

Towards the reconstruction of democracy in Brazil

Da ruptura à reconstrução democrática no Brasil

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ABSTRACT The article argues that the impeachment occurred in Brazil in 2016 configures a political crisis. Among other factors, the text highlights the politicization of the Judiciary and the conservative alliance between parties and right-wing social movements. Offering a kind of democratic reconstruction agenda, we affirm the urgency of a broad-based progressive coalition to contain the advance of setbacks in Brazil today. In such a coalition, it is fundamental the hability for the inclusion of diverse social cleavages, democratic voices and multiple social classes.

KEYWORDS Politics. Democracy. Public policy.

RESUMO O artigo defende que o impeachment ocorrido no País em 2016 não representa uma crise institucional, mas uma crise política. Foi a ação coordenada de atores, e não nosso modelo institucional, que levou à ruptura democrática. Dentre outros fatores, o texto destaca a politização do Judiciário e a aliança entre partidos e movimentos sociais conservadores. Ao fim, mirando numa agenda de reconstrução, afirma-se a urgência de uma ampla coalizão de corte progressista para conter o avanço dos retrocessos hoje em curso no Brasil. Em tal coalizão, é central a capacidade de abertura e articulação com e entre clivagens sociais diversas, vozes democráticas e múltiplas frações de classe.

PALAVRAS-CHAVE Política. Democracia. Política social.

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The ingredients that characterize the Brazilian socio-political framework are of various kinds: social and ideological polarization, popular and student mobilization, political crisis, fiscal crisis, acute recession and mass unemployment, electoral dispute and reconfiguration, oligopolized media with increasingly affiliation to political parties and aligned to specific sectors of the power structure, growing fascism of our political culture elements, itself historically illiberal, judicial institutional anomie and partisan ploys fit together forming a scenario unthinkable until few years ago.

As for this conjuncture analysis, let us dwell on some of those points, highlighting whether and how, in our view, they are mutually reinforcing. Far from trying to exhaust each of those ingredients, further analysis are suggested to explore the issue on how such and several other variables interact in order to produce this kind of semi chaotic scenario. For example: to what extent both the global economic crisis and our fiscal crisis impacted on the recent polarization in Brazil? How to measure the influence, for the success of the parliamentary coup, of the ongoing crisis feeding by a media clearly party-biased? And returning a bit more backwards: what is the relation, if any, between the 2013 cycle of protests and the parliamentary coup?

Within the limits of our interpretation, we will discuss the parliamentary coup carried out by the unified front of the Brazilian Democratic Movement Party (PMDB), in the light of tensions between actors (political or social ones), and the institutional arrangements in which they operate. The analysis focuses on three arenas: the National Congress, the Legal power and the civil society. Before moving on to such arenas, it is central to establish the premise from which we set out, already displayed in the article initial issues: what happens in the current Brazilian policy is the continuation of a parliamentary coup. In other words, it is

the logic of rupturing the established political agreement, whose rules the majority of the right-wing partisan used to agree, at least publicly, since the years 1990, and, consequently, fights for political power in a legitimate way. The rupture carried out by means of an impeachment leastly artful, a rupture carried out by means of the insidious use of our institutions, places once again the collective task of democratic reconstruction in the troublesome Brazilian political history.

Parliamentary coup, there is no doubt about it, but what matters now is thinking on how we arrived here. We will follow by parts.

Let us first deal with the congressional arena and with the so-called crisis of representativeness. At once, it is relevant to affirm that the August 2016 event is the result of the deliberate action committed by political leaders that did not configurate, definitely, the operation effect of the institutions. It is obviously tempting to identify in the political institutions, particularly in the core rules that define our political model, the causes of instability and governability crisis that ended up in the parliamentary coup. The concept and practice of coalition presidentialism, in a broader and less rigorous definition, return with full force to the scene, as it became common to account that institutional model for an extraordinary set of evils of which the Brazilian policy would suffer. We talk about broader definition, because, in fact, the term coalition presidentialism, in a more restricted understanding, and in our view more precise, as it is applied in the *stricto sensu* institutionalist literature, only denotes the conjugation of powers separation, characteristic of the multiparty presidential system commonly derived from the adoption of proportional representation for the occupation of seats in the Legislative power.

Those who criticize our institutional model, called coalition presidentialism, establish some kind of wrong causal link between the dynamics of such model and the political practice that not only undermines,

let say, the programmatic principles of parties that lead the government coalition but also, at the end, harms the legitimacy of the institutional system as a whole. Well, as for our point of view, and following more recent analyses on coalition presidentialism (FREITAS, 2016), nothing would authorize, either from a conceptual or an empirical perspective, to account the model for admittedly bad political and complex phenomena, such as corruption, popular disbelief and profusion of scandals mediatically appropriated and often produced.

Here it is essential to discern between two elements that are often overlaid in policy analysis: actors and institutions. Although in an empirical way and in all cases it be difficult to identify where one or the other prevails in the unfolding of the political situation, it is not possible to infer the legitimacy or efficiency of institutions based on the use they are made by main actors on the scene. According to our assessment, the Brazilian recent example shows exactly this: since the end of 2014, at every step in the situation and as economic and social crises deepened, boards of PMDB and Brazilian Social Democracy Party (PSDB) articulated themselves and applied the rules of the game in order to build the optimal conditions for the achievement of the parliamentary coup that resulted in the impeachment. Nothing inherent to the Brazilian institutional design would predict such destabilizing behavior, since the result of that year elections, adopted by an opposition so far loyal to democracy and by leaders of a party so far acting as coalition partner.

Specifically regarding PMDB, the principal coalition partner of Workers Party (PT) since at least a decade, it is worth mentioning that, in the context of the 2014 election, the party had already been divided even before Rouseff's positive result after the second round of presidential elections. That is, the winner faction, mainly in the Legislature power, stood openly in the field not only

as opponent to PT in the government but also self-styled 'conservative', either in relation to social policies or to culturally delicate themes of public agenda. Note that the faction was led by politicians willing to everything in order to reverse the election results concerning the national Executive that same year.

A relevant issue, and for which a final answer is not prompt, regards to know: after all, what reasons led parties such as PMDB, PSDB and Democrats (DEM), co-founders and protagonists of the 1987 Constituent Assembly, of our democratization, to clearly act against the dictates and rules of the democratic game? A complex set of factors created a real window of opportunity for the adventure of coup candidates. Among such factors, we would highlight: a) an acute economic crisis scenario, reinforced by the explicit opposition of international financial incumbents vis-à-vis Dilma Rouseff's re-election; b) the heavy inheritance of the competitive and radicalized 2014 election campaign; c) the recent memory of the 2013 cycle of protests – since then, the radicalization of the right-wing behavior in 2015; d) the lack of a clear and strategic government vision also to tackle the most urgent causes of the economic crisis as to organize its legislative and society support. All those factors are not an 'institutional' heritage, but, rather, approved and to some extent produced by actors until recently committed to a democratic creed. None of this, therefore, authorizes or even justifies taking such factors as expression of a need or historic fatality since it was a concerted and articulated action, what the sociologists call 'agency' between parties – social movements of elitist shape and mediatic and judiciary supporters, culminating in the impeachment. Despite well seen, the process is not sustained on structural-institutional roots.

This process was leveraged by actors, where institutional devices accounting for its blocking were or should be, in order to

safeguard the spirit of presidentialism? In our view, the 1988 constitutional design is clear when it indicates the Supreme Court (STF) as the guardian of the minimal and fundamental precepts of what is permitted to the political action. That is, if there was any chance to curb the opposition in its coup adventure and in a correlation of forces clearly unfavorable to the President elected, such a chance would come from the Legal Power. However, the latter, in fact, in an institutional crisis due to its high politicization and partidarization character, did not behave as predicted in the Constitutional Charter. Is it another case of misuse? Certainly yes. This time the misuse does not come in form of action but by default.

An alternative label for what has taken place in the Brazilian politics is merged with an alleged crisis of representation. It is undeniable the dissatisfaction of significant part of legal, mediatic, and business elites and of important sectors of middle classes concerning central landmarks of democracy, as enshrined in the 1988 Constitution. However, concomitantly to the expression of such feelings, the broadening and pluralization of the representation ability external to Congress, but that internalizes itself within the Brazilian State, is being highlighted in several works related to the State/society (inter alia) interactions (POGREBINSCHI; SANTOS, 2012; AVRITZER; SOUZA, 2013; GURZA LAVALLE; SZWAKO, 2015).

It should be noted, moreover, that the inclusion of themes and actors of civil society in decision-making processes eventually became important target of criticism and resistance from conservative segments in the Country, as was the case of the so-called 'National System of Social Participation' (GURZA LAVALLE; SZWAKO, 2014). The limits imposed to impacts of social-and-estate meetings on public policy, however, did not lessen the diagnosis that, since re-democratization, they have become increasingly challenged and modified by civil society organizations and movements. Even from the standpoint

of citizenship in General (i.e., not necessarily organized in networks and movements), state porosity related to the citizen possibilities of access to goods has shown itself not only mediated by participatory mechanisms but also consistently greater than countries such as Venezuela and Mexico (ZAREMBERG, 2012). In short, as for the plural characteristic of representation, the most up-to-date research agenda on the participation institutionalizing effects denotes not a limitation, but, rather, the question about the effectiveness of participatory institutions in Brazil (PIRES, 2011).

We understand as spurious the inference built between institutional model and political outcome, between coalition presidentialism and the 2016 parliamentary coup. From our standpoint, there is nothing conclusive either around the diagnosis of institutional corrosion inherent to the coalition presidentialism and supposedly produced by it, or a timely diagnosis created to legitimate the parliamentary coup versions, or regarding the existence of a representation crisis that impacts the Brazilian institutional political framework. Therefore, it seems central to distinguishing between operating logics: the internal logic regarding Dilma Rousseff's impeachment does not result from institutional dynamics, but from the articulated and deliberated acting of political-party and legal power actors (below) – it is a performance undoubtedly articulated by means of institutions and even in spite of them, hence the innovative nature of that kind of coup. This differentiation is key to our diagnosis, because the medium-and long-term scenarios of democratic reconstruction will require anti-coup remedies, and we cannot run the risk of testing a bitter or even fatal remedy.

Example of the danger embedded in ill-conceived institutional solutions based on pre-notions without academic support is in the proposals put forth in times of crisis. For example, the disastrous electoral mini-reform carried out by Cunha, Maia and

their followers, and the effects then arising on the 2016 electoral dispute, particularly about the television time destined to smaller parties and to debates between parties and candidates. Pernicious effects may also rest on the political system in case current proposals circulating in Congress and media win, advocating, for example, the adoption of optional vote. Far from healing alleged institutional illnesses, false medicines as those tend to harm our governance and representativeness.

As we said before, the political crisis that ended up in a coup and now takes on new shape does not result from the functioning of institutions, but from their usurpation and misuse by means of fundamental segments of elites and State leaders.

Among the State elites starring that process, stand out, with no doubt, the elites of the Legal Power and of the Federal Public Prosecutor (MPF), whose behavior during the whole process occurred, as we all know, covered-up by the mantle of the political corruption combating. In a shrewd analysis, Leonardo Avritzer already called our attention to the dangers of the MPF uncontrolled action and its implications in terms of ‘encroachment’ and ‘monopolization’ of the public interest protection coming from such behavior by institutions deprived from vote endorsement. In the author’s words:

[...] the way, in 2015 first semester, the Legal Power entrenched the Executive Power for questionable political practices, such as the selective leaking of information regarding Lava Jato Operation and the excess of preventive arrests and of delations intended to destabilize politics, shows the danger of a solution for the impasses not processed by the powers elected by popular vote. (AVRITZER, 2016, p. 116).

Such an intervention, politicized and spurious, of agents and control institutions, whether or not pertaining to the Legal

Power, before organisms of the Executive and Legislative Powers leads us straight to the essential alert given by Max Weber (1993) and his Weimar Republic contemporaries: the public officer cannot be involved in political dispute or its respective conviction. Public officer and professional politician competences are as distinct as are the responsibilities assigned for each post. Weber’s one of the greatest fears was that his country politics became a hostage of the bureaucracy – that lesson cannot be overlooked today by those who, like us, understand the harmful potential contained in an instance of power that, in the name of fighting corruption, acts illegally.

Ironically, although we speak of our political model institutional crisis, it does not emerge from the coalition presidentialism. In fact, serious distortions hit the own design of our control institutions, disrespecting the 1988 Constitution. In this particular, recent interventions by the Superior Electoral Court (TSE), for example, on electoral and party rules as well as on selective and partidararian attacks guided by MPF against political leaders reverberate one of the most famous Madisonians concerns: who controls the controllers? The administrative intervention on the political dispute requires not only its theoretical criticism. Rather, it requires the political action from whom that, after all, is the main affected by the instability of the democratic game – instability judicially instilled –, and also the only sovereign of that same game: the popular will. In this sense, two necessary and converged paths for the pacification of the Legal Power and the Executive Power control instances seem to be the deepening of control mechanisms both institutionalized and external to those institutions.

The task is not going to be an easy one, as was not the democratization consecrated in the 1988 Charter. The first challenge surely involves the responsibility of actors that destabilized and usurped the democratic dynamics conquered until today. In terms

of political and institutional dispute, masks of actors who advocate a reheated scholarly liberalism, or solely a neoliberal one, should be recognized as such. In terms of political culture, the phenomenon is even more complex: the middle class growing fascism, fueled not only by the economic crisis but also by the Legal Power and hegemonic media, is the reality we deem essential to know and oppose. Our last item concerns the growing fascism among us and the civil mobilizations coming from both the right-wing as the left one.

In the field of civil society, the context is equal or even more complex and full of challenges.

The green and yellow mobilization winning the streets in March, April and August 2015 knew how to appropriate one of the 2013 main legacies: the street as legitimate stage of protests (DOWBOR AND SZWAKO, 2013). Under the cries of ‘Dilma Out’ and ‘PT Out’, a mass of fascist verve was fueled by right-wing movements, which, as we know today, were and still are linked to ultra-conservative north-american groups. A question arises here: why call fascist such vast and heterogeneous crowds? We call them as such due to their inability to recognize as legitimate a plurality of interests and world views that are constitutive and, mainly, distinctive of democracy in complex societies. Denying such plurality corresponds to, in the 2015 conservative speeches and protests analyzed elsewhere (SZWAKO, 2015), denying the legitimacy of the conflict and the necessary institutionalization of conflicts – without which there is no democratic and civilized coexistence between various and divergent world interests and views.

It is exactly at that point that ideological polarization and partisan strategies articulate. On one hand, a new right, authoritarian, provides original clothing to the always predominant hierarchical rancidness, not in politics, not solely in politics, but also in the Brazilian society, now redesigned with

‘liberal’ label – actually, it contains few liberalism and some distorted reading of the so-called neoliberalism. On the other hand, politicians and mottos that consider themselves right-wing but that end up removing legitimacy from that mass stimulated by themselves. Well, they, and no other, were the so-called ‘voice of the streets’ heard and listened in the statements that buried Dilma’ government in August 2016. Let us remember that ‘in the name of the family’, ‘God’ and even ‘against the communism’ (*sic*) were allegories circulating among the streets and within the Congress, designing most of pro-impeachment speeches. The affinity between the represented and representatives ‘of the’ right-wing is, however, contingent and strategic; to the extent that they answer to their interests, political parties will continue taking advantage of the mass, always in an opportunistic manner. Here, the democratic reconstruction challenge is twofold: to build a civilized alternative to the conservative project prevailing in the Country and to fight for broader social and electoral bases, being and alternative for both.

Today, while the streets are back to protest against the current illegitimate government, the stage of claims is taken by high school students and by school interdiction throughout Brazil. Despite variations among states, the interdiction movement of schools is entirely crossed by the parliamentary coup and its effects, namely, the 241 PEC (Proposal of Constitutional Amendment), currently renumbered PEC 55/16. The post coup dynamics of tension and of conflict between mobilized citizenship and authorities, being them executive or repressive forces, actually, bestows a sad feeling of authoritarian *déjà vu* to the situation. This can be observed by cops’ harassment of students, often illegal, as well as by the activities of citizens self-called ‘good’, handling conflicts in school premises. However, the authoritarian rancidness is not limited to the example of students and of reforms and tax cuts without any

consultation to interested parties. Another dramatic case of truculence and illegality applied by repressive forces in the post-coup context is the violence suffered by Florestan Fernandes School, addressed to the Landless Workers Movement (MST); it was invaded a few days ago by police officers working for the State of São Paulo in Brazil.

However, that *déjà vu* is ambivalent. While it authorizes a desolate look on our scenario, those scenes also evoke traces of political hope in the student mobilization as in landless workers.

Moderating the Legal Power, democratizing media, blaming those who violated the democratic pact and restraining the advances of a regressive illegitimate agenda are some of these challenges. The feasible path to agglutinate characters, speeches and flags is located in the overcoming of what J. Feres Júnior called 'belly button complex'. Democratic left-wing forces, also within the civil scope as in the partisan struggle, need to overcome ideological isolated perfectionisms obstructing the construction and broadening of new comprehensive consensus. Those consensus necessarily imply dialogues and bridges not yet accomplished, they need firstly to be forged with the due

sense of timing and openness towards the spirit of inclusion and understanding. Such unification, in turn, cannot prescind from institutional arrangements within which participation and representation may combine and balance – including all the partisan conflicts there arising. In that effort, it is essential to add up all the nuances of democratic voices compromised with minimally civilized and egalitarian values: from a broadening 'big centre', mainstay of the Brazilian re-democratization, to radical voices, and necessarily involving liberals, communists and social democrats. An arc of polyclassist alliances of democratic color, tacking peripheries, middle classes and a non-conservative liberal business community is fundamental for that project. Against that necessarily heterogeneous set of voices, the emergence of an authoritarian conservative wave or of a new crypto-militarist right-wing will keep the endeavor of winning the political fight against truculence and intimidation – there is need to face fear. One of the good strategies to face fear is searching for elements and tracks of democratic coexistence even within the reactionarism.

The reconstruction is difficult, although inevitable. ■

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