achieves its maximum stability not through the imposition of fear, but when citizens perceive that institutions protect their conditions of existence and their liberty, he establishes that political moderation requires an intelligent arrangement of social forces.

2.3.3 Montesquieu

The premise that the preservation of liberty essentially depends on an intelligent architecture of social forces finds its definitive institutional formulation in the thought of Montesquieu. For the author, the diagnosis of human vulnerability is grounded in the empirical and historical observation that any authority, when simultaneously concentrating legislative, executive, and judicial functions, inexorably tends toward the abuse of power and the arbitrary degeneration of the regime. To confront this natural inclination toward tyranny, he formulated a mechanism of restraint that abandons reliance on moral virtue in favor of a rigorous mechanical design: the separation of powers. By distributing political authority among different bodies that exercise specific functions, Montesquieu creates a system of reciprocal control in which "power checks power". This institutional engineering enshrines a new normative horizon, in which true political liberty

²¹ Baruch de Espinosa, *Tratado Teológico-Político*, trad. Diogo Pires Aurélio (São Paulo: Martins Fontes, 2003), XX, 300.

²² Spinoza, *Tratado teológico-político*, 244.

²³ Spinoza, *Tratado teológico-político*, 300.

does not consist in the mere absence of government, but in the architectural guarantee that no single power will possess the structural capacity to completely dominate the others.

This reflection leads to the formulation of the separation of powers, one of the most influential institutional theories of modernity. Montesquieu maintains that political power must be distributed among different bodies, each exercising specific functions and acting as a mechanism of reciprocal control. Political liberty thus becomes possible only when no single branch possesses the capacity to completely dominate the others, ensuring that arbitrariness is prevented by the very design of the institutions²⁴.

This theoretical formulation, however, is not conceived in an abstract manner, but materializes through an extensive comparative analysis of political institutions. By examining how different forms of government relate to historical, social, and cultural factors, the author demonstrates that the laws and institutional architecture of each society must reflect its specific conditions, such as climate, customs, religion, and economic organization. Through this, the effectiveness of reciprocal control and the moderation of power cease to be generic formulas and instead demand an institutional design deeply rooted in the concrete reality of each State²⁵.

Regarding the problem of how to organize politics so that collective decisions are not dominated by passions or arbitrariness, Montesquieu offers an institutional solution based on the balance of powers. Instead of relying on the virtue of rulers or the spontaneous rationality of individuals, his theory proposes an institutional arrangement in which "power checks power"²⁶. The political structure thus becomes a mechanism for moderating human passions and interests.

Montesquieu's definitive contribution to the research problem is thus consolidated in the complete substitution of the reliance on moral virtue with institutional balance. By demonstrating that the moderation of passions and the containment of arbitrariness do not require the spontaneous rationality of individuals, but rather an arrangement in which power itself acts as a limit, his theory transforms the political structure into a self-sufficient mechanism of control. This premise—that human interests and inclinations are permanent forces that must be balanced by the architecture of the State rather than eliminated by moral appeals.

2.3.4 David Hume

The radicalization of skepticism regarding reason and the full recognition of passions as the true engine of human action are materialized in the thought of Hume. Departing from an empiricist approach, the author establishes a new

²⁴ Montesquieu, *O Espírito das Leis*, trad. Alberico B. L. Albuquerque (São Paulo: Martins Fontes, 2000), XI, 6, 166-168.

²⁵ Montesquieu, *O espírito das leis*, 11.

²⁶ Montesquieu, *O espírito das leis*, 166.

diagnosis of human vulnerability by proposing that reason is not the primary force of behavior—serving only an instrumental function—while actions are inexorably motivated by passions, interests, and habits. By breaking with the tradition that relied on the spontaneous rationality or moral virtue of rulers, Hume concludes that the mechanism of restraint should not attempt to suppress these affects, but rather structure institutional incentives capable of channeling private interests toward collective stability. Thus, his theory consolidates a profoundly realistic normative horizon, in which political order ceases to be a triumph of morality and becomes the result of an intelligent institutional architecture. This premise establishes that politics must operate according to real human nature, rather than abstract rational idealizations, definitively influencing the design of modern constitutionalism and republican engineering.

In the political field, this anthropology leads Hume to a profoundly realistic understanding of institutions. If individuals are driven by interests and passions, political stability cannot depend on the moral virtue of rulers or the spontaneous rationality of citizens. Politics must be organized through institutions that take these motivations into account and create incentives capable of channeling individual interests toward collective stability²⁷.

This conception appears especially in his political essays collected in the work *Political Discourses* and in various texts published in the collection *Essays, Moral, Political, and Literary*. In these writings, Hume examines themes such as commerce, political constitutions, the balance of power, and institutional stability, seeking to explain how different institutional arrangements influence political behavior²⁸.

Hume's contribution to the problem of how to organize politics so that collective decisions are not dominated by passions or immediate interests lies in the formulation of an institutional theory based on the understanding of human nature. For him, the design of institutions must stem from the recognition that individuals will frequently act according to their own self-interest. Thus, political balance depends on the creation of structures capable of aligning these individual interests with the stability of the political system²⁹.

Hume's central contribution is thus consolidated in the inversion of classical institutional logic, rather than demanding the moral transformation of individuals, true political reason consists in designing structures capable of aligning selfish inclinations with the stability of the system. By demonstrating that balance does not arise from the suppression of private interests, but from the creation of incentives that channel them toward collective benefit, Hume takes empiricist realism to its apex. This premise—that politics must operate by accepting human nature purely through its sensible and utilitarian motivations—establishes the exact empirical limit that will shortly thereafter provoke the formulation of Immanuel Kant. To rescue politics from this absolute

²⁷ David Hume, *Ensaio Morais, Políticos e Literários*, trad. João Paulo Monteiro e Armando Mora d'Oliveira (São Paulo: Abril Cultural, 1973), 225.

²⁸ Hume, *Ensaio Morais, Políticos e Literários*, 215-217; 225.

²⁹ Hume, *Ensaio Morais, Políticos e Literários*, 215-216.

skepticism, Kant will reconfigure the debate by demonstrating that the State cannot sustain itself solely on the mechanical calculation of interests, requiring instead the imperative subordination of institutions to the universal principles of practical reason.

2.3.5 Immanuel Kant

The definitive reaction to Hume's empiricist skepticism is consolidated in the philosophy of Immanuel Kant. To rescue politics from the mere mechanical administration of private interests, his reflection is structured upon a rigorous critical investigation of reason. In seeking to understand the limits of the human capacity to know reality, Kant maintains that knowledge results from the interaction between sensory experience and the subject's own cognitive structures. Human reason, therefore, does not directly apprehend reality in itself, but possesses the active capacity to organize experience through universal categories that structure thought. This rehabilitation of the role of rationality allows Kant to entirely reconfigure the normative horizon of Modernity: the true stability of the State cannot sustain itself solely on the utilitarian and contingent calculation of passions, requiring instead the imperative submission of the political order to the universal principles of practical reason.

In the moral field, Kant develops a theory based on the autonomy of practical reason. Morality does not depend on individual inclinations, particular interests, or utilitarian consequences, but on the rational capacity of individuals to recognize universal principles of action. This conception appears systematically in works such as the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*. In these, Kant formulates the principle of the categorical imperative, according to which moral action must be based on maxims that can be rationally universalized³⁰.

This moral conception exerts a profound influence on his political and legal philosophy. For Kant, the organization of political life must reflect rational principles of liberty and equality, capable of ensuring the coexistence of autonomous individuals within a common legal order. Law emerges as a system of norms designed to render the freedom of each individual compatible with the freedom of others.

Regarding the problem of how to organize politics so that collective decisions are not dominated by passions or immediate interests, Kant proposes a solution based on the institutionalization of practical reason within legal and political structures. Politics must be organized according to universal rational principles, rather than momentary conveniences or private interests.

This conception appears particularly clearly in the work *Perpetual Peace*, published in 1795. In this text, Kant defends the idea that lasting peace among

³⁰ Kant, *Fundamentação da Metafísica dos Costumes*, trad. Paulo Quintela (Lisboa: Edições 70, 2008), 51-53.

States depends on the adoption of republican constitutions, in which political power is subject to the rule of law and to collective decisions mediated by representative institutions³¹.

His political theory is also developed in the work *The Metaphysics of Morals*, where Kant formulates his conception of public right and cosmopolitan right. The legitimate State must be based on a legal constitution that guarantees civil liberty, equality before the law, and the independence of citizens as members of the political community³².

By transposing this moral autonomy into the political field, Kant redefines the analytical categories of Modernity. His diagnosis of human vulnerability establishes that if the social order is left to the mere interplay of particular inclinations and utilitarian conveniences, the result will always be arbitrary coercion, rather than true liberty. To neutralize this threat, he formulated a mechanism of restraint that abandons empirical calculation in favor of a rigorous legal architecture: the institutionalization of practical reason through the Rule of Law. By proposing that politics must be governed by universal principles—where state action acts only to render the freedom of each individual compatible with the freedom of all others—Kant enshrines the republican constitution and institutional representation as the only arrangements capable of guaranteeing lasting stability.

2.3.6 James Madison

The transition from philosophical foundation to practical constitutional engineering is consolidated in the thought of Madison. Inspired by the realism of the Enlightenment, his diagnosis of human vulnerability departs from the illusion of a unanimous general will by recognizing that individuals and groups inevitably develop conflicting particular interests. These conflicts give rise to factions, an inherent and ineradicable phenomenon that derives from the very economic, social, and ideological diversity of any free community. Since eliminating these factions would entail the destruction of liberty itself, the mechanism of restraint formulated by Madison does not seek to suppress them morally, but rather to neutralize them through the architecture of a large, representative republic. By diluting this plurality of passions across a vast territory, the model prevents any single faction from achieving a majority and dominating the political process. With this, the ultimate normative horizon of Modernity is enshrined: the preservation of stability does not depend on the moral purity of citizens, but on the capacity of institutions to manage pluralism and force ambitions to check one another.

This analysis is presented in a particularly influential manner in the essay *Federalist No. 10*, part of the collection *The Federalist Papers*, written in collaboration with Alexander Hamilton and John Jay. In this text, Madison argues that factions are an inevitable phenomenon in free societies, as they

³¹ Kant, *À paz perpétua*, trad. José Lamego (Lisboa: Edições 70, 2004), 121-122.

³² Kant, *À paz perpétua*, 154-155.

derive from the diversity of economic, social, and ideological interests present in the political community³³.

The central question, therefore, consists not in eliminating factions—an impossible task without destroying liberty itself—but in creating institutions capable of preventing any single faction from dominating the political process and imposing its private interests on the collectivity. The solution proposed by Madison is based on the institutional architecture of the representative republic. In large and pluralistic societies, the diversity of interests tends to make it difficult to form stable majorities capable of completely dominating the political system.

This institutional logic is complemented by the structure of the separation and balance of powers, also discussed in the essay *Federalist No. 51*. In this text, Madison develops the principle according to which "ambition must be made to counteract ambition"³⁴. The political system must be organized so that different institutions have incentives to mutually limit their power, creating a system of reciprocal controls capable of preventing the concentration of authority.

To complement the territorial dilution of factions, this republican architecture requires a rigorous internal structure of separation and balance of powers. By establishing the principle that 'ambition must be made to counteract ambition,' Madison crowns modern engineering: the political system is organized so that the institutions themselves possess incentives for mutual self-limitation, creating a network of reciprocal controls capable of preventing the concentration of authority. With this solution, Modernity reaches the apex of its response to the research problem, anchoring the stability of the political order definitively in the mechanical design of the State, rather than in moral virtue. However, the success of this model would face, in the following centuries, the emergence of complex mass democracies.

2.4. Rational Choice and Democratic Precommitment

In complex contemporary constitutional democracies, the diagnosis of passions is translated into the challenges of majority pressure, cognitive limitations, and the acute conflict of interests inherent in pluralism. To protect collective deliberation, institutional structuring takes the form of adjudicative procedures, rules of prior engagement, and discursive frameworks.

John Rawls formulates the mechanism of the "veil of ignorance" as a procedural filter capable of blocking immediate private interests through hypothetical impartiality during the design of institutions. Moving from hypothetical choice to actual practice, Jürgen Habermas proposes a model of "deliberative democracy," where the institutionalization of discursive procedures ensures that the "force of the better argument" filters out strategic interests in the public sphere. Finally, Jon Elster updates the concept of self-restraint through rational

³³ James Madison, "Federalista nº 10", em *O Federalista*, Alexander Hamilton, James Madison e John Jay, trad. Ricardo R. Ponte (São Paulo: Martins Fontes, 2003), 58-59.

³⁴ Hamilton, Madison e Jay, *O Federalista*, 349.

choice theory and the metaphor of "Ulysses bound to the mast," demonstrating how constitutions function as institutional "precommitments" to guard against collective irrationality.

2.4.1 John Rawls

The inaugural response to the challenges imposed by the complexity of contemporary democracies is consolidated in the theory of Rawls. His philosophy is structured around the attempt to formulate rational principles of justice capable of organizing legitimate political institutions in pluralistic societies, seeking to answer the question of how free and equal individuals can accept common rules of social cooperation even when they hold divergent moral, religious, and philosophical conceptions. In this context, his diagnosis of human vulnerability points out that collective decisions are permanently threatened by arbitrary positions of advantage—such as wealth, talent, and particular convictions—which distort the sense of justice. To neutralize this threat, the mechanism of restraint formulated by Rawls abandons the mere mechanical balance of powers in favor of a rigorous procedural filter: the "veil of ignorance". By imagining individuals deliberating on the design of institutions without knowing their own position in society, the model blocks immediate private interests and ensures radical impartiality in institutional choice. With this, the theory establishes a new normative horizon for the Contemporary Era, in which the legitimacy of the political order ceases to be a mere interplay of forces and instead depends on the conformity of social structures to principles of justice that could be universally accepted by citizens under conditions of impartial deliberation.

This normative proposal is systematically developed through a hypothetical model of rational choice termed the 'original position'. In this imaginary situation, individuals deliberate on the principles that should organize the basic structure of society without knowing their social position, wealth, talent, or personal convictions. This condition operates precisely as a 'veil of ignorance,' a procedural mechanism that prevents institutional decisions from being shaped by immediate private interests³⁵.

From this procedure, Rawls maintains that rational individuals would choose two fundamental principles of justice. The first guarantees a system of equal basic liberties for all citizens. The second establishes that social and economic inequalities are only justifiable when they result in benefits for the least advantaged members of society and when offices and positions remain open to all under conditions of fair equality of opportunity³⁶.

Regarding the problem of how to organize politics so that collective decisions are not dominated by passions, immediate interests, or arbitrariness, Rawls offers a normative solution based on a rational procedure of institutional choice. By imagining citizens deliberating under conditions of impartiality, his theory

³⁵ John Rawls, *Uma Teoria da Justiça*, trad. Almiro Pisetta e Lenita M. R. Esteves (São Paulo: Martins Fontes, 2002), 147.

³⁶ Rawls, *Uma teoria da justiça*, 162-163.

seeks to identify principles that can be considered just regardless of the particular position individuals occupy in society³⁷.

From this rigorous procedure of choice, political rationality is consolidated in the formulation of two fundamental principles of justice: the guarantee of a system of equal basic liberties for all, and the subordination of socioeconomic inequalities to the benefit of the least advantaged. Rawls's definitive contribution to the research problem resides, therefore, in the normative reconstruction of legitimacy. Rather than relying solely on the mechanical architecture of checks and balances, his theory demands that the very structure of institutions obey universally justifiable criteria of justice.

2.4.2 Jürgen Habermas

The transition from hypothetical impartiality to the actual practice of public deliberation materializes in the philosophy of Jürgen Habermas. His reflection is structured around the attempt to formulate a theory of communicative action capable of grounding political legitimacy in post-metaphysical societies. In this context, his diagnosis of human vulnerability recognizes that, in the absence of a shared ethical, traditional, or religious consensus, politics is permanently threatened with converting into a mere market of private interests or the simple expression of strategic power. To contain this degeneration, the mechanism of restraint he formulates is the model of "deliberative democracy". Unlike approaches based on rational choice, Habermas proposes the rigorous institutionalization of discursive procedures in which Law functions as the structural mediator between everyday life and the State. By replacing "subject-centered reason" with "communicative reason," his theory enshrines a new normative horizon: the validity of norms and a legitimate social order cease to depend on an imaginary contract and instead strictly derive from the consensus reached under conditions of coercion-free speech, where only the force of the better argument prevails.

Based on this procedure, Habermas upholds the "discourse principle," according to which only those norms are valid to which all potentially affected persons could agree as participants in rational discourses³⁸. This mechanism requires an institutional structure that guarantees both private autonomy (individual rights) and public autonomy (political rights), creating a circular flow where public opinion formed in civil society is translated, via legislative procedures, into administratively employable power.

Regarding the problem of organizing politics so that decisions are not dominated by passions or strategic interests, Habermas offers a solution based on the institutionalization of discourse. By designing institutions that ensure transparent and inclusive deliberative processes, his theory seeks to identify the procedural conditions that allow collective will to be formed rationally. Law, in this sense, is not merely a limit on power, but the system of rules that allows

³⁷ Rawls, *Uma teoria da justiça*, 146-148.

³⁸ Jürgen Habermas. *Direito e Democracia: entre facticidade e validade*, trad. Flávio Beno Siebeneichler (Rio de Janeiro: Tempo Brasileiro, 1997), 142.

political communication to flow without being distorted by asymmetries of economic or bureaucratic power.

This conception addresses the problem of modern pluralism by proposing that democratic stability does not depend on a common morality, but on a "constitutional patriotism"³⁹. In this model, citizens converge on the acceptance of procedures and constitutional principles that guarantee everyone the opportunity to participate in the formation of the political will. Rationality, therefore, is procedural: it resides in the rules of debate and not necessarily in a pre-determined content.

Habermas's contribution to the problem of the rationality of collective decisions lies in the attempt to reconcile popular sovereignty with the Rule of Law. Unlike approaches that focus exclusively on mechanical self-restraint—such as Rawls's focus on choice under hypothetical impartiality—the author focuses on the actual practice of public deliberation. He argues that legitimacy depends on "communication communities" where arguments are tested publicly⁴⁰.

The central teaching of his theory is the idea that political rationality depends on the institutionalization of discursive processes that block the strategic use of power and favor mutual understanding. Just institutions are those that guarantee the integrity of the public sphere against the "colonization of the lifeworld" by money or administrative power⁴¹. Thus, deliberative democracy functions as the final filter of modern reason, converting the complexity of social passions and interests into universal norms justifiable through discourse.

Habermas's definitive contribution to the research problem is thus consolidated in the reconciliation of popular sovereignty and the Rule of Law through the institutionalization of discourse. By proposing that democratic stability does not require a shared morality, but rather a 'constitutional patriotism' grounded in the acceptance of deliberative procedures, his theory transforms Law into the guarantor of political communication free from distortions. Unlike purely mechanical self-restraint, rationality emerges from the actual practice of communication communities, where the validity of decisions is certified by the public testing of arguments. However, by anchoring legitimacy in the force of open debate, this model faces the inevitable cognitive limitations and immediate majoritarian impulses that frequently capture real deliberations.

2.4.3 Jon Elster

The pragmatic response to the cognitive limitations that threaten public deliberation materializes in the theory of Jon Elster. Unlike approaches that operate on a strictly normative level, his philosophy mobilizes an analytical and interdisciplinary approach, uniting behavioral economics, rational choice theory,

³⁹ Jürgen Habermas. *A inclusão do outro: estudos de teoria política*, trad. George Sperber e Paulo Astor Soethe (São Paulo: Loyola, 2002), 132.

⁴⁰ Habermas, *Direito e Democracia: entre facticidade e validade*, 115-163.

⁴¹ Jürgen Habermas. *Teoria do Agir Comunicativo*, trad. Paulo Astor Soethe (São Paulo: Martins Fontes, 2012), 480.

and social psychology, to empirically explain how collective decisions are actually made. In this setting, his diagnosis of human vulnerability departs from discursive idealization by noting that human behavior is inherently and frequently dominated by emotions, cognitive biases, and social pressures, factors that fatally compromise the rationality of political decisions. To neutralize these momentary irrationalities, the mechanism of restraint formulated by Elster abandons unrestricted reliance on open debate in favor of institutional "precommitment". By demonstrating that individuals and societies must create advance bindings to restrict their own future actions, his theory enshrines the final normative horizon of democratic modernity: true political stability does not stem solely from speech procedures, but from society's pragmatic capacity to recognize its own flaws and build rigid institutions capable of protecting its fundamental values against majoritarian impulses and immediate passions.

This reflection appears in several works, most notably *Ulysses and the Sirens* and *Ulysses Unbound: Studies in Rationality, Precommitment, and Constraints*. In *Ulysses and the Sirens*, Elster uses the episode narrated in the *Odyssey* to illustrate a central mechanism of his political theory: self-binding. In the narrative, the character Ulysses orders his companions to tie him to the ship's mast to prevent him from succumbing to the sirens' song. The metaphor represents the idea that individuals and societies can create institutional mechanisms designed to restrict their own future actions when they anticipate that emotions or impulses may lead them to harmful decisions⁴².

In the political sphere, this mechanism manifests in the creation of constitutions, independent courts, and rigid institutional rules that limit decisions made under momentary pressure. Constitutional institutions can be interpreted as collective forms of self-binding, in which a political community establishes restrictions upon itself to protect fundamental values against impulsive decisions or temporary majority impulses⁴³.

Elster's contribution to the problem of how to organize politics so that collective decisions are not dominated by passions or arbitrariness lies precisely in this analysis of institutional mechanisms of self-restraint. While authors such as James Madison emphasized reciprocal checks between institutions and Immanuel Kant highlighted the necessity of universal normative principles, Elster examines how concrete institutions can function as devices that discipline human preferences and emotions.

His approach also emphasizes the role of public deliberation and institutional transparency. Structured deliberative processes tend to reduce the influence of purely strategic or passionate motivations, allowing rational arguments to play a more significant role in the formation of collective decisions⁴⁴.

⁴² Jon Elster, *Ulysses Liberto: Estudos sobre Racionalidade, Pré-compromisso e Restrições*, trad. Cláudia Sant'Ana Martins (São Paulo: Editora UNESP, 2009), 147–48.

⁴³ Elster, *Ulysses liberto*, 157.

⁴⁴ Elster, *Ulysses liberto*, 165-168.

The materialization of this architecture of self-restraint is consolidated through the classical metaphor of self-binding: just as Ulysses ties himself to the mast of the ship to avoid succumbing to the sirens' song, societies utilize institutional mechanisms to restrict their own future actions. In the contemporary political sphere, this strategy translates into the formulation of constitutions, the creation of independent courts, and rigid rules designed to shield fundamental values against decisions made under the pressure of momentary passions and majoritarian impulses.

Elster's definitive contribution to the research problem resides, therefore, in the realization that the mere mechanical design of reciprocal checks (as in Madison) or the demand for universal normative justification (as in Kant) are insufficient to deal with pragmatic irrationality. By demonstrating that structured public deliberation must be allied with concrete arrangements that preemptively discipline human preferences and emotions, his theory of precommitment crowns the movement of the institutionalization of political reason. With this formulation, the long journey that began with classical virtue reaches its maturity, delivering to democracies the definitive conclusion that stability only survives when the political community has the wisdom to create institutional bindings to protect itself from itself.

3. DISCUSSION

The contemporary era redefines the problem of institutionalizing political reason by addressing the challenges of radical pluralism, mass democracies, and the complexity of post-metaphysical societies. In this context, contemporary authors continue the tradition of limiting power but update the analytical categories structured in this study. The diagnosis of human vulnerability shifts from focusing solely on the self-interest inherent in the classical state of nature to encompassing deep social asymmetries, cognitive limitations, and immediate majority impulses. Consequently, the proposed mechanisms of restraint abandon mere mechanical designs of checks and balances in favor of rigorous deliberative procedures and constitutional pre-commitments, establishing a new normative horizon grounded not in the virtue of rulers, but in democratic legitimacy and the public and impartial justification of the political order⁴⁵.

The inaugural response to the challenges of this pluralistic complexity is consolidated in Rawls, whose theory seeks to formulate rational principles capable of organizing legitimate institutions. His diagnosis of vulnerability suggests that collective decisions are permanently threatened by positions of arbitrary advantage that distort the sense of justice in society⁴⁶. To neutralize this threat, the mechanism of restraint formulated by the author is the procedural filter of the "veil of ignorance" in the original position, which, by blocking private interests, compels individuals to deliberate blindly regarding their own social standing. Thus, a normative horizon is enshrined in which

⁴⁵ Agustín José Menéndez; Erik O. Eriksen, (eds.). *Constitutional Rights through Discourse: On Robert Alexy's Legal Theory*, (Oslo: ARENA, 2004), ARENA Report No 9/2004.

⁴⁶ Rawls, *Uma teoria da justiça*, 147-153.

legitimacy ceases to be a mere game of power forces and depends instead on the strict conformity of institutions to universal principles of justice based on impartial deliberation⁴⁷.

Advancing from hypothetical impartiality to actual practice, Habermas structures his philosophy around communicative action in societies that no longer share a unanimous ethical or religious consensus. His diagnosis of human vulnerability recognizes that, in the absence of this common morality, politics is constantly threatened with becoming a simple market of interests or an expression of strategic and systemic power⁴⁸. As a mechanism of restraint, he proposes "deliberative democracy," requiring the institutionalization of discursive procedures in which Law acts as the structural mediator that prevents the "colonization of the lifeworld" by the system⁴⁹. Replacing subject-centered reason with communicative reason, the theory establishes a normative horizon anchored in "constitutional patriotism," determining that the validity of social norms and collective stability must derive strictly from consensus achieved under conditions of speech free from coercion⁵⁰.

However, actual public deliberation faces pragmatic limitations that open a space for Elster's contribution, focused on behavioral economics and rational choice theory. His diagnosis of human vulnerability moves away from any purely discursive idealization by empirically noting that political behavior is inherently dominated by momentary passions, cognitive biases, and factual pressures that compromise collective rationality⁵¹. To neutralize this inclination, the mechanism of restraint formulated by the author is institutional "pre-commitment," illustrated by the need to create rigid constitutions and independent courts that restrict the future action of the State itself. The contemporary normative horizon reaches its pragmatic peak here: true democratic stability requires the wisdom of society to recognize its own flaws and forge constitutional bindings to protect itself from the passions of its temporary majorities⁵².

This structure of restraint also manifests in the arena of constitutional adjudication, where Dworkin and Alexy present proposals aimed at protecting the rationality of legal application. The diagnosis they both confront is the indeterminacy of legal language and the vulnerability of fundamental rights to judicial discretion or current political conveniences⁵³. As mechanisms of restraint, Dworkin argues that rights must function as "trumps" based on moral principles that bar legislative utilitarianism⁵⁴. In parallel, Alexy defends the law of balancing and the principle of proportionality as methodological structures that

⁴⁷ Frank I Michelman. *Constitutional Essentials: On the Constitutional Theory of Political Liberalism*, (New York: Oxford University Press, 2022), cap. 2, 45.

⁴⁸ Habermas, *Direito e Democracia: entre facticidade e validade*, 115-163.

⁴⁹ Habermas, *Teoria do Agir Comunicativo*, 480-510.

⁵⁰ Habermas, *Direito e Democracia: entre facticidade e validade*, 220-2025.

⁵¹ Elster, *Ulisses liberto*, 32-45.

⁵² Kaarlo Tuori. *Fundamental Rights Principles: Disciplining the Instrumentalism of Policies*. (Oslo: ARENA, 2004), p. 55-76.

⁵³ Ronald Dworkin. *Law's Empire*, (Cambridge, MA: Harvard University Press, 1986), 45-86.

⁵⁴ , Ronald Dworkin. *Taking Rights Seriously*, (Cambridge, MA: Harvard University Press, 1977), 90-100.

guarantee rational optimization in collisions between constitutional principles⁵⁵. The normative horizon shared by these approaches mandates that state institutions treat all individuals with "equal concern and respect," shielding human dignity against arbitrariness through rigorous argumentative control⁵⁶.

It is imperative to clarify that the movement toward the institutionalization of political reason does not constitute a linear, cumulative, or teleological trajectory toward inevitable progress. As contemporary studies on democratic backsliding warn, the history of public reason is marked by cycles of advancement and profound retrenchment⁵⁷. At the theoretical level, this linear premise is sharply questioned by democratic critique, whose leading proponent argues that an excess of institutional pre-commitments and strong judicial review represent a threat to popular sovereignty⁵⁸. Instead of protecting liberty, these "bindings" transfer the resolution of deep moral disagreements from the representative arena to an elite of unelected judges, hollowing out the fundamental right to political participation. This irresolvable tension between constitutionalism and democracy demonstrates that institutional constraints do not end the problem of passions; rather, they often transfer it to disputes over the limits and legitimacy of constitutional jurisdiction itself.

Furthermore, the premise that public deliberation and judicial procedures can neutralize arbitrariness faces unprecedented empirical and technological obstacles today. Habermas's bet on the "force of the better argument" and the rationality of the informal public sphere is now challenged by the rise of post-truth, algorithmic polarization, and the fragmentation of debate on social media. The development of new media and the digital divide impose serious limitations on the formation of an authentic democratic will, converting discourse spaces into echo chambers that exacerbate the cognitive biases diagnosed by Elster⁵⁹. In this contemporary landscape of populism and the erosion of the Rule of Law, illiberal leaders instrumentalize the very language of constitutionalism to capture and hollow out checks and balances "from within"⁶⁰. Therefore, the contemporary diagnosis of human vulnerability expands: it is no longer restricted to the selfish instincts of the state of nature but encompasses the technological manipulation of consent and the corrosion of factual truth. Consequently, the contemporary mechanism of restraint and its normative horizon demand more than the mere design of courts and legal rules; they require the protection of the very epistemic infrastructure of democracy against passions artificially induced by the new informational ecosystem.

⁵⁵ Alexy A. Robert. *Theory of Constitutional Rights*, trad. Julian Rivers (Oxford: Oxford University Press, 2002), 102-105.

⁵⁶ Johanna Heinemann. *Waldron and Dworkin on Judicial Review: Adversaries or Allies?*, *Ratio Publica*, v. 2, (2024), 12-15.

⁵⁷ Gregory Shaffer e Sandholtz Wayne (eds.). *The Rule of Law under Pressure: A Transnational Challenge*, (Cambridge: Cambridge University Press, 2025), 3-28

⁵⁸ Jeremy Waldron. *The Core of the Case Against Judicial Review*. (*The Yale Law Journal*, v. 115, n. 6, p. 1346-1406), 2006.

⁵⁹ Axel Honneth. *Freedom's Right: The Social Foundations of Democratic Life*. (Cambridge: Polity Press, 2014), 310-320.

⁶⁰ Shaffer e Wayne, *The Rule of Law under Pressure: A Transnational Challenge*, 3-28.

The dialogue among contemporary authors unequivocally demonstrates that the construction of political reason still follows the central categories identified in this study. The diagnosis of vulnerability has been elevated to capture not only primitive egoism but also the cognitive failures and irreducible pluralism of modern democracies. The mechanisms of restraint have become more sophisticated, evolving from purely institutional forms to methodological and discursive ones, manifested in the veil of ignorance, public deliberation, balancing rules, and pre-commitments⁶¹. Consequently, the normative horizon crowns the analyzed historical movement, where the guarantee of contemporary political liberty no longer appeals to the moral purity of men, but demands the constant refinement of a constitutional structure based on rational justification, proving that the struggle against arbitrary passions remains the primary vocation of the Rule of Law.

CONCLUSION

The study developed a theoretical reconstruction of what has been termed the progressive movement toward the institutionalization of political reason. The analysis was based on the premise that the history of political philosophy can be understood as a succession of attempts to address a permanent problem of human societies: the tension between the rationality required for collective decisions and the inevitable influence of passions, interests, and power struggles. Through a systematic literature review spanning from classical antiquity to contemporary thought, the study demonstrated how this concern takes on diverse formulations as the historical, institutional, and cultural conditions of societies transform.

The interpretive key of the research consisted in identifying a historical displacement in the solutions proposed for this problem. While classical reflections frequently associated political rationality with the virtue or wisdom of rulers, the philosophical tradition gradually shifted toward conceptions that rely increasingly on the structure of political institutions to restrain private interests. However, as the research demonstrated, this institutionalization is neither linear nor teleological. The history of public reason is marked by cycles of advances and authoritarian regressions, revealing that the struggle against the arbitrary exercise of power is a continuous, fragile endeavor rather than a guaranteed evolutionary outcome.

The analysis leads to the conclusion that the rationality of collective decisions cannot depend exclusively on the individual virtue of rulers or the morality of citizens. Complex and pluralistic societies require the construction of institutions capable of structuring the exercise of power and limiting the influence of momentary impulses. Nevertheless, this modern reliance on institutional architecture—especially through rigid constitutions and judicial review—generates its own contemporary paradox: a permanent tension between the need for constitutional precommitments to protect rights and the

⁶¹ Dieter Grimm. *Constitutionalism: Past, Present, and Future*, (Oxford: Oxford University Press, 2016), 15-22.

democratic demand for popular sovereignty. The institutionalization of political reason, therefore, is not a finalized formula, but an ongoing negotiation between constitutional limits and democratic self-rule.

Based on these conclusions, new research agendas must deepen the investigation into contemporary mechanisms for the rationalization of politics under extreme pressure. Future studies should explore how deliberative processes and constitutional courts operate as devices of institutional self-restraint without hollowing out democratic participation. Furthermore, the increasing digitalization of political life, the rise of algorithmic polarization, and the phenomenon of post-truth pose unprecedented challenges to the epistemic infrastructure of democracies. These modern vulnerabilities open a critical field for research, examining how democratic institutions can adapt to an informational ecosystem that exacerbates the very emotional dynamics and cognitive biases that constitutionalism was originally designed to contain.

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