Legislative Representation and Governability in Brazil: Does Brazilian Democracy Represent its Social Plurality?

Lívia DE SOUZA LIMA[1], São Paulo Foundation School of Sociology and Politics

Thiago Henrique DESENZI[2], São Paulo Foundation School of Sociology and Politics

Abstract

*D*emocracy is, ideally, an equality fostering tool in face of different demands present in any given society and that currently is put in practice by a representative democratic model. Nevertheless, several modern thinkers are pointing to an unmeasured scale of interests within the representation spheres, in which the most powerful society's sectors overcome the less influential social and economical groups, turning democratic representation into an uneven scheme. By having this in mind, this reflection is aimed to make an analysis of the Brazilian democratic representation model, specifically in relation to its majoritarian government composition, that, in this country, is part of a unique legislative model named as "Coalition Presidentialism". At the composition idealized by the Brazilian National Constitution, the federal parliamentary ministers have the responsibility for the formulation of laws as well as monitoring the executive power in consonance with the will of the society's sectors that has got them elected by the voting system. The conflict is established though, when the actual governmental practices leave aside the constitutional principle of a plural representation in consequence of economic and power interests that act independently from the diverse interests and needs of other groups belonging to the Brazilian society. It can be argued that the establishment of governmental practices better aligned to the concept of global justice, in the Brazilian case, can be achieved by a better quality democracy, through adequate governance mechanisms and plural representation practices that are capable of attending the distinct demands of diverse society layers. Thus, this article is aimed to present how the Brazilian democratic representation works, exploring its conflicts and deployments and mainly its divergences in relation to the democratic morality that presupposes the existence of gradated ways to the reaching of higher social and political equality levels, closer to the general global justice ideas.

---

[1] Sociology and Politics Student at the São Paulo Foundation School of Sociology and Politics. Visiting Student at Napier University – Edinburgh – Scotland - email: livdesouzalima@gmail.com- Scholarship Student- CNPQ Brazil

[2] Sociology and Politics Student at the São Paulo Foundation School of Sociology and Politics. Visiting Student at University of Helsinki – Helsinki – Finland - email: thiago.desenzi@gmail.com - Scholarship Student- CNPQ Brazil

Introduction

*B*esides the pre carnival euphoria in 2013, one specific chapter of the Brazilian National Congress "soap opera" was also capable to "entertain" the country. In the beginning of February of this same year, Mr. Renan Calheiros has been elected president of the Federal Senate, being supposed to remain on the post for a biannual mandate.

It caused a big fuzz in the national news and what was being exposed by several newspapers and political commentators is that this election is a result of pre accorded agreements in between the situation party, its allies and the opposition, accounting for the exchange of government positions, sketchy favours and political advantages[3].

Part of this practice should be normal for a political system known for the formation of such polarized coalitions. But, what makes this chapter deterring is the fact that the just elected Senator is a politician that carries over his shoulders three processes on the Supreme Court, in which he is under investigation for corruption practices. It should not be considered as trivial the fact that in the year 2007, the same

politician renounced his post as Senate President, for running the risk of having his political rights revoked[4].

The damage to the government's image is clear, and can be seen in repulsions in the media, digital networks and in society in general[5]. The party leader of the executive and the entire coalition base "pays the price" of these divergent interests in this political chessboard called "Coalition Presidentialism". Through this episode, we can have a clue of how the Legislative Representation and Governability interrelate in the Brazilian democratic system.

Aiming to clarify the reasons that lead and make possible this sort of political arrangements, the discussion will be developed towards the democratic values in the contemporary academy discussion; secondly the Brazilian democratic representation model and its nuances will be discussed. Further on, it will be verified the connections and disconnections among the governability and the representation, trying to verify if the society plurality is represented

---

[3] See the editorial: "Renan gives positions, consolidating support in the Senate and must win by a wide margin" – our translation (BERGAMASCO&LOPES, 2013)

[4] "He was accused of paying personal expenses (the pension of a daughter out of wedlock) with funds from a lobbyist. To prove the money received, Renan had fake notes regarding the purchase of cattle" – our translation (ALVARES&BRITO, 2013)

[5] More than 1,5 million digital signatures collected in less than ten days asking for the Senate's president impeachment in the www.avaaz.org.

in this system, and within this dynamics, delineate perceptions over the desirable ways for the Brazilian democracy.

Democracy As A Polical Regime And Social Relation

Despite the differences in the ways democracy was put in practice in its very beginning and the transformations occurred throughout the times, there is a general definition that can be understood as the very structure of a Democracy: that in democratic states, people are sovereign. Thus, democracy means literally rule by the people (DAHL, 1989). Nevertheless, a democracy could not be identified as such only by the completion of this organizational political process. Thus, the 'rule by the people' activity should be accompanied by its capacity to promote 'freedom and equality', being these the basic principles by which a political organization of a nation can be named and recognized as a Democracy.

In as much as the modern democratic format is inspired by ancient Greece, there are many differences from the original practice that has accompanied the sets of political, social, cultural and economic transformations that has led the world to what it is today. The first and perhaps most important difference is on how the decision-making process was conducted in the original Greek

democracies. In that time, all public issues should be considered by the "Greek citizens", which had to be gathered in order to discuss and get to agreements in which the achieving of a common good was the main goal. As much as the original democracy in Greece promoted direct political participation, it failed in promoting equality by having a very limited concept of citizenship. Thus, just a few part of the population could enjoy political liberty in its pure sense; consequently political equality was not fully achieved.

Democracy is no longer performed by direct civic participation, but is rather exercised nowadays by representative devices. Robert Dahl argues that representation became accepted as a solution that eliminated the ancient limits on the size of democratic states and transformed democracy from a doctrine suitable only for small and rapidly vanishing city-states to one applicable to the large nation-states of the modern age (DAHL, 1989, p.29). Indeed, representation is a suitable solution to make governable the modern large states, in terms of practical organization of the political process. But, one should bear in mind that, democratic representation can only be understood as such if the basic principles of liberty and equality are involved in democracy making.

In this sense, a democracy is recognized and evaluated by its capacity to

pursuit liberty and equality in a broader sense, both social and political. Is it impossible, asks Touraine (1997), to conceive a democracy that protects the freedom of opinion and choice at the same time that combats inequality? By intriguing his reader with this question, the author is arguing that these elements are indissociable if there is the will to evaluate the quality of a democracy, exposing the need to work with these elements together.

It is not an easy task, mainly taking into consideration that both principles may vary according to the political and social cultures associated to any given nation-state. But as democracy is not a static object, but yet an open oeuvre in constant expansion, there is the possibility to watch over it, understand its functioning and relations, and by finding flaws and potentials, be able to design better ways to do it. What has been defined as the study of the democratic quality accounts for the important normative conceptions of a democracy, offering some analytic tools for exploring and detecting democratic quality in various countries (MORLINO, 2009).

Morlino's work offers an interesting and complete framework reflecting on the qualities to be presented by a democracy that shall to be defined as good. Overall, the author considers that a good democracy is the one that presents "a stable institutional structure that realizes the liberty

and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms". Robert Dahl (1989) argues that the institutions are the result of the transformation of the modern democracies into the current representative model. For him, this new set of institutions form together what is commonly referred to as 'democracy'. In summary, to measure the quality of a democracy is to analyse to what extent is working the connexion in between the representation institution, no matter in what level, and the population, according to the basic principles and values of a democracy.

In addition to this general assertion, Morlino (2009) specifies the qualities to be considered for a democratic evaluation and divides them into three dimensions: procedure, content or substantive and result. The procedural dimension is composed by mechanisms that confer effectiveness and legitimacy to the institutions, and are, more specifically (i)rule of law; (ii) electoral accountability; (iii) inter-institutional accountability; (iv)participation; (v) competition. The second dimension, in Morlino's framework, is related to the nature of a democracy, and accounts for political freedom and political, social and economic equality. Finally, the result, as the last dimension, is related to responsiveness. The procedural dimensions are concrete and moreover, devices for the realization of the

substantive democratic dimensions. As argued, the modern democratic scenario presupposes the existence of institutions responsible for the organization of life in societies. Nevertheless, despite any political, social or even economic ideologies, the core definition of a democracy keeps being rule by the people, and not rule by institutions. As so, a democratic institution must act in accordance to the people's wills and rights, and the exposed procedural dimensions offer an orientation guidance to make the power delegation, from the people to the institutions, legitimate.

Legitimacy, argues Pierre Rosanvallon (2011), is an invisible institution and establishes a firm foundation for the relation between the governing and the governed. It is well known that the representative system is signified by the vote, as if the general will is reflected by election results. It seems that the contemporary political debate is giving great attention to the lower voter turnouts presented even by consolidated democracies and this perception is generally connected to consequences such as lack of trust in political institutions or in politics itself. But, as much as universal suffrage is an essential organ in the functioning of the democratic body, it cannot be the solely argument in detecting a democracy failure or crisis. For Rosanvallon, democracy has a "dual foundation: universal suffrage and public

administration" and the organization of the state within the bureaucratic apparatus is a "solution to democratic credibility". In this sense, the procedural dimensions for evaluating and measuring democratic quality are a suitable direction to the achievement of legitimacy and credibility in modern democracies.

In this sense, legitimacy is connected to responsiveness, thus, the citizens will respond satisfactorily to the institutional capacity of legitimately bringing off the democratic substantive dimensions, according to the local reality. Having this in mind is interesting to understand what legitimacy stands for. Rosanvallon (2011) dissects legitimacy in three parts, so as to know, impartiality, reflexivity and proximity. Those elements are essential in modern political representation due to the fact that democracy has the rule by the people as a prerogative, but the very significance of the people has changed. For this author, "the people can no longer be apprehended as a homogeneous mass" and the interests of the greatest number is not automatic identified as general will.

Although this reflection appoints for the necessity of several other participation mechanisms in a democracy in order to achieve a legitimacy status, universal suffrage cannot be taken for granted, especially when the history for the right to vote is traced. Universal suffrage is still

considered the major democratic symbol and expresses the notion of generality among men since every citizen, in a nation, has the right to vote. Rosanvallon (2011), in his latest work on equality, argues that the citizen is presented as a pure individual, detached from any specificity. When the right to vote is then conferred to every citizen, an equality measure is subsumed. In his words:

> Within the universal suffrage exercise, every individual is deposed from its own determinations and affiliations. This abstraction is the quality that constitutes the citizen socially and helps to develop the political equality idea. And this is what makes this equality format, among the individuals, both radical and exemplar. It is disengaged from all the distinctions that are ordinarily imposed to ordinate and classify men. The great sage and the simplest spirit, the rich and the poor, are considered as equally able to think about the common good and to trace a separation line between justice and injustice (ROSANVALLON, 2011, p.57 - our translation).

Hence the right to vote is the utmost political equality representative that also contains, within itself, the basic elements for social equality, by considering all the men as similar. As a procedural dimension democratic mechanism, voting is the basic pillar for political participation. But, other guarantees are necessary for the existence of a free and equal political process. Robert Dahl (1971) suggests that the democratic political process must make room for the people to formulate, signify and have their preferences weighed equally. Besides voting, the author argues that those actions are possible by the existence of freedom of expression and to form and join organizations, right for party competition, alternative sources of information, free eligibility for public office, free and fair elections, and institutions for making policies depend on votes and other expressions of preference. As much as these elements are part of the procedural democratic dimensions, they are a more explicit definition of the political tools designed acknowledging the importance of both freedom and equality. By these important points, it can be noticed that voting and what is encompassed by it, as much as it is part of the nature of a democracy, must be invigorated by other mechanisms.

In Morlino's analysis (2009), when voting and representation is involved, then accountability "becomes a truly central dimension in so much as it grants citizens and civil society in general an effective means of control over political institutions". In other words, both electoral and inter-institutional accountability offers the citizens a chance to keep a watch in how their societies are being led, and act over any sort of dissatisfaction they might have. Those mechanisms widen out the participation realm, and assure that people are empowered over their nations in and outside the ballots. Accountability apparatus in Rosanvallon (2008) is also seen as a counter-democracy device.

Democracy, in having freedom as a value, has suspicion as a presupposition. In institutionalizing suspicion, with systems of check and balances and transparency measures, for example, the modern democracies aims to protect the individuals from the encroachments of public authority. Moreover, the citizens must have the chance to make sure that the representative institutions are acting in favour of a common good, by delivering appropriate services, and designing good policies around the social justice ideal. In other words, it is a means to guarantee, or at least try to guarantee, that the government is acting towards the population interests and not its own.

Accountability evaluation has a direct impact to the citizen satisfaction within their government. Thus, responsiveness becomes a harder task in the current social scenario. Norris (1999) argues that better levels of education and greater information accessibility has resulted on the rise of more "critical citizens" that can observe the current government practices, criticize them and claim for better ways of performing a democratic form of rule. This same group of individuals are also more aware of these system and its functionalities for regulating social and political institutions. In addition, as much as equality tries to set up a world of similar people in nature, there is also the exaltation of the differences, and a claim for the accommodation of diversity. This creates a demand for more plural governments that are able to respond to the higher variety of groups, associations and movements that want and need to have a say and place in society.

Nevertheless, as plural as a government can be, it is just about impossible to have a perfect responsiveness equation. For Powel (2004), there is a contradiction in between responsiveness and interests representation and thus, the only tentative solution is to understand that total responsiveness is not the only public virtue. As intriguing and interesting this assertion can be, is not sufficient if an evaluation of responsiveness and interests representation

is to be conducted. So, considering that each democracy has its sets of social, political, cultural and economic particularities, the question to bear in mind for a critical analysis of any democracy is: whose and to which interests the government is more responsive? This framework will allow the discussion of what are the instruments and resources that each different social group has to make a pressure on the government and thus achieve more benefits to its own interest group. These evaluations must always consider, at first hand, liberty and equality principles, and it can be almost considered as a moral judgement of a democracy capacity to work in a balanced way.

Democracy then, is confronted with the challenge of affirming its vitality as a regime at the same time that is reaffirmed as a form to organize the social. This challenge is especially controversial in an age where the citizens keep enlarging their forms of intervention and exercise more actively their surveillance capacities. For Pierre Rosanvallon, these more critical and active citizens are determined to keep alive the democratic ideal:

> It is the spirit of an era. The aspirations for freedom enlargement and for the instauration of powers submitted to the general will have made the despots shake and modified the face of the earth. But this political people that impose themselves more strongly have left a less social heritage. The political citizenship progresses at the same time that the social citizenship regresses (ROSANVALLON, 2011, p.11 – our translation)

Still in Rosanvallon (2008), there is a current sense that this is a great time for political freedom with the spreading of citizen counter-democracy practices by which people have been acting as the overseers of democracy. It becomes evident that freedom is currently a strong and visible value within the democratic world. But the simultaneous intensification of the inequalities presents itself as a rupture from the democratic values that should be walking hand in hand. The latest Oxfam report [6] headlines that the annual income of the richest 100 people in the world is enough to end global poverty four times over. The report asserts that this huge economical gap "is not only unethical but also economically inefficient, politically corrosive, socially divisive and environmentally destructive. Thus, for Pierre Rosanvallon (2008), equality

---

[6] See the editorial: "The cost of inequality: how wealth and income extremes hurt us all" (OXFAM, 2013)

is in crisis, not just because it is so evident, but mainly for the general acceptance of it.

Equality itself is not easy to define. What is the measure for equality? This question is aimed to identify an issue, a problem. This measure means a question of space (income, wealth, happiness, life opportunities, satisfaction of necessities, freedom) from which different persons can be compared in relation to the hope of an equal treatment to all the people, despite the differences that cross their lives and their forms of existence. It is a field made of a group of value references that are also cognitive and political references. And from these references the social life complications and mistakes are, or can be, described and measured, figured and evaluated as problems to be repaired (Telles, 2004). In this sense, equality becomes a social relation, and not a product that can be arithmetically evaluated and accounted.

The term equality should be identified with emancipation, autonomy and with the consequent constitution of a world of similar people that live in pairs and do not know the levels that separate or humiliate them. The critic of economic inequality is directed to the creation of a society where the differences in between the individuals are not generating exploitation, domination or exclusion. In this sense, a society without classes is the one by which work is not submitted to predator powers and that the

dignity of all is guaranteed (Rosanvallon, 2011).

Having a more clear idea of what equality means and represents helps to pave the way for its achievement, or at least, pave the way towards it. Pierre Rosanvallon (2006) understands that it should be a democratic perspective to work in society itself. In Michael Foucault (1997) this concept is defined as governing the social, creating civility and fundamentally constructing a social unity. Hence, the art of government, cannot be understood only as a power submission mechanism, but as practice in defence of society.

What Rosanvallon suggests, is a democratic approach that might lead to a communion of the ideals of democracy with those of socialism:

> Historically, the first have above all been defined in procedural terms, while the second have been thought about in a substantive fashion. If politics is conceived, however, as the work of society itself, then the experimentation with differences that makes it up is also its heart. Substance and procedure blend, in the end, to make democratic progress connect with the deepening of the exigency for

social justice (ROSANVALLON, 2006, p.251).

The equal society must be thought under three orders: singularity, reciprocity and communality. Singularity implicates the freedom that each individual has of manifesting itself according to personal preferences and that each human being is unique. Governing the social, in this sense, accounts the existence of policies that give the individuals the means to express their singularities. Among it could be mentioned anti-discrimination measures, genre equality and sexual option liberty. Reciprocity is a dimension sensible to the rights and duties of all members of a state, and also implicates on just wealth distribution. Moreover, it expresses itself with a negative reaction towards certain behaviours where any individual might take irregular profit from the system, being also a denial to the constitution of privileges directed to a specific class of individuals. Communality, related to the citizen notion, is the evidence that the individuals are members of a community and protected by the laws pertained to it. The group of laws accounts for civil and social rights of an individual in its relation to the other members of a society or community (ROSANVALLON, 2011). In summary, governing the social, in an equality framework, is create the ways for the exposed orders to happen, and involve

everyone in the process, helping to construct the common good in a substantive manner.[7]

What has been reflected and exposed here is that, democracy as a political regime has its intrinsic legitimacy mechanisms that by having its dimensions observed can deliver credible procedures and devices, to the achievement of the rule by the people. At the same time, the substantive notions, being the core democratic principles, has to be considered in every single aspect if the rule by the people is to be exercised according to the values and objectives that generated it. Finally, democracy as an alive body, has the potential to evolve by observing the local and global challenges and rebuild itself, leading towards the construction of justice to as many people and nations as possible.

Democratic Political Representation In Brazil

The main goal in this section is to delineate the Brazilian political system mechanics, defined originally under the concept of "Coalition Presidentialism" a

---

[7] Pierre Rosanvallon (2011), in *La Société des égaux*, retraces the ideologies and struggles that helped to define the concept and orientation for equality. For a better understanding of all the propositions made by the author regarding the equality orders, refer to IV Chapter: *Le Grand Retournement*.

term coined by Sérgio Abranches[8]. Further studies comproved the original attribution of this term, due to this peculiar Brazilian format, basing the academic literature that in general accepts and uses this term, thus establishing Brazil as a country ruled by an unique political model in the democratic world (FIGUEIREDO&LIMONGI,2004; MOISES,2011).

According to the original author of this term (2012), this concept was conceived during the Constitutional debates in 1988, in consequence of the paths these debates were taking. These debates were guiding to a perception of an inflexible government model, unable to deal with political crisis in face of interests' polarization among executive and legislative, and the institutional devices contained in the premises of the new Constitution.

The 1998 Constitutional debates´ revealed the shock of different political thoughts, in several issues, but the present discussion has a focus on the shock between supporters of Parliamentary Government against Presidentialist Government. The debate´s polarization can be perceived in the Constitutional devices contained in the final

text, and the disagreement can be verified in the plebiscite predicted in this same final text, performed five years after the promulgation of the 88´s Brazilian Constitution, that transferred to the people the final responsibility in chosen the national government system[9].

The result of this clash and the final Constitutional text made possible to emerge mixed government structures in the Brazilian political system and in this background arose the concept of "Coalition Presidentialism".

Thus the Brazilian political system was conceived under mixed characteristics[10] from Presidentialism (United States of America model) and Parliamentarism (European Model), in other words, it gathered the concepts of Federation and Presidentialist republic and the concepts of multiparty system, with proportional representation vote.

This mixture brought the polarity among both systems of government (Parliamentarism and Presidentialism) to the Brazilian model, and in addition, left this polarity even stronger by providing two different sorts of representatives, between executive power and legislative power.

---

[8] "Brazil is the only country which, as well as combining proportionality, a multisystem and an 'imperial Presidentialism', organizes the Executive based on large coalitions. I will call this peculiar trait of the concrete Brazilian institutionality, for lack of a better alternative, 'coalition Presidentialism'" (ABRANCHES, 1988)

[9] The plebiscite performed in 21/04/1993 had Presidentialism system as winner with 55,58% of vote. Data available at <http://www.tse.jus.br/eleicoes/plebiscitos-e-referendos/plebiscito-de-1993> access in 02/02/13

[10] (ABRANCHES,2012); (SANTOS,2004).

In one hand the Congress members (Federal Deputies and Senators) are elected by each State of the Federation, having a fixed number of seats for each one of the state independent of number of inhabitants and geographic dimensions of them. This specific election is deeply influenced by local interests, due to the necessity of resources to pay the costs of a political campaign[11]. It reaffirms local elites responsiveness at the related Congress and guide toward policies that seek to allege pre-established interests. On the other hand the executive power is elected by the totality of Brazilian citizens defining the elections by considering the total amount of votes in absolute numbers. However this so called majority actually represents mainly the urban votes, originated from big cities and metropolitan areas of the country, being then a reflection of reformative interests that desire structural changes in the society dynamics, unlike the parliament, that are oriented for its maintenance.

Nevertheless, the question that remains is the same one that worried academics by the time of 88´s Constitution promulgation: How will this government deal with this interests' polarity in order to attain governability?

The Executive power, to achieve governability and implement his government program, uses different forms of persuasion

and bargain with other political parties, seeking to obtain the support of Brazilian Congress majority (SANTOS,2004). Bargain is the buzzword at the government base composition's negotiations and the executive distribution of Ministerial, Secretarial, Public Companies posts and so on, is used as a bargain chip with other parties, in the effort to build government support basis.

Thereby, unlike the original political instability theories that pointed out several factors that could take the government towards an operative inertia due to conflicts of interest in between executive and legislative, this consolidated political system guarantees the executive capacity to set up its own agenda, obtaining approval at the house of the parliament, and besides, place the executive in a comfortable and dominant position over the parliament (MOISES,2011).

Several critics that commented this relationship between executive and legislative accused that actually, the government, in its effort to achieve governability, is not properly representing the society´s interests. Unlike the individual representation of people's will by their elected representatives, presupposed by the Brazilian Constitution[12], this mechanic sets a

---

[11] (VIANNA,2012); (ABRANCHES, 2012)

[12] "Art. 45. The Congress is composed of representatives of the people, elected by the proportional system in each state, in each Territory and the Federal District" – our translation.

different sort of representativity, characterized by the representatives aggregation in two different blocks, the government and the opposition, being the latter a force extremely weakened by institutional devices available in the Constitution for guaranteeing "governability"[13].

Instead of a truly democratic representativeness, these party negotiations for governmental base arrangements, leads the "Coalition Presidentialism" to a movement of democratic "delegation" (SANTOS, 2004). And both words have completely different meanings and objectives towards public issues. Besides, the legislative capacity to formulate laws and accountability over the executive actions is hampered. The presidential government

---

[13] Is important to keep in mind a brief sum up of the issues that concerned the Constitutional Assembly toward this conception of "governability". According to Moises (2012) the problems of decisional blockade due to conflicts among Executive and Legislative between 1946 and 1964, the last democratic experience period in Brazil before the Military Government, were the cause of several government crisis that happened in almost all the governments in this specific period. And during the Constitutional debates, not Just the representatives but also the media were concerned in how to solve "problems of efficiency and effectiveness" in the government, and searching for a way out of these crisis the final Constitutional text predicted some institutional devices that could manage this constitutional shocks favoring the executive power over the legislative.

coalition disables any individual effort in the legislative, having available not just the coalition agreements among its basis partner parties, but also by having different institutional tools that can block any divergent interests in the congress.

One of the Coalition Presidentialism main characteristics is one of the European Parliamentary System basis, the party discipline in congress voting (MORAES,2001; MOISES,2011; SANTOS,2004). In the broad study prepared by Figueiredo e Limongi (2004, our translation), this tendency can be thus verified: "Since the promulgation of the Constitution, MPs affiliated to political parties that compose the government basis, voted with the government in 90% of the consultations. Variations by government and party are small." This finding underpins the theory of the lack of individual and fragmented action in the congress shown before in the beginning of this article.

In addition, as stated before, the minority in the congress, the opposition, is not capable to block any government basis interests by voting (LIMONGI, 2006), due to the inexistence of institutional mechanisms available for them. In other words, the majority in the congress sets the agenda.

In this scenario the only option to influence the government agenda and to propose new initiatives or changes in

government politics is to be part of the government basis, or to wait the next term trying to become the government, rather than opposition. Another aspect important to underline is that the legislative members, ever since the political campaign, depended more of their individual efforts and actions to become elected than to the party actions[14]. And once elected, if they seek power maintenance and reelection, they must engage in political actions directed to the groups that got them elected (VIANNA, 2012).

Often, this specific electorate is sensitive in political campaigns to impactant projects, such as bridges, roads, new schools and other public local ameliorations. And the regional representatives negotiate inside the government how to achieve their goals, bringing federal resources to political projects that are for the sake of their specific agenda and electorate. To accomplish this individual necessity, the legislative members have available the possibility of budget amendments[15], with a common value fixed for all them during each year of their mandate, allowing them to act as the executive power, choosing the destination of

the resources available, toward projects of their interest.

This individual orientation could generate clashes with the coalition action, but as shown by Argelina Figueiredo and Fernando Limongi (2005), the executive has the attribution to liquidate or not the projects in queue waiting for budget availability. This legal proposition sets the necessity for setting up and forward projects aligned to the presidential program agenda, otherwise they will not be put in practice, thus legislative body individual political interests will not be accomplished.

Above to control to execute individual budget amendments, as exposed before, the executive has other institutional mechanisms that guarantee the governability over the legislative, such as possibilities to set an urgency tag over his projects (directly affecting the commission's work in projects analysis), or to edit a law in a provisional form without the immediate legislative participation or its approval[16].

Inside this dynamics is not surprising the conception accepted by the largest part of the academic literature on the issue[17], that in Brazil the executive exercises two functions, being also the country's main legislator. As a result, who sets the agenda

---

[14] According to Jairo Nicolau (2002, p.224): "The frequencies suggest the predominance of mandates customization: Members attributed a weight of 73% on individual performance and 27% to the party label" – our translation

[15] To go further in this subject consult (FIGUEIREDO&LIMONGI, 2005).

[16] To go further in this subject consult (ALMEIDA&SANTOS, 2011).

[17] (MORAES,2001; MOISES,2011; SANTOS,2004; FIGUEIREDO& LIMONGI, 2004)

based on its own interests is the executive power, and of course the coalition parties influence it during negotiations, being undergone by some restrictions and impositions over their specific goals and policies, but through the bargain mechanisms, the executive agenda can outweigh the coalition interests.

But even with this executive supremacy, is an illusion to think that the executive can grasp the majority interests, as we can verify by Fernando Henrique Cardoso words, Brazilian President in between 1995 – 2002:

> To accomplish what he promised his voters (the president) needs the Congress. And to get a majority in Congress, alliances must be made because the heterogeneity of the Federation and the peculiarities of the Brazilian proportional representation system produce a fragmented party framework, in which no single party holds a majority (quote MOISES, 2012, p.11)

One point to be discussed over this specific statement is a reflection about which voters he is speaking of. In this sense, it can be reminded what has been already exposed here, about the fact that the executive votes are originated from big urban centers and metropolitan areas mainly. These votes can be signified as a desire for reformist policies, and are encompassed by the search for the application of a clearer political program and the interests in the accomplishment of the agenda promised during the political campaign.

Thereby in order to keep the power and to guarantee the reelection, the elected President must put in practice his own government agenda, even being somehow conflicting with the legislative interests, as stated before, characterized as more conservative.

Right here there is another shock of interests, between the coalition parties' political agenda and the President party. These parties in the government basis play a "regulator" role, because even with the bargain of political positions, they have to engage in actions that could be accepted by their electorate, in other words, they will try to moderate the reformist action of the executive, to defend their own political agenda, at the same time that they will search for positions and power inside the coalition composition.

As pointed by Abranches (2012), this dynamics are natural in the democratic regime, due to its central characteristic of seeking maintenance and power preservation instead of big structural changes. For this

author, it was always a conflict area for democracies in developing, that need structural and fast changes, and this conflict can be clearly visualized in the Brazilian agenda as well.

This power conflict results in endless negotiations among Legislative and Executive powers, having the Executive as the leader setting and directing the political agenda. At the same time this is not just a counter-power relation, is an eternal power struggle against and with all the other parties, in a continuous relation of rejection and necessity. The question to answer at this time is: How does the executive set its political agenda?

To answer this question it is essential to expose what the term "reactive legislative" stands for:

> A reactive legislative is that one who delegates the initiative of the most important legal propositions to the Executive. Setting the agenda, as well as the priorities regarding the order of consideration of bills, is transferred to the government and negotiated later with MPs who lead the legislative majority party or coalition. The Brazilian Legislative is reactive (SANTOS, 2004,

p.32 - our translation)

Be "reactive" is one of the main characteristics of the Brazilian legislative, being one of the reasons of their small contribution in relevant public policies. Its contribution with proposals is almost insignificant in absolute numbers and also in relative numbers related to their main attribution (laws and accountability). And even in the executive proposal analysis, the legislative is limited to small technical adjustments, without any substantial changes in it.

José Álvaro Moisés in order to prove this statement did a broad study over the Congress dynamics toward proposals' analyses and approvals, comproving that the legislative ability in the production of laws is quite low compared to the executive, demonstrating once again how the executive outweigh the legislative in this specific Government attribution. According to his study:

> …of the total of 2,701 proposals that were brought to the plenary of the Chamber of Deputies between 1995 and 2006, involving the production of laws and policy decisions, 85,50% (2,310) were originated by the executive and only 14,50% (391) by the

legislative…
(MOISÉS, 2011, p.16 - our translation)

This clearly can point out to a reversal of roles, when the executive takes the responsibility to legislate. It changes all the government dynamics, due to the double attribution, of legislating and executing, according to its own political agenda and interests, breaking the democratic classical conception of power division and balance.

Supporting this dynamics of executive´ primacy, this study also showed that proposals connected with themes towards the electorate expectations took more time to be approved in the Congress than proposals concerned with governability interests[18].

This roundly demonstrates that the governability interests bare advantage in relation to the state policies, once the category of proposals concerned with governability were treated with more urgency than structural State policies, in other words, reflects the primacy of short term policies concerned with "Government"

instead of long term policies concerned with "State".

Regarding the development of this section, to put the executive agenda in practice is the main goal of the Government, therefore to guarantee a good government is a central condition toward the power maintenance in the reelection and in the others power projects of this specific party.

During all the explanation in this section, it could be verified how blur is this individual representation in the Congress, being highly influenced by antagonistic interests and characters. The Constitutional[19] premise of people´s sovereignty and representativity is being filtered by other sort of interests, in face of the institutional design of the Brazilian political system.

If this system is not suited to society's expectations or to the democratic concept of individual representation, the fault cannot be leaned over the actors in this dynamic. They are playing a game of political survival in this chessboard conceived by the 88´s Brazilian Constitution, and using the words of Vianna (2012): "Blame the game, not the players".

Governability Against Plural Representation

---

[18] "…the projects that took more time to be approved were precisely the ones referred to the accountability over the executive (1717.7 days), then come the economy (1405.2) and health (1262.4), whereas in the case of executive projects of direct interest, relating to ensuring good performance of governments, their procedure time is quite lower: the Taxation and Budget (537.4) days and Administration and Organization of Power (541.6)…" (MOISES, 2011, p.18)

---

[19] "Art.1 All power emanates from the people, who exercise it through elected representatives or directly, under this Constitution" – our translation

One of the most important characteristics that can be related to the Brazilian presidential system is that, since the 1988 Federal Constitution promulgation, governability has been the buzzword by which this political system revolves around.

This is due both by historical facts and the supremacy of an elitist democratic theory, mostly in line with the models advocated by Schumpeter[20]. This elitism is verified as rule in many other modern democracies (MANIN, PRZEWORSKI E STOKES. 1999). As the academic studies demonstrates, this democratic model not only places individual participation on a second plan, but also regards it as something to be limited[21], and has universal suffrage as

a power delegation instrument and not as an object for a pluralist representation.

In the studies developed by Manin, Przeworski and Stokes (1999), it was asserted that, in modern democracies, it does not matter the "direction" to which the elected representatives follow through, as long as they move along, or to be more explicit, as long as they hold governability in their hands, thus preventing structural crisis derived from an inertial condition of actions. Indeed, stability is preferred over the risks that might be brought by a more plural political representation.

The Brazilian political model is corroborant with this scenario as they make use of strategies such as distribution of posts, either ministerial or administrative in public companies, so as to be able to activate their agenda, as shown in the last section. The representation of the individual wills is overlooked and used in election issues, mainly based in the power relation among media and politics in the construction/deconstruction of electoral arguments (CASTELLS, 2009).

In this sense, it can be wondered: Can we affirm that the underrepresentation could be strict connected to the structural problem of the executive power overlapping of the legislative power in the "Coalition Presidentialism"?

Having this question on mind, some thoughts can be developed. In spite of

---

[20] "The voters outside of parliament must respect the division of labor between themselves and the politicians they elect. They must not withdraw confidence too easily between elections and they must understand that, once they have elected an individual, political action is his business and not theirs. This means that they must refrain from instructing him about what he is to do—a principle that has indeed been universally recognized by constitutions and political theory ever since Edmund Burke's time." (SCHUMPETER, 1969, P.295)

[21] "This stabilization occurred in two ways: by giving priority to the accumulation of capital in relation to social redistribution, and by limiting citizen participation, both individually and collectively, in order to not "overload" to much the democratic system with social demands that could put endanger the priority of accumulation over redistribution". (AVRTIZER&SANTOS, 2003, p.14)

the fact that the proportional vote brings in itself a more fragmented character, thus more connected with the different national demands in the countries´ geographical aspect, it lacks of this same fragmentation in the economical aspect. As we showed before, the legislative vote in Brazil is more conservative, representing mainly the local elites, due to its economic resources to pay the campaign costs.

In face of this character, the parliament would be prone to specific status quo maintenance (ABRANCHES, 2012). Contradicting the executive votes profile who represents voters with more reformist features, willing to change this specific status quo and that make reference to at least half plus one of the national electorate, referring to the number of votes needed to the president election. Thus, it is not possible to affirm that the legislative with conservative characteristics would represent the aspirations of the population within its social plurality.

Therefore as observed, the plurality representation flaws are not just located on the structural nature of the "Coalition Presidentialism". This surely brought various characteristics to this "relationship", further accentuating the disconnection with the social demands, due to the power struggle that prevails over the structural policy changes implementation, as demonstrated previously. Besides, this power struggle

within the Brazilian government presents itself as an effective filter of social plurality demands.

To understand the democratic representation filter regarding the maintenance of certain status quo, the veto players concept of Tsebelis (2009) can be useful. According to the author, political institutions would also be composed of actors constitutionally power vested with the right to opine about policy decisions, with the capacity of veto. The distance between the interests of these actors would set the game of interests within the Government.

In addition, according to Tsebelis (2009), the structural design composed with the veto players, allows only incremental changes in political legislation, due to the difficulty of reaching consensus in any specific bill with the diverse interests being sometimes diffuse or antagonistic, contained in the discussion and decision sphere.

Corroborating the thesis of democratic elitism, according to Müller (2009), is the multiplicity of veto players that guides to an institutional stability. Compared with the previous section on the functioning of the Brazilian political system, we can verify this institutional structure composed of several instances with veto power, providing institutional stability within the "Coalition Presidentialism". However, despite the desired institutional stability, due to the large number of veto players it allows

only incremental changes and the maintenance of a certain status quo.

In protecting this particular status quo, according Abranches (2012), developing countries face a central problem because such countries need deep structural changes, while the mechanisms of self-preservation of modern democracies prevent these changes, such as reflected here. This conflict is against the flow of individual demands for reforms.

The self-preservation in modern democracies dynamics came to play an important role in the recent political maturation in Brazil, not just as political system but in its institutions in general. This is also due to the international scenario that differs almost completely to the others national democratic experiences, these experiences were marked by decisional paralysis and constant tensions between the powers.

However, despite this harmony between military, political system and constitutional norms obedience, combined with a long period of stability and economic growth, the perception of democracy by the people is negative.

> The negative public perception on the performance of Congress cannot be ignored if the goal is to understand the dynamics of representative

> democracies, because it affects the legitimacy and effectiveness of a central dimension of the system, from the perspective that emphasizes the quality of democracy (MOISES, 2011, P.27 – our translation)

Assessing the democratic quality, in this case, is directly connected to the legitimacy of this political process in apprehend the people, in its plural and diverse sense, as sovereign and central at the government structures. Thus, for the democracy to be understood in its full sense, representation and inclusion should be observed within the great national plurality dimension, in relation to the interests pertained to several society's stratus. Nevertheless, apart from legitimacy, from a value chain point of view, the procedural most important dimensions, whose existence is essential to a higher level of democratic quality, is also defective, since accountability, as one of the most important dimensions for representation, cannot be fully applied.

Due to these exposed points, some political thinkers[22] have considered the Brazilian democracy as a low quality one. The argument behind this assertion accounts for the fact that, in the name of

---

[22] (MOISES,2011; VIANNA, 2012, SANTOS, 2004)

governability, a reprehensible political practice has been put in practice. For the difficulties in obtaining a simple majority in the decision making process, paves the way to the construction of heterodox alliances with very distinct ideologies.

Desirable Ways For The Brazilian Democracy

It might be surprising to make such an assumption regarding the Brazilian political scenario, especially in this moment that the country has been acknowledged as a nation in strongly "development" that has accomplished notable achievements in reducing inequality and extreme poverty. In 2012, a survey applied by the National Economic Research Institute reveals that in a 0 to 10 scale, Brazilian people ranked their lives with a 7,1 grade, in a medium scale[23]. As an addition to that, the President in exercise has been approved by 78% of the population, according to the last opinion survey from December 2012[24]. Deeper scrutiny is necessary if a comparison in between political and economic attitudes is to be taken. It is not possible, at this moment, to relate the differences in between representation and economic satisfaction to a theory of economic security and value

change, as Inglehart and Abramson (1994) would argue.

In this specific reflection, the goal it is to analyse this scenario with a philosophical political point of view. If it is assumed that democracy presents the best tools for organizing the societies[25], than this type of judgment is essential. In this sense, Lefort has a very strong point that helps to make clear the role that the political science has in the defence of our democracies, when he advocates for the revival of a political philosophy:

> Understand democracy as a subject with a set of moral values. This will allow us to understand democracy as a form to organize the society considering the dichotomies that are in the kernel of the human relations, being able to understand and grasp the difference in between legitimacy and illegitimacy, between truths and lies, between authenticity and imposture, between the pursuit of power or of private interests

---

[23] See the editorial: "2012: Desenvolvimento Inclusivo Sustentável" (IPEA, 2012)

[24] See the editorial: "Aprovação do Governo Dilma atinge novo Recorde de 78%" (COBUCCI, 2012)

[25] "Although democracy may not assure representation, it is still plausible that democracy is more conducive to representation than alternative regimes." (MANIN,PRZEWORSKI &STOKES, 1999, p.50)

and the pursuit of the common good. If we refuse to risk making judgements, we lose all sense of the difference between forms of society. If is assumed that democracy presents the best tools for organizing the societies, than this type of judgment is indispensable (LEFORT, 1988, p.9)

It cannot be denied that democracy is founded in tension and some level of contradiction. As reflected by Rosanvallon (2008), democracy represents a contradiction in between conflict legitimacy and the aspiration of consensus, a contradiction between a realistic decision principle and a justification principle. Nevertheless, as a philosophical and moral concept is also part of a democratic dimension analysis, the values attributed to the political practices are also to be considered. Thus, another dualism is emerged, by which a tension in between a decision-making democracy and a conduct oriented democracy is also established. In this sense, as figured by Avrtizer and Santos (2003), democracy should always imply the rupture of a series of consolidated traditions and, therefore, set up the continuous tentative of instituting new determinations, new rules and even new laws.

In a clear contradiction to an elitist model that is being perceived at the political scenario in Brazil, democracy, in history, was not conceived as a movement towards the maintenance of an *status quo* and this was not its central role along the its consolidation path. Democracy, as the rule of the people, has in its reasoning the premise to follow up with the new conceptions of people, taking into consideration the general changes in society. Reflecting on this, the exposed political system as it is composed and founded cannot be able to exercise a flexibility that a democratic practice requires.

For this reason, recovering some points exposed in this reflection, might lead us to think about the importance of democratic legitimacy to be applied over this political model, as a means to change the consolidated structures that builds a barrier to the attempt of constructing a valuable and better quality representation system. The points highlighted by Pierre Rosanvallon (2008) accounts for the establishment of a modern sense of generality, by which could be applied the procedures towards democracy decentralization. Thus, attention to the three types of legitimacy should be given. Impartiality legitimacy should be linked to a detachment of particularity, supporting the basis for equality and suppression of granted privileges. On reflexivity, democratic legitimacy is regarded to the possibilities of multiplying the expressions of social sovereignty, creating real participation spaces other than direct elections. And finally, in a proximity

dimension of legitimacy, attention to particularity is to be given in order to attend the diverse society demands in the defence of a plural representation.

Through this perspective the democracy and its representation system in Brazil needs to move towards a refunding of its basis, bringing more legitimacy by plurality, replacing elitism by a new political concept "based on the creativity of social actors"[26]. As stated by Manin, Przeworski and Stokes (1999, p.51): "Hence, there is lots of room for institutional creativity". (1999, p.51).

References

Abranches, Sérgio. Presidencialismo de coalizão: o dilema institucional brasileiro. DADOS – Revista de Ciências Sociais, Rio de Janeiro, vol. 31, nº1, 1988, p.5-38

Abranches, Sérgio. Federação e presidencialismo de coalizão: 3º Ciclo de Conferências - Eleições e Reflexões: Federação e presidencialismo de coalizão, Rio de Janeiro, 15 jun. 2012. Available in: <http://www.youtube.com/watch?v=gdbncLe10Rk&feature=youtube_gdata_player> access in 02/01/2013

---

[26] (Avrtizer&Santos, 2003)

Alvarez, Débora; Brito, Ricardo. Renan Calheiros volta à presidência do Senado após 5 anos de sua renúncia Parlamentar venceu disputa contra Pedro Taques (PDT-MT) por 56 votos a 18. Estado de São Paulo, São Paulo, 01 fev. 2013. Available in: < http://www.estadao.com.br/noticias/nacional,renan-calheiros-volta-a-presidencia-do-senado-apos-5-anos-de-sua-renuncia,991822,0.htm> access in: 12 fev. 2013.

Avritzer, Leonardo and Santos, Boaventura de Souza. Para ampliar o cânone democrático. Revista Critica de Ciências Sociais, 11 mar. 2003. 30 p. Available in <http://www.eurozine.com/articles/article_2003-11-03-santos-pt.html> access in 02/01/2013

Bergamasco, Débora; Lopes, Eugênia. Renan dá cargos, consolida apoios e deve vencer no Senado com ampla vantagem. Estado de São Paulo, São Paulo, 31 jan. 2013. Available in: <http://www.estadao.com.br/noticias/nacional,renan-da-cargos-consolida-apoios-e-deve-vencer-no-senado-com-ampla-vantagem,991012,0.htm> access in: 12 fev. 2013.

Castells, Manuell. Comunicación y Poder. Madrid: Alianza, 2009, 679 p.

Cobucci, Luciana. Aprovação do governo Dilma atinge novo recorde de 78%. Portal Terra, Brasília, 14 dez. 2012. Available in: < http://noticias.terra.com.br/brasil/politica/aprovacao-do-governo-dilma-atinge-novo-recorde-de-78,76a69a713899b310VgnVCM3000009acceb0aRCRD.html> access in: 12 fev. 2013

Constitution of the Federative Republic of Brazil of 1988, Available in <http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm> access in 02/01/2013

Dahl, A. Robert. Polyarchi participation and opposition. New Haven, Yale University Press, 1971

Dahl, A. Robert. Democracy and its critics. New Haven, Yale University Press, 1989.

Figueiredo, Angelina; Limongi, Fernando. Modelos de Legislativo: O Legislativo Brasileiro em Perspectiva Comparada. *Revista Plenarium.* Câmara dos Deputados, Ano 1, Nº 1, Novembro de 2004, p. 41-56.

Figueiredo, Angelina; Limongi, Fernando. Processo Orçamentário e Comportamento Legislativo: Emendas Individuais, Apoio ao Executivo e Programas de Governo. *DADOS – Revista de Ciências Sociais, Rio de Janeiro, vol. 48, nº 4, 2005, p. 737-776*

Foucault, T, Michel. Il faut defendre la société: cours au College de France. 1975-1976. Paris: Gallimard/Seuil, 1997.

Inglehart, Ronald; Abramson, Paul. Economic security and value change. American Political Science Review 88: 336-354

IPEA. 2012: Desenvolvimento Inclusivo Sustentável. Comunicados IPEA, Brasília, nº158, 18 dez. 2012. Available in: < http://www.ipea.gov.br/portal/images/stories/PDFs/comunicado/121218_comunicadoipea158.pdf> access in 04 jan. 2013

Lefort, Claude. Democracy and political theory. Cambridge: Polity in association with Basil Blacwell, 1988.

Limongi, Fernando. A Democracia no Brasil: Presidencialismo, coalizão partidária e processo decisório. Novos Estudos Cebrap, São Paulo, nov., nº76, 2006, p. 17-41

Moisés, José Alvaro. O desempenho do congresso nacional no presidencialismo de coalizão (1995-2006). In: Moisés, José Alvaro (participation/org.). O papel do congresso nacional no presidencialismo de coalizão. Rio de Janeiro: Konrad-Adenauer-Stiftung, 2011. p. 7-29.

Moraes, Filomeno. Executivo e legislativo no Brasil pós-constituinte. São Paulo em Perspeciva, São Paulo, vol.15, nº4, 2001, p.45-52

Morlino, Leonardo. Qualities of democracy: How to analyze them? Florence: Instituto Italiano di Scienze Umane, 2009.

Müller, Gustavo. Representação política: Neoinstitucionalismo em perspectiva comparada. Revista brasileira de ciências sociais, São Paulo, vol. 24, nº69, 2009, p.115-127

Nicolau, Jairo. Como Controlar o Representante? Considerações sobre as Eleições para a Câmara dos Deputados no Brasil. Dados – Revista de Ciências Sociais, Rio de Janeiro, vol. 45, nº2, 2002, p. 219-236

Norris, Pippa. Critical Citizens: global support for democratic government. Oxford: Oxford University Press, 1999.

Oxfam The cost of inequality: how wealth and income extremes hurt us all: Oxfam Media Briefing, ref: 02/2013, 18 jan. 2013. Available in:< http://www.oxfam.org/en/pressroom/pressrelease/2013-01-19/annual-income-richest-100-people-enough-end-global-poverty-four-times> access on: 08 fev. 2013

Powell, G. Bingham. The chain of responsiveness. Journal of Democracy, Vol.15, n.4, October 2004. P.91-105

Przeworski, Adam; Stokes, Susan; Manin, Bernard. Democracy, Accountability, and Representation. Cambridge: Cambridge University Press, 1999, 351 p.

Rosanvallon, Pierre. Democracy past and future. New York, Columbia University Press, 2006.

Rosanvallon, Pierre. La legitimité democratique: Impartialité, reflexivité, proximité. Paris, Editions de Seuil, 2008.

Rosanvallon, Pierre. La societé des égaux. Paris, Seuil, 2011.

Santos, Fabiano; Almeida, Acir. Fundamentos Informacionais do Presidencialismo de Coalizão. Rio de Janeiro: Appris, 2011, 216 p.

Santos, Fabiano. A reforma do poder legislativo no Brazil. Revista Plenarium. Câmara dos Deputados, Ano 1, Nº 1, Novembro de 2004, p. 26-40.

Schumpeter, Joseph Alois. Capitalism, socialism and democracy. London: Routledge, 1994, 437 p.

Touraine, Alain. Pourrons-Nous Vivre Ensemble? Égaux et différents. Paris: Editions Fayard, 1997

Telles, Vera da Silva. Igualdade: Qual a medida? In: Veras, Maura Pardini Bicudo (org.). Hexapolis: desigualdades e rupturas sociais em metrópoles contemporâneas. São Paulo: Educ e Cortez, 2004.

Tsebelis, George. Atores com Poder de Veto: como Funcionam as Instituições Políticas. Rio de Janeiro: Editora FGV, 2009, 440 p.

Vianna, Sérgio Besserman. Representatividade na democracia Brasileira: 3º Ciclo de Conferências - Eleições e Reflexões: Federação e presidencialismo de coalizão, Rio de Janeiro, 18 jun. 2012. Available in: <http://www.youtube.com/watch?v=b8FO 4ZHZlA0&feature=youtube_gdata_player> access in 02/01/2013