

Deep Brazil, Shallow Ceiling

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“A method of continuity is the only one that (by contrast to the revolutionary), can avoid, in the march of human affairs, this pathological factor that makes History a perennial and exemplary struggle between paralytics and epileptics.”

(Ortega y Gasset)

When discussion, in any circle, turns to the National Congress – or more generally, to politics and the public life – it is impossible to not recall Walter Lipmann who said: when everyone is thinking the same, no one is thinking anything. With his authority as a recognized liberal and militant journalist, he was not, strictly speaking, constructing a sociopolitical thesis but rather recording what he had observed in his professional practice.

Can it be that this is what is happening to us? It is without question the effect. One can only think that in Brazilian political representation is going through a profound crisis, that this crisis is of a moral nature and, besides, that is an aspect of the superstructure which has nothing to do with social or institutional foundations that surround and/or condition it. And on the basis of the moral superiority of the voters (and critics) over those elected, an unshakeable diagnosis has been constructed with the force of absolute law, besides being comfortable, to the extent that in this analysis, the problem is, if not others, at least it belongs to others.

Can reality be so simple, however, almost bad luck, that it is a kind of “accidental choice” on the part of those who vote? If it doesn’t run the risk of simplification, that minimum that we need to do is to look to our sides – i.e. the world – and beneath, the social and institutional bases (and some of them are historical) of our reality of this first decade of the 21st century.

The World

Looking around what we see is that the crisis in prestige of political institutions, above all of parliaments, is echoed throughout the world, with differences in degree from the almost invariably cited diagnosis of Lipmann. Unless this idea of “accidental choice” has been contagious, we need to find another basis for the same phenomenon which affects countries with different institutional models. Whether in its form (republic or constitutional monarchy), or in relation to the system of presidential or parliamentary government, they are all exhausted models, excluding only

dictatorships from among these alternatives, which preserve themselves until, having rotted, they fall.

I have no basis, from lack of information and even of education – I am only in the political arena – to expand on the diagnosis, so that I prefer to defer to sociologists and political scientists, but I observe enough to exclude bad luck and to conclude that the signs that are here are also there, indicating, for those in the know, different ringers with different bells, but all tending to the end (and melodically) of a democratic system of government.

Many are already anticipating a new, recurrent, general crisis in representative government, not by accident, on the brink of authoritarian outbreaks whether in Europe in the 1920s before the burial of the Weimar Republic in Nazi trash, whether among us, when the epithet of rotten condemned the Old Republic and dragged the fragile constitutionalism of 1934 into the maelstrom of the New State.

I prefer to be optimistic and believe that when the outbreak passes, that we can be flexible enough to admit an enlargement of the levels of public participation in the decisions of government in these times of the internet, always with one eye on the fish and the other on the cat, in order to not forget that the most powerful antidemocratic conspiracies were only successful when they found enthusiastic support of the masses.

The Time

Besides thinking ahead, which is the responsibility of all, we always learn by looking backward. An eye witness to some decades, my personal experience has been enriched by the personal and historical statements of those who have lived through other periods of other Brazilian democratic periods, particularly in the milder time of the Second Reign, after the turbulence of the Regency (during which direct election of the governors was inaugurated) and before the turbulences of the Republic.

Without disparaging the highly personal contribution of the Dom Pedro (the second) style of governing, with good will, patience and uncontested power (even as a moderator), weighing heavily on the elitist character of the election itself, whether by a few thousand (less than four thousand) who chose Father Feijó in 1835, were circular, or parochial elections, and of two or three degrees, which came much later, prior to the celebrated Saraiva Code which offered a decisive advance in the last decade of the imperial regime through the elector's identification card and with judicial control (thanks to the narrator Rui Barbosa), but was unable to withstand the criterion for eligibility by census (it would be better to say inherited), which reduced the electoral body to less than 2% of the population.

In fact there was little innovation during this phase of the Republic, to the extent that the legal climate and its objectives continued to be intertwined so as to maintain representation at the restricted level of the upper class, as may be seen in their own disputes between their most notorious adherents, nearly

always restricted to the conflicts that, when they transcended parochial questions, scarcely touched the interests of the great mass of the excluded (up to our gaucho Farrroupilha Revolution in Rio Grand do Sul, which its great popular appeal, that came a century later!).

From this democratization to the present time, known first-hand by any sixty-year old that, only some decades behind the Brazilian elite, more than just having representation, were personally present, especially in the Legislature, whether it was the aristocracy of the rural South, with its descendants from Olinda or the Arcadas that replaced the Empire's Coimbra generations, whether they were the barons of coffee or industry, or the coffee and milk barons from the Old Republic.

It is natural that the education levels were superior, from the refinement of their clothes to the proper use of cutlery, by comparison with the predominant political picture of today. Their unfavorable appearance does not compromise the content of the representation of course, and actually the contrary has more logic: today there is a more legitimate relationship between elector and elected following the dizzying democratic depth that has occurred within the last thirty years, especially since the reestablishment of democracy.

I have presented here some sparse argumentation aligned with the most common biases to explain the erosion in our institutions more by its effects than by the causes, in an attempt to understand what has changed in our perception without the content of the representation having necessarily changed in. All this is true, but it is not all of it. There is much more, and there are clear signs of exhaustion of some mechanisms of representation. This is the situation with the Brazilian electoral system for the composition of the legislative houses, especially those that depend on a proportional vote.

The Bad Way

In modern times Parliaments, in all of the democratic world, are basically constituted from two systems of choice, the majority and the proportional, while the analysts and the practitioners, politicians or electors dedicate themselves to enumerating the defects or respective flaws of both, or better said, when they run unopposed, in order to confront them with the virtues of each.

It is well known that in a majority vote the elector votes for names, generally someone close and known for the local character of the district representation, which is good, but, at this stage the elector frequently ignores the parties, which is bad. In order to compensate, the proportional vote embodies the idea of choice of party, which is positive, but loses the personal relationship, which is negative.

Thus the Brazilian system manages to combine the worst of the two mechanisms. Here the party is not voted for because the vote for deputies is an individual, but also one doesn't vote for the person because the voter never knows who can be elected from an open slate that is beyond his control, even more so

when it is subject to proportional coalitions of all kinds, which oblige the voter to a truly secret vote: no one, in reality, knows who they are voting for.

In this hybrid combination of the relatively recent return to democracy, with its great virtue of increasing participation in the political process, an accompanying flaw becomes ever more visible: the appropriation of the electoral process by organized sectors of society, which might be desirable if it were not, as occurs, at the cost of disorganized sectors!

It is noticeable even in the language: whoever feels entitled to political rights, the spokesperson of the representation, frequently speaks “in the name of,” as it is customary to say, “of society,” whatever that may mean – because people are much more than that, especially because it includes, even passively, those without a voice, who have no union, have no NGO, have no pressure in Brasilia because they don’t even know where Brasilia is, who pay all their fees but do not know any of their names.

All of this has transformed the Chamber of Deputies into a house of minorities. All of them are represented there: from the parties there are 18 or 19 (if there are not more from yesterday to today), without speaking of the rural seats, evangelicals, unionists, financial or regional segments, all with great power for pressure and capable, eventually, of signing unanimous agreements in which the one who remains absent is the one who is the most interested, i.e. the one who pays the bill. In the Plenary and its corridors it is well known that when the gallery is full, when it applauds and laughs, the Treasury bleeds and cries.

The example, which I have offered is only a singular one, but since it is repeated over time and in various places in public institutions – included among them the Executive and the Judiciary – the conclusion is more drastic, that the real Brazil has advanced more than the official Brazil, or perhaps to put it in terms of the Brazilian officialdom, in a tragic summary: at its heart Brazil, which is among the eight principal economies of the world, which increasingly participates in the major international subjects, retains within itself a Third World mentality that views the rich from two distinct standpoints: tearful protest and embarrassed begging. Brazil no longer deserves this role. Brazil in depth doesn’t deserve the low ceiling of aged and outmoded political institutions that insist on belittling it. For the Country of the Future, the future has arrived. It remains, perhaps, to notify it.

It is to this that another quite odd deformity has grown – the Federal Union has no representation in the National Congress, where deputies and senators represent everything – States, municipals, neighborhoods or professional categories but the Union is only represented by a portion – fortunately outspoken – of parliamentarians conscious of their essential role in the Federation, and who at times risk their own reelection if they are contrary to any local interest in a confrontation with the general interest.

The evidence for this deformity is the difficulty of finding relevant and uniform treatment for serious national questions. An example is the Amazon.

Frequently predominant in discussions – and decisions – are the corporate and local issues, of the environment or of indigenous people, of the rice farmers or loggers, to the point that prevailing in official circles is an outsider vision for the preservation of the forest, as if we want to make it into a botanical garden for the delight of centralized powers. And for the indigenous people, a model of isolationism more in line with the idea of a zoo than with true human development.

In order to overcome the paralysis that results from pulverizing the national political will by corporate appropriation, a mechanism of consensus is built which works perfectly as long as the theme is irrelevant. Or generically, as with sustainable development, which unifies all of us, since there is no need to demonstrate which kind of development and what type of sustainability complying, therefore, to the lesson of Thomas Aquinas: as to principles we have no divergence; the difficulty begins when we need to define the process.

In this Legislature I took part in two efforts to change the institutional framework, in 2007 and again, recently, in 2009, in both attempts with the ostensible support of the government and the major parties – PMDB, PT, PSDB and DEM –, which should be sufficient and decisive for the approval of significant reform. Nothing dramatic, but the party vote and public financing, by the overextended predominance of the minorities, the trap described was deactivated.

The failure of these largely majority efforts, which occurred without the matter being brought to a vote, was confirmation that the result was symptomatic of the problem itself. The appropriation of the decision making process by crushing and effective aggressive action of minority interests magnified by its own deformities which are self-generating and self-sustaining to such an extent that they hold majorities and presidents hostage, to the point of leaving one last hope for optimism: that democracy, in order to not kill itself, must change the model. I hope before the next institutional crisis. In its place.

Dangerous House

I am not unaware that I am defending the institution to which I belong (if I were a victim it would be, in the same sense, more of a victim than I). I also have not the slightest obligation to defend the deviations of conduct that are practiced there, individually or collectively, to the point that it is unnecessary to invent negative facts for the headlines, but, for all that I have written here, it is obvious that I identify the deformities on the institutional level much more than the personal, and lean much more toward the legal and political structures than to the voter's poor finger.

History allows me this evaluation. The Legislature, in Brazil, especially in the Chamber of Deputies, is a dangerous institution for established interests, especially those that time has supplanted, that are afraid for their survival. It was there, in its Plenary, from the Jail House or Tiradentes Palace in Rio, or more recently in the time denominated the Plenary of Ulysses

Guimarães, that crucial decisions were adopted for Brazil in the formation of its national unity and social advances.

It was there that the Aurea Law was written to prohibit the slave trade; where the Abdication crisis of 1831 and the “Majority” crisis of 1840 took place, the first from nationalizing power and the second to liberalize the government, without elaborating on the campaigns for the Republic or, most important of all, “Diretas Já”. As though it were there that it died, slain by death, was our last dictatorship, confronting the idea that the place for transformation was not by judicial agreement but from a plenary plurality, tumultuously, not always elegant but invariably tied to the people as any other institution among us, demonstrating the best lesson of the greatest of legislators, Solon of Athens: “A State that endures is that in which the people obey the rulers and the rulers the law.”

As a good student Cicero, a man of the law, understood: “Athens owes more to Solon for the laws that he gave it, than to Themistocles for the victory of Salamis, because that was useful once, and the laws, forever.”

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