

THE ERA OF GLOBAL DISPUTES AND MASS MEDIA DISTORTIONS

Dialogue on Recognition, Justice and Democracy

Interview with Marek HRUBEC



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ABSTRACT:

The text focuses on a role which recognition, justice and democracy play in the era of global disputes and mass media distortions. It deals with problems of misrecognition, injustice and democratic deficit mainly from European and Latin American perspectives, particularly from the points of view of Central Europe and Brazil. It points out the issues of social and political justice, extraterritorial recognition, participation in economic and political democracy, especially concerning international and transnational legal frameworks.

KEY WORDS:

democracy, global conflicts, international law, justice, mass media, recognition

Eduardo Bittar (E. B.): *Your approach to the issue of 'extra-territorial recognition' is very illuminating, connecting legal discourse of international law and the theory of recognition. First, I want to ask you, what kind of utopia guides your critical philosophical reflections.*

Marek Hrubec: Thank you for your question. When I am inspired by various kinds of utopia developed by other theorists and when I develop my own normative approach, I first try to look at the critique of the people. That is why I differentiate between two kinds of philosophical utopia, mainly in moral, social, political, and legal philosophy, but partly also in other disciplines, particularly in political theory. The first approach, typical for the mainstream of political philosophy, prefers speculating about normativity, about utopia, without any (or sufficient) connection with the social reality. They speculate about what they want, and sometimes it can be good. But it is a serious problem because it can also be heavily separated from the needs and desires of the people, especially when these people are suffering from poverty, hunger, wars, etc. The second approach, typical of some critical approaches, tries to connect with a critique of the social reality, i.e. a critique raised by the people. In general, critical theorists try to do this.

Thus, when you ask about what kind of utopia guides my critical philosophical approach, I would say that it is normativity developed by Critical Theory and by similar approaches, which also respect the needs and desires of the people. Therefore, it is not an authoritarian approach which develops something in the speculative way without the contact with the social reality from the top down, and then, it forces it on the people. I try to study, from the beginning, what the people criticise and what they do in their struggles for recognition and justice in general, including their struggles for survival. From their critique, I can formulate the problematic aspects of the social reality and see where the problems are. Then, I can also make a description and explanation of the reality around these problems, and also identify positive fragments of the social reality, the positive

fragments which can be developed in a normative formulation, a normative theory, a kind of utopia. Of course, it is not a linear way from critique through explanation to normativity, but rather a repeated progressive circle. Each part of these three parts is a prerequisite for the other two.

Without starting from critique, philosophers can speculate about authoritarian kinds of utopia, which can be detached from critical approach of the people and their real needs. Social scientists themselves can make a description and explanation of something that is not relevant for the needs of the people. Of course, the problem is more complicated, and we can talk about that in a more sophisticated way, but I just want to identify a key role of critique for the Critical Theory, and distinguish the three parts of methodological trichotomy (critique, explanation, and normativity) which Herbert Marcuse already mentioned but did not develop their mutual interconnections. I focus on mutual relations among the three parts, and develop my own theory according to that. The third part is the specific normativity, the utopia. Therefore, to reply to your question, this is the kind of utopia that is guiding my ideas.¹

E. B.: *In your approach, I see a desire of democratic utopia, of hearing people, talking with people, respecting people, the spirit of democratic values.*

Marek Hrubec: I am interested in the needs and desires of the people in connection with democratic participation. I look at the *démos*, following and reformulating the perspective of the Ancient Greek philosophical tradition but also different traditions in other parts of the world. I want to stress that a democratic approach requires a model of participatory democracy because various kinds of participatory ways are able to stimulate the real involvement of the people. There are various ways of participation including Brazil, in many cities; particularly participatory budgeting, which was invented in Porto Alegre in the late 1980s. Citizens can participate in decision-making of city and village budgets, and decide many issues themselves. It is wonderful how it has spread to thousands of places all over the world, and how the people in Brazil have developed it in the whole participatory system in many places. I am aware of the fact that it is not representative for the majority of towns and cities, but it is a great inspiration nonetheless. It is a kind of democratic participation which goes beyond the standard model of formal political democracy. It is a part of economic democracy which contains elements of political democracy as well. It is important because if we pursue only political democracy, it is, in fact, only formal democracy. But if we try to connect political democracy with economic democracy, it is the necessary materialisation of democracy. Economic democracy and political democracy should work together, and reinforce each other.²

E. B.: *We, the people in the South (Africa, Latin America, India, and in many other countries), suffer from violence, corruption, absence of social rights, bad state services, social inequality, and poverty. Here, in Brazil, poverty is a reality for 38% of the people. Do you believe in a better redistribution here in the future? What kind of instruments can be useful in the international context which would help our struggle for justice, and especially for social justice?*

Marek Hrubec: I will answer this question in two parts. First, in various parts of the world in the South, there are some good ways to fight social injustice, including Brazil, which can be developed in a transnational context in the future. Even if they are not largely spread, these are positive fragments of social reality which can be developed as inspiration for others. I have already mentioned participatory budgeting and economic democracy. There are also supporting social programmes like *Bolsa Família* or *Minha Casa Minha Vida*, and similar projects that are useful ways to struggle against social inequality and poverty.

Second, extraterritorial recognition of social rights is an exemplary way of struggling for social justice in the transnational context. It is already used by some NGOs and some smaller social movements which are

connected with active critical legal scholars; in India, for example. They struggle to develop their cases in international, transnational and global contexts. It is an inspiring and illuminating example. It is both a critical theoretical approach and a critical social and legal reality; even if it is still very marginal now. I think we should analyse and support those struggles, and see how they can be developed. Extraterritorial recognition is a good example of struggling against social injustice, and it is also a good example that is on the boundary of the national and international level, on the one hand, and the transnational and global level, on the other. It is important for our era which is also on the boundary of those levels. It is why extraterritorial recognition can show how the contemporary system works, and how it can work. Of course, we can have more approaches on a local level, on a national level, and on an international level, and people try to use them, but they can only work in some cases. If we deal with transnational and global problems, it is very hard to succeed in that way.

I can add to this answer that there are several ways to struggle for social justice concerning essential and accidental issues. Firstly, the standard way solves only the marginal dimensions of the problem, and the structure and the system remain intact. Secondly, you can try to change the structure or the whole system if the people support it by their critique of the structure or the system, etc. Finally, if you cannot change the structure or the system because the critique, explanation, and normativity are not articulated enough by the people, you can focus on the specific parts of the contemporary social reality, particularly on the positive fragments of social reality which can be developed in the normative way in the future structure or system. That is why I stress extraterritorial struggle for justice; it shows the limits of the contemporary structure and system, and opens a possibility of struggles for social justice also at higher levels of arrangement which the new structure and system require, I mean, at supranational and global levels. We need it because of the complex world of economics, politics, culture, and other conflicts which are mutually interconnected at the national, international, transnational, and global levels.³

E. B.: *What you have explained can be applied to the contemporary street movements and protests in Brazil. From my point of view, Brazil 'wakes up' and we can see the power of the protests of the people. We should criticise the traditional ways of politics and representation. In certain terms, the 'old politics' is dead. Firstly, do you believe the new way of democracy is a deliberative democracy? Secondly, in our national law, we still have freedom of protest, but at the same time we see the state repression of the protests and violent reactions conducted by the forces of the state. What can we do to make our claims for justice stronger, more visible, and influential in relation to the world?*

Marek Hrubec: There are powerful protests here, and it is good that the people think about how to treat problems in a 'new way'. To reply to your first question, I think that the deliberative democracy is important; however, I also think it is necessary to insert deliberative democracy in a broader framework because deliberation within a model of deliberative democracy is often considered just a kind of 'discussion'. We should try to develop deliberative democracy, but I think it is not enough. Some people live in very bad conditions; they are very poor, they suffer from hunger, they have no energy to deliberate, they have almost no relevant information, some of them are in remote places, and they only struggle for survival. Thus, they cannot participate in democratic deliberation with other people.

I think that deliberation is relevant, and at the same time, we should reflect and include needs and demands of the people who are not able to 'deliberate' enough. They express their needs in various other ways, and it is often very apparent what they need. According to UN statistics, more than 20 million people in developing countries die from hunger and related causes every year. We know that they want to survive; they do not want to die from hunger, they need food, medical treatment, etc. Of course, sometimes it is more complicated, but in general, if you look at the problems of the poor, you know what is necessary to be done. These people often do not have capabilities to deliberate. We should consider various ways of their struggle against misrecog-

¹ See more: HRUBEC, M.: Authoritarian versus Critical Theory. In *International Critical Thought*, 2012, Vol. 2, No. 4, p. 431-444.

² For more information, see: BITTAR, E.: *Democracy, Justice and Human Rights: Studies of Critical Theory and Social Philosophy of Law*. Saarbrücken: Lap Lambert, 2016; ARNASON, J. et al.: *Social Transformation and Revolutions*. Edinburgh: Edinburgh University Press, 2016.

³ See also: HRUBEC, M.: An Articulation of Extra-Territorial Recognition: Toward International and Supranational Solutions of Global Poverty. In BURNS, T., THOMPSON, S. (eds.): *Global Justice and the Politics of Recognition*. New York: Palgrave Macmillan, 2013, p. 165-187; HRUBEC, M.: Interstate Recognition and Its Global Overcoming. In OLIVEIRA, N., HRUBEC, M. (eds.): *Justice and Recognition*. Porto Alegre, Prague: PUCRS, Filosofia, 2015, p. 287-323.

nition and injustice in general. The part of the struggle can be institutionalised as participative democracy which includes deliberative democracy.

Secondly, you mentioned the problem of state repression against freedom of protest. Of course, I think it is good that people demonstrate against injustice and organise protests in the streets. It has been done by the classical protests of the working class and in the struggles for women's rights since the 19th century, and then by the new social movements in the 1960s and 1970s: the struggles of Afro-Americans, the students' movement, the ecological movements, etc. Thus, the old and new movements have always appeared in the streets, and it is important to continue in such a struggle.

However, I think we should also recognise, and mainly, the more subtle everyday struggles against injustice which are not usually visible. We should recognise everyday needs of the people, and bring the solutions to them. In the mass media of most countries, in the newspapers and on TV, we often hear a commentator saying that there were not enough people in the streets, and therefore, that the protest was only marginal and not important. We should count and mention not only the people in the streets as a legitimate form of protest, but several other various kinds of protests as well.

In principle, we can make a comparison to what happened with slavery in the past. First, voices of slaves were not heard because slaves were not considered people at all. Similarly today, voices of people who express their everyday struggles for survival and fight against poverty are not heard because they are not considered subjects of protest. The mass media should not only report on protests in streets; they should also offer coverage of the everyday struggles for survival and basic needs which are not too visible. Unfortunately, it is not the case in most of mass media. Moreover, I think that sensibility of most people is not developed enough to expect reports on everyday struggles. Nevertheless, I believe that it will be common in several decades. However, it will require a lot of work to increase the sensibility of the people to empathise with everyday struggles of others.

E. B.: *Brazil is a poly-ethnic country. Our history is the history of many people of the world. But, nowadays, we see the forces of the federal state attempting to commit genocide of the poor and black people. We say here that this is an expression of contemporary racism. Do you think that the same thing is happening in Europe and the USA, now, in the beginning of the 21st century, with a lot of problems involving terrorism, exclusion, misrecognition, and refusal of immigration?*

Marek Hrubec: The illuminating Brazilian film *Tropa de Elite* shows the police repression you addressed very well. I have been seeing similar problems in the USA, recently. There are many protests against the widespread police brutality and shooting of Afro-Americans. First of all, it is a kind of racism. It is also connected with the high number of guns spread among the US population, and with the militarised atmosphere in which it is considered normal to use guns very often. I think that the reduction of the number of guns one can have in a possession is urgent.

If you look at the number of guns per capita, you can see that there are more than 100 guns per 100 citizens in the USA while there are just 14 or 16 guns per 100 citizens in the Czech Republic, for example. Also in other countries in Europe, the number of guns is much smaller than in the USA, and we do not have this kind of violence problem in Europe.

Secondly, I think the police should be educated in a better way in order to discourage xenophobia and racism. I see similar problems in Europe, but it is much smaller issue than in the USA. I have to say that, in previous years, during the immigration wave from the war zones of Syria, Libya, Iraq, and other countries, we could see growing xenophobia against immigrants in Europe. Xenophobia, racism and islamophobia have increased in those parts of Europe where people have less experience with immigrants.

If you look at Germany, for example, the anti-immigrant party, AfD, is the strongest in places where the Muslims are almost not present, while in other parts of Germany with a Muslim population, xenophobia is not so strong. It seems to be that in many cases the problem is a lack of experience and knowledge or misinformation; I mean the mass media manipulation. It is important to stress that the post-true society or post-fact society is the result of a long-term distortion of the news mainly by the mainstream mass media and political

representation, not by the minority alternative media, although some of them are problematic as well. Remember the mainstream propaganda concerning the illegal war in Iraq, for example.

E. B.: *When we study the history of human rights in the West, we can find centuries of resistance, struggle and the movement to empower the people. This is the Western history of modernity. Should I believe, considering your reflections, that we are repeating history, but now on a global scale around international law and institutions?*

Marek Hrubec: There is definitely a change because we live in a new era. In part, since the late 1970s and mainly since the beginning of the 1990s, after the end of the Cold War, the global economic interactions and conflicts brought new changes: new global technologies made it possible to engage in the processes of global communication, transport, production, trade, financial speculation, and also humanities, social and natural sciences became more interconnected. Neoliberal economic globalisation has brought various problems and clashes, and since the global economic crisis in 2007/2008, it has also been apparent to the mainstream politicians and mass media that there are serious shortcomings and limits to this process.

I hope that the middle-term consequences of the crisis will not cause similarly negative military effects as the crisis of 1929, even if some political scientists and the Pope say that we are already engaged in World War III. It is not clear when it began, but it was not apparent in the beginning of WWI and WWII either. The superpowers, the USA and Russia, are fighting in Syria and in Ukraine, and there are also other armed conflicts in other parts of the world which are internationally and transnationally linked: Libya, Iraq, Yemen, Afghanistan, etc., with military interventions of other countries: Saudi Arabia, Turkey, etc.

I hope these conflicts will not create something bigger, a complex global conflict. Anyway, global economic production and trade have created a new era. It is not an era of global integration, as neoliberal politicians and mass media have stated many times; it is an era of transnational and global conflicts which includes integration, disintegration, and fragmentation because of powerful economic, military, and political interventions.⁴ It is what we have to keep in mind during the struggles for the people's rights. I hope that we can learn from the history. Unfortunately, people often do not learn from books, philosophers, sociologists, political scientists or legal scholars, but from disasters, as Habermas states.

E. B.: *Considering the global situation of democracy following the economic crisis, and particularly the situation of democracy in Europe (xenophobia), the USA (Donald J. Trump) and Latin America (the fake impeachment, i.e. the cold coup d'état in Brazil, etc.), do you think the value of democracy and human rights is decreasing?*

Marek Hrubec: Unfortunately, economic crisis sometimes creates situations in which people are not able to define the causes and essence of the crisis. They just try to find a scapegoat; they try to identify some different people who are not responsible for the crisis, and oppress them. After various economic crises, many people have become more xenophobic, more racist, and more oppressive in relation to ethnic groups: Jews, Slavs, and various minorities. In this situation, many people have tried to solve problems in the way of the dictators. We know the phenomenon of authoritarian personality (and the mass propaganda behind it). It shows the lack of economic democracy and cultural democracy well.

Today, you can see a similar situation, although on a different and much smaller scale. Some people in Europe have become more xenophobic and aggressive against immigrants. It is a paradox because several European governments, with legitimacy or at least tolerance of the citizens, helped destroy Iraq, Libya, and Ukraine. When George W. Bush wanted to attack Iraq, European leaders in the EU (Tony Blair, Václav Havel, and others) helped him; Hillary Clinton wanted to destroy Libya, and several governments in Europe helped her. Both these wars are considered mistakes now, also by many politicians in the USA and the UK. When European politicians and businessmen, with help of legitimacy, tolerance or ignorance from its citizens, made military interventions and bombed countries around Europe, the consequence of their actions was immigra-

4 HHRUBEC, M.: Conflicts of the Global State. In *International Critical Thought*, 2016, Vol. 6, No. 3, p. 378-392.

tion. Now the people in European countries are surprised that the people are migrating from war zones which have been created by their European governments. There is a similar situation in the USA concerning voters of George W. Bush, Barack Obama and Donald J. Trump. The citizens of countries who supported (explicitly or implicitly) their politicians in destroying several Muslim countries are co-responsible for these wars, and they have an obligation to help immigrants and reconstruct their countries. Their xenophobia and racism created the paradox. Here, in South America, it is even more complex – and you understand that better than I do. Unfortunately, after the economic and financial crisis, a decline in the values of democracy and human rights took place. Probably the crisis was too small in order to learn from that. Hopefully, our critical essays can help here, but apparently not on the scale we would like.

E. B.: *We endured a dictatorship in 1964-1985 in Brazil. And now we have had another white coup, as defined by the text – signed by Jürgen Habermas, Nancy Fraser, Rainer Forst, and yourself – titled In Defence of the Democratic Rule of Law in Brazil (May 2016). In your opinion, what are the progressive alternatives to better define the future of democracy since now?*

Marek Hrubec: I think that text articulated the problem well, and I am glad that it was signed at the Critical Theory Conference in Prague and, then, also by the others. Unfortunately, there is a tradition of right wing coups in Latin America; for example, overthrowing Arbenz in Guatemala in 1954, Allende in Chile in 1973, and Goulart in Brazil in 1964. Now we are experiencing a new kind of ‘golpe’, a ‘cold coup’, made not by military forces, but rather by extraordinary legal processes, the mass media, and hidden external, foreign forces. The problem occurs not only in Brazil, but also in other South American countries; a very similar scenario of a ‘cold coup’ took place in Paraguay in 2012, for example, when President Fernando Lugo was strangely impeached. Of course, the governments were not perfect, and they made some mistakes, but it should have not been a reason for a coup. However, it is wonderful that many people have showed their discontent and protest against the coup in Brazil. If you asked about the alternative response following this protest, I would follow my ideas expressed above and say that we should pursue not only political democracy, but also economic democracy, and cultural preconditions of democracy as well. It should include transparent public mass media regulated by commissions comprising of citizens as a representative participation of the public sphere.

E. B.: I think you have touched the important point of the discussion because, in Brazil, we do not have a legal structure of regulation of the mass media as democratic media. Nowadays, the ownership concentration of power lies in the private media, which is a great problem for the quality of democracy in Brazil.

E. B.: *When Jürgen Habermas discusses the reformulation of the structure of the United Nations (the UN), do you believe this is a way to reform the international legal system? What kind of institutions can support demands for justice in the contemporary international system?*

Marek Hrubec: This is very important question which deals with the basic problem of international legal arrangement today because the United Nations were created after World War II, and the UN structure is still formatted to the situation of that time. But now, more than 70 years later, we need the UN updated, reformulated, which would address the new situation and problems in the contemporary international, transnational, and global contexts. I agree with Jürgen Habermas that it is necessary to redefine the structures of the UN. We can start with several issues which have been largely discussed. Firstly, the Security Council should be reformulated, for example. If we start with a modest reform of the Council, we can say that there are the winners of WWII, which is fine, but at least some other permanent members are missing because there is no representation of the global South. Brazil and India should be included at least, because they are big nations, and also one country from Africa, probably South Africa. It can be easily made, and it does not contain many problematic obstacles.

But if we required a deeper reconstruction of the UN, I think we would need a better representation of the people. The General Assembly can be the First Chamber (one country, one vote), and the new Second Chamber can be created with a representation per capita, i.e. with more representation for the bigger coun-

tries and less representation for the smaller nations. I think if people had a chance to vote in this cosmopolitan kind of Global Parliament, the balance of power would be different, better. These are two examples of how the UN could be reformulated; however, I think that the transformation should go further, especially concerning a regulation of speculative financial capital and other antidemocratic distortions. I also think that a proposal of the transformation of the UN could be more sophisticated, and we could also suggest another kind of Chamber (the Third Chamber) which would represent civil society. These various chambers can be developed and inter-linked in a more complex way. Nevertheless, even a modest transformation based on the two examples I have mentioned would be an important milestone in the global arrangement. It would allow a wide application of the extraterritorial recognition; the UN transformation is necessary because the UN is weak today. It is apparent that there is regress when a superpower tries to substitute the UN, and we see illegal wars, etc.

E. B.: I agree with you.

E. B.: *Do you think the Social Forum created in Porto Alegre (Brazil) represents a kind of political space strong enough to face the Economic Forum in Davos (Switzerland)?*

Marek Hrubec: I think that the social forum, and especially the World Social Forum as a continuation of various kinds of local social fora in Porto Alegre and surrounding areas, is a great social experiment. I see the popular process of creation of the social fora in the fact that the people were organised in the unions, in organisations of co-habitants (*moradores*), or were protesting against some injustices, and they joined their forces. The World Social Forum was very strong mainly in the decade from 2001 to 2010. Then, after the global economic crisis, the people used their own experience from the social fora and, together with others, created various local activities or a network of local activities, such as the Occupy movement in New York and other places. However, the World Social Forum is only social and not political – unfortunately. More precisely, from my point of view, the World Social Forum includes social, economic, and cultural issues in an explicit way, but the political issues only in an implicit way.

Nevertheless, I think that only political power can create an opposition to the World Economic Forum which also has political power. I have tried to contribute to and participate in various social fora, and I have expressed my understanding that the people in social fora want to be out of the state governmental politics, but I have also raised a certain question repeatedly: Why not use some structures of the social fora (the local, national, macro-regional, and global ones) as a political forum too? There can be two groups of the people involved: the people who want to make only social activities and do not participate in the political forum, and those who want to create political activities and participate in the social and political forums. Thus, the political forum could operate as a part of the social forum.

Yet, unfortunately, the minority of the people in the World Social Forum blocks a possibility of creating a political forum. But I think it should be done. The previous World Social Forum which took place in Canada, for example, did not find a consensus to accept a critique of the ‘golpe’ in Brazil because one of the World Social Forum founders and his supporters did not agree with an idea of political statement. I appreciate the social fora, but I think that a part of that should be enlarged by political aspects. We can really change the society only if we contribute to both the social and political practices.

The interview took place at the Advanced Studies Institute of the University of São Paulo (IEA-USP) in Brazil in October 2016, on the opportunity of Marek Hrubec’s lecture.

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