

The Troubling Strength of Brazilian Institutions in the Face of Scandal

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Abstract

Anticorruption efforts have played an important role in Brazilian democracy's turmoil over the past half-decade, which culminated in the October 2018 election of conservative firebrand Jair Bolsonaro. Partly in consequence of the *Lava Jato* investigations, there has been turnover in key political actors and a discrediting of prominent organizations. Paradoxically, though, the multiple crises of recent years do not appear to have significantly altered the underlying institutions that structure Brazilian democracy: adherence to the 1988 Constitution; the developmental bias of economic policy making; the coalitional presidential system; judicial inoperancy, especially as it regards wrongdoing in the political sphere; and robust bureaucratic autonomy, particularly in the anticorruption arena. In the absence of a clear consensus on the desired direction of reforms, the institutions that have governed Brazilian democracy for the past generation are likely to persist, with potentially grave consequences for normative commitments to the democratic regime.

Keywords: Brazil, corruption, democracy, institutions, *Lava Jato*.

The half-decade from 2013 to 2018 was cruel to Latin America's largest democracy. Brazil was buffeted by a deep political crisis, a once-in-a-century economic recession, war-like levels of violence, and a massive corruption scandal which lay bare the dark underbelly of the Brazilian democratic regime. It perhaps should not be surprising that support for democracy has been declining, nor that support for the democratic regime is the lowest of any country in the region.¹ But the October 2018 election of Jair Bolsonaro—a proud nostalgic of the authoritarian regime that governed Brazil until 1985, with a Duterte-like security policy and a Trump-like twitter finger—has startled

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¹ Wendy Hunter and Timothy J. Power, "Bolsonaro and Brazil's Illiberal Backlash," *Journal of Democracy* 30, no. 1 (2019): 68-82.

much of the world, and Brazilians themselves seem shocked by what their votes have wrought.

Corruption, and anticorruption, played a central role in Bolsonaro's rise. The *Lava Jato* ("Car Wash") case pummeled the old party system. It contributed to public support for the impeachment of President Dilma Rousseff; led to the jailing of former president Luiz Inácio Lula da Silva, once thought to be the certain frontrunner in the 2018 election; tarred the legacy of the Workers' Party (*Partido dos Trabalhadores*, or PT) administrations that governed from 2003 to 2016; discredited the centrist social democrats (*Partido da Social Democracia Brasileira*, or PSDB), whose timidity in opposition was shown to be partly the consequence of well-greased palms; and thwarted the *modus operandi* of the old *Movimento Democrático Brasileiro*, or MDB, the centrist grab-bag of a party which has been pivotal to ensuring effective governance in Brazil's minority presidential system since 1985. In this, *Lava Jato* has many parallels to the Italian *Mani Pulite* investigations, which tore down the edifice of postwar Italian politics and laid the foundations for the rise of Silvio Berlusconi and his populist brand of socially conservative yet radical system-rejecting politics.

This essay considers the tensions that lie beneath the half-decade of instability and the rise of Bolsonaro. Is Brazil facing a "Berlusconi threat," of the sort that beleaguered Italy in the 1990s after the *Mani Pulite* scandal, with the collapse of major parties creating fertile ground for the rise of a populist conservative? Or is it instead facing a scenario in which the political system pushes back against reformers and preserves itself against a nationwide anticorruption movement? The answer, I fear, is both: there has been massive turnover in core political actors and a discrediting of key organizations, but the underlying institutions governing the political system remain impervious, despite a once-in-a-generation political maelstrom. Meanwhile, a whole set of subsidiary questions rests on the outcome of this turmoil: Can Brazil's democracy survive the upheaval? Will the new president's authoritarian proclivities reduce democracy to being simply an electoral procedure? Can the economy be rescued from the low-growth equilibrium that has trapped Brazil for much of the past generation? And so on.

To answer these questions, it is worth revisiting the conceptual terms of the debate. Much of the turmoil of the past half-decade has been accompanied by an increasingly stale discussion in academia and the media about the impact of Brazilian institutions on democracy (a debate in which I have actively engaged, and the implications of which I have been slow to realize). The central question in this debate is simple: Are democratic institutions working? A Manichean response has emerged: yes, among those who saw Dilma Rousseff as a threat to governability and Lula as a potential obstruction to the *Lava Jato* investigations; no, among those who saw the impeachment as a *golpe* and the investigation of corruption as a politically motivated witch-hunt. While the black-or-white nature of the response served the political purposes of many

activists and partisans, this was never a sustainable academic position, at least among those who still believe in the possibility of academic objectivity; there is simply too much nuance and ambiguity in the events of the 2013–2018 period to sustain either side of a binary characterization of a complex historical process. With the benefit of hindsight, furthermore, it is possible to see that the key problem lies in the terms of the question itself: the meaning of institutions has been muddied by imprecision and undermined by simplistic, often normatively tinged, and, all-too-frequently, partisan analysis.

Actors, Organizations, and Institutions

Taking a step back from the events, there are three key concepts that need to be untangled to understand the turmoil since 2013:

1. First, actors with autonomous free will and the ability to act strategically in ways that can alter the outcomes of history (agency). Dilma Rousseff, Eduardo Cunha, and the anomic demonstrators on the streets of major cities were all key actors with considerable agency, and their strategies played a key role in how the crisis played out.² Rousseff made the strategic choice to cultivate new parties, to distance herself from the old politics of the MDB, and to back her own party's candidate in the fateful elections for the Chamber of Deputies' leadership in 2014. Cunha made strategic choices of his own, including the choice to respond to an ethics investigation of his Swiss bank accounts, by unsheathing one of the many obscure impeachment motions that have been frequently recurring constants of all presidential administrations. Demonstrating citizens were also actors, fueling the instability of the World Cup moment by heading into the streets to demand "FIFA-quality" social services and express their revulsion with politics as usual. As all three examples demonstrate, even when they behave strategically, actors have no guarantee that their actions will accomplish the objectives they seek: Dilma's quest for a new politics had the tragic effect of destabilizing her coalition; Cunha's warning shot against Rousseff's Workers' Party (PT) backfired spectacularly, landing him in jail; and demonstrators got none of the bus fare reductions they initially sought, the social policy

² Fernando Limongi and Angelina Cheibub Figueiredo, "A crise atual e o debate institucional" [The current crisis and the institutional debate], *Novos Estudos CEBRAP* 36, no. 3 (2017): 79-97.

improvements they hankered for, or the reformed political system for which they later clamored.

2. Second, organizations, understood here as a body of people working together toward a shared objective. In the endless debate about the significance of Brazil's turmoil, the meaning of organizations all too often has been mangled with that of institutions, leading to imprecise understandings of the causes and consequences of democratic tensions. Organizations, in this case, have included political parties such as the PT; legal bodies such as the *Ministério Público* prosecutorial body; and representative bodies such as the Senate. These organizations are capable of acting in a collectively strategical manner. But they can be marked by irrationality and the second-best outcomes that emerge from the contestation between subsets of actors that collectively inhabit them.
3. Third, institutions, understood as recurring patterns of behavior, whether formal or informal, that provide incentives and disincentives that structure actors' choices. At a formal level, these institutions include the 1988 Constitution, which constitutes many of Brazil's most important organizations in their current guise, as well as establishes the constraints within which these key organizations engage society. Informally—or perhaps better understood as *less formally*—institutions also include the recurring patterns of behavior that emerge from the functioning of formal institutions. The “coalitional presidential” system, for example, is not formally constituted, but emerges organically from the combination of two formal institutional rules: strong presidential powers granted by the 1988 Constitution and the open-list proportional representation system that contributes to making Brazil's Congress one of the most fragmented anywhere.³ Other formal rules—presidential decree powers and party leaders' powers in Congress, for example—have

³ Paul Chaisty, Nic Cheeseman, and Timothy J. Power, *Coalitional Presidentialism in Comparative Perspective: Minority Presidents in Multiparty Systems* (Oxford: Oxford University Press, 2018); Marcus André Melo, “Crisis and Integrity in Brazil,” *Journal of Democracy* 27, no. 2 (2016): 50-65; and Sérgio Henrique de Abranches, “Presidencialismo de Coalizão: O Dilema Institucional Brasileiro” [Coalitional presidentialism: The Brazilian institutional dilemma] *Dados* 31, no. 1 (1988): 5-38.

conspired to make the informal institution of coalitional presidentialism cohere into a workable and seemingly stable system, with the capacity to provide a workable degree of governance.⁴

These concepts—and the distinctions among them—have real world consequences.⁵ Consider the recurring question that has guided media coverage of Brazil since 2013: “Are Brazilian democratic institutions working?” Rather than the Manichean response described in the introduction (which really says more about the respondent’s normative political views than about any objective reality), a more careful conceptual definition of terms suggests considerable ambiguity.

The conceptually informed answer, it seems, is that yes, institutions are working, and they are working very well. Without deeper reflection, this might lead us to optimism about the course of Brazilian democracy. Formal institutions like the 1988 Constitution have been very resilient, in part because it was designed to be resilient, with an unamendable core surrounded by mutable clauses that have been altered 106 times since 1988.⁶ Somewhat more normatively ambiguous is the discovery that informal institutions, such as coalitional presidentialism, are also proving extraordinarily resilient, even as the underlying organizations—political parties and the presidency—

⁴ Argelina Cheibub Figueiredo and Fernando Limongi, *Executivo e Legislativo na Nova Ordem Constitucional* [Executive and legislative branches in the new constitutional order] (Rio de Janeiro: Editora FGV, 1999).

⁵ Hutchcroft and Kuhonta meticulously untangle the conceptual muddle that has resulted from political science’s merging of the Northian concept of institutions as “rules of the game,” with the Huntingtonian notion of institutions as “recurring patterns of behavior.” Another enduring source of confusion they point to (p. 20) is the fact that Huntington’s references to institutions often appear to be closer in intent to what I have labeled above as “organizations.” My distinctions above may only deepen the muddle, by simultaneously drawing on influences in both Huntington’s and North’s work. I lean toward the understanding of organizations as bodies that share a common purpose, but that also stand above both individuals and social groups. Institutions are recurring patterns of behavior, in the Huntingtonian mold, but as such, they tend to reinforce collective incentives in a particular direction, generating society-wide patterns that North might well have interpreted over the long-haul as rules. My hope is that using both terms in concert will allow us to evaluate both the effect of concrete organizations and of more abstract institutions, while also demonstrating that much of the debate over contemporary Brazilian democracy has been terribly unproductive precisely because of the conceptual muddle between these terms. Paul Hutchcroft and Erik Martinez Kuhonta, “Upending the ‘Rules of the Game’: Toward Greater Clarity in the Conceptualization of Institutions,” paper presented at the Annual Meeting of the American Political Science Association, August 29–September 1, 2018, Boston, Massachusetts; Samuel Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968); and Douglass C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge, UK: Cambridge University Press, 1990).

⁶ Oscar Vilhena Vieira, *A Batalha dos Poderes: Da Transição Democrática ao Malestar Constitucional* [The battle between the branches: From the democratic transition to the constitutional malaise] (São Paulo: Editora Companhia das Letras, 2018).

shift in response to turmoil. Rather than replacing the patterns of coalitional presidentialism that marked Presidents Lula's and Rousseff's relationships with coalition parties, the Bolsonaro administration seems destined either to fall into similar horse trading to cobble together a legislative coalition, or instead to see its reform priorities founder.

Similarly problematic is the discovery that, although institutions continue to function as they long have, the organizations and agents within them are not behaving as we might otherwise wish: the stench over Dilma's impeachment, for example, is a classic case of actors and organizations working within institutions in ways that are normatively troubling. But does this mean that the impeachment was an institutional breach, a *golpe* or a *coup d'état*, as members of the PT and their sympathizers noisily protested? Of course not, although that does not mean that the impeachment did not stink to high heaven.

The formal rules within key organizations and institutions were carefully followed, Dilma had her Senate trial, and the letter of the Constitution was respected. The formal institution of impeachment worked as designed, providing an escape valve for removing an unpopular president when her political support had deteriorated beyond a point at which she could effectively govern the world's fourth largest democracy in the midst of its most severe recession in a generation. This is not to conclude, though, that all the actors and organizations involved behaved in ways that covered them in glory, or in ways that coincide with our assumptions about how an ideal democratic regime should function. As Juan Linz and Alfred Stepan noted a quarter-century ago, democratic consolidation implies attitudinal, behavioral, and constitutional adherence to the rules of the game.⁷ The impeachment saga shows adherence to the formal rules, but in ways that test the attitudinal and behavioral commitment to that game by a large segment of Brazil's electorate, especially on the left and center-left. Rousseff's replacement by a demonstrably corrupt vice president, his protection by a venal legislative branch, and the rise of a proud *saudosista* of the authoritarian regime shortly after Rousseff's ignominy only exacerbates these tensions.

Finally, an additional question is the effect of agents and organizations on the institutions that constrain them. One lesson of the 2010s has been the extent to which the strategic choices of a variety of agents have shaped the institutions around them, often with unexpected side effects. In an effort to overcome the party-switching of the 1990s, for example, Brazil's Supreme Federal Tribunal (*Supremo Tribunal Federal*, or STF) recalibrated laws on party switching, with the unintended side effect of driving party-switchers into more and more parties. Because legislators could no longer legally switch parties, unless they were leaving to join a completely new party, the end result was the creation of

⁷ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996).

new parties and a further expansion of the already fissiparous party system. The resulting fragmentation of the party system helped to exacerbate the tensions within the coalitional presidential system, and ultimately may have contributed to undermining governance.

The implications of this conceptual discussion are profound. They suggest that if we are to understand the resilience of Brazilian democracy, we must identify the key institutions that established the playing field for the current political moment, as well as the ability of organizations to perform in ways that enhance the attitudinal and behavioral commitment to the underlying rules of the game. In the corruption arena, contestation between key actors and organizations has generated considerable unpredictability and instability. Paradoxically, however, the crises do not appear to have significantly altered the underlying institutions that structure and govern Brazilian democracy.

Key Institutions in Contemporary Brazilian Democracy

To describe that process, let me begin by stipulating a handful of institutions, both formal and informal, that have been recurring patterns of behavior since the return to democracy: adherence to the 1988 Constitution; the developmental bias of economic policy making; the coalitional presidential system; judicial inoperancy, particularly as it regards wrongdoing in the political sphere; and robust bureaucratic autonomy, especially in the anticorruption arena. Drawing attention to these particular institutions does not imply a normative judgement about whether they are “good” or “bad”; indeed, it is worth considering that they may simultaneously have both positive and negative effects on society. Nor does their inclusion necessarily mean that other higher-order institutions are unimportant. These institutions are discussed here simply because they seem to have been key to determining the shape of the political game since 2013; establishing the basic power calculus that constrained and empowered the organizations that have given momentum to historical events; and providing both the instruments and the limits to individual agents’ strategies during an unusually turbulent time.

1988 Constitution

The 1988 Constitution is a “profoundly ugly” document, establishing in law a range of political compromises, providing particularistic benefits to the many interest groups that participated in the Constituent Assembly, deeply embedding a series of public policy choices in law, and establishing a highly consensual political system in which paradigmatic policy shifts are nearly impossible to accomplish, by virtue of the large number of veto players it entrenched.⁸

⁸ Gary M. Reich, “The 1988 Constitution a Decade Later: Ugly Compromises Reconsidered,” *Journal of Interamerican Studies and World Affairs* 40, no. 4 (1998): 5-24; Cláudio Couto

Yet, the Constitution can also be praised for enabling Brazil to move on from its authoritarian regime. It is the seed from which a number of enduring organizations of the democratic era branched out and multiplied. These included a variety of institutional advances, such as relatively fair electoral competition, an enduring commitment to a robust set of democratic rights, and strong *de jure* protections for civil servants, which enabled them to develop bureaucratic autonomy that ranged across organizations as varied as the prosecutorial service, courts, and the central bank. It also bore some less desirable institutional fruits, such as a strong regressive bias in social policy, embedded via strict rules on taxation and benefits; judicial inoperancy, resulting from both an overload of functions and deep concern with the reversal of rights; and a set of economic patterns of behavior and organizations that has contributed to retaining the state as the central actor in the market economy, despite a generation of reforms.

Developmental State

The developmental state precedes the 1988 Constitution and is manifested by organizations such as the National Bank for Economic and Social Development (*Banco Nacional de Desenvolvimento Econômico e Social*, or BNDES), state-owned enterprises like Caixa Econômica Federal and Banco do Brasil, and a variety of regulatory agencies and ministries. In addition to the collective organizations it encompasses, the developmental state is simultaneously an institution, with both formal and informal aspects. Formally, the institution might be defined as a statutory preference for state intervention in markets and for nationally sited industry over foreign competition, a preference that is inscribed in the economic order articles of the 1988 Constitution and also founded in numerous laws and regulations. Informally, the institution might be described as a tendency to look to the state for resolution of key challenges, rather than to rely on market forces; this is a consequence of habit, of self-fulfilling expectations, of longstanding practice, and, of course, of the incentives generated by legislation and the organizational heft of the state. These formal and informal institutions of the developmental state have been buttressed over time by the accumulation of ideas about economic development as a way of accumulating capital through technological progress, a process that requires muscular state intervention to overcome the structural impediments to development, both domestic and global.⁹

and Rogério Bastos Arantes, “Constituição, Governo e Democracia No Brasil” [Constitution, government and democracy in Brazil], *Revista Brasileira de Ciências Sociais* 21, no. 61 (2006): 41-62; Rogério Bastos Arantes and Cláudio Gonçalves Couto, “Construção Democrática e Modelos de Constituição” [Democratic construction and constitutional models], *DADOS—Revista de Ciências Sociais* 53, no. 3 (2010): 545-585; and Vieira, *A Batalha dos Poderes*.

⁹ Luiz Carlos Bresser-Pereira, *The Political Construction of Brazil: Society, Economy and State since Independence* (Boulder CO: Lynne Rienner Publishers, 2017).

Despite nearly continuous reforms over the course of the past generation, the institution of the developmental state has persisted, as exemplified by the *Plano Brasil Maior*, a massive economic stimulus program undertaken by the Rousseff administration, as well as by the difficulty the supposedly reformist Bolsonaro administration and its super-minister, Paulo Guedes, have faced in finding the political space for privatizing major state-owned enterprises (SOEs) or divesting the state of its shares in private firms.

Associated with the institution of the developmental state, if not entirely coincident with it, has been the institution of prioritizing the state itself: a pattern of behavior that establishes obligatory revenue allocations to public-sector organizations; ensures that public sector wages are irreducible; and establishes preferential credit lines or rates for state policy priorities. The implicit rule is that the state is the top priority, ahead of growth, redistribution, fiscal balance, or other goals: efforts to rein in public spending such as the Fiscal Responsibility Law of 2000, for example, have been overruled by the STF on grounds that they override constitutional rights. As of 2017, personnel expenditures in fourteen of Brazil's twenty-seven states were over the 60 percent of revenue limit set by the Fiscal Responsibility Law (FRL).¹⁰ Similarly, efforts to rein in spending by the Judiciary or other state organizations have fallen flat. And a decision by STF minister Ricardo Lewandowski, suspending a 2015 constitutional amendment that set a ceiling on healthcare expenditures, suggests that the judiciary will not permit limits to be imposed on constitutionally mandated and judicially protected budgetary allocations. This further suggests that a twenty-year ceiling on spending established in 2016 by the Temer administration through another highly controversial constitutional amendment may well be considered unconstitutional as soon as it begins to bite.¹¹ Preserving the state and its constitutionally determined policy set has prevailed as a priority over most other policy possibilities.

Coalitional Presidentialism

As noted earlier, coalitional presidentialism is an informal institution that emerges from formal rules governing the electoral system and presidential powers, and, in particular, as a consequence of a minority president facing a fissiparous legislature. Coalitional presidentialism is not unique to Brazil, of course, nor is the horse trading associated with minority government a solely local phenomenon.¹² But given that party fragmentation is record-breaking in Brazil, and that the costs of coalition formation are raised by larger and more fragmented coalitions, it is not altogether surprising that the four currencies used by executives in coalitional presidential (CP) systems the world over to

¹⁰ "A jornada do servidor" [The civil servant's journey], *Folha de S. Paulo* (February 9, 2019), <https://goo.gl/A8SGQd> (accessed February 20, 2019).

¹¹ Vieira, *A Batalha Dos Poderes*, 208-209.

¹² Chaisty, Cheeseman, and Power, *Coalitional Presidentialism in Comparative Perspective*.

corral legislative support are widely used in Brazil: election-related funds, privileged treatment for legislators' businesses (and those of the interest groups they represent), slush funds, and influential positions.¹³ In a context in which not all of the twenty-five to thirty parties represented in Congress can be allocated slots in the presidential cabinet or in the sprawling developmental state apparatus, for fear of completely undermining coherent governance, some under-appointed parties may need to be rewarded in other ways, including through the exchange of favors, both licit and illicit. Here, Brazil leads other CP systems, with the highest number of legislators who agree in a survey with the statement that CP "leads to a style of politics based on the exchange of favors": Brazilian legislators agree by more than 90 percent, compared to 30 percent in Chile.¹⁴

Many presidents come to office claiming they will govern in a new way that does not fall prey to party pressures. Bolsonaro, given his unconventional social media campaign and little recourse to traditional party support during the presidential campaign, has claimed that he will not fall prey to such pressures. But as political analyst Murillo de Aragão noted, presidents have little choice: "They need coalitions to approve important projects and amendments...this makes negotiation inevitable."¹⁵ It may be that the tsunami that washed over the party system will change the names of the parties in the Bolsonaro coalition, but it does not seem likely that it will change the underlying institution of coalitional politics, especially in light of the fact that even though it is one of the largest parties in Congress, Bolsonaro's Social Liberal Party (*Partido Social Liberal*, or PSL) will still hold only 5 percent of the seats in the Senate and 10 percent of the Chamber.¹⁶

Judicial Inoperancy

Especially as it regards political corruption, a recurring pattern of behavior in Brazilian politics is inoperative judicial control: an inability to derive or to impose consistent, predictable rules to govern the treatment of corrupt acts by political figures. The consequence of this inoperative control is widespread impunity: two of every five ministers in Bolsonaro's cabinet are under judicial investigation, like many of their predecessors under previous presidents. Fully 28 percent of politicians serving in key federal political positions in either the executive or legislative branch between 2002 and 2014 either were under investigation or had been indicted for corruption in five major scandals of this

¹³ Ibid., 191-192.

¹⁴ Ibid., 208-209.

¹⁵ Sonia Racy, "Presidencialismo de coalizão 'não vai acabar', avisa sociólogo" [Coalitional presidentialism is not over, sociologist warns], *O Estado de S. Paulo* (December 3, 2018), <https://bit.ly/2TUBekU> (accessed February 20, 2019).

¹⁶ Wendy Hunter and Timothy J. Power, "Bolsonaro and Brazil's Illiberal Backlash," *Journal of Democracy* 30, no. 1 (2019): 15.

period. Corrupt behavior by politicians is often assumed to be a key component in the political game, and yet impunity reigns. Even when convictions are obtained, uncertain judicial rules exacerbate uncertainty about whether such punishments will be enforced.

The sources of inoperative judicial control are multiple. Formally, the extraordinary powers of the STF tend to funnel all cases to this court, which is singularly overburdened by three roles: constitutional review; appeals of lower court decisions; and original jurisdiction in cases involving sitting federal authorities. To put two numbers to this phenomenon, consider the fact that the *mensalão* corruption trial consumed fully one-quarter of the STF's en banc sessions (those in which cases are heard before the court's entire bench of judges) in 2013, even though it was only one of the 70,000 cases the court decided that year.¹⁷ The only manner by which this massive caseload could possibly be disposed of is through so-called "monocratic" decisions by a single justice, rather than the full court sitting jointly. But the practical upshot of such individualized decision making, labeled "*ministocracia*," is to generate divergent decisions across the high court, and, as a consequence, enormous judicial unpredictability at the apex of the judicial system, which is then channeled down to the lowest courts.¹⁸

Informally, the origins of many STF justices in the backroom dealings of Brasília mean that there is often little appetite among justices for judicial control of political malfeasance. This is less the result of outright judicial corruption than good old-fashioned glad-handing among elites: the son-in-law of an important judge who works for a prominent defense lawyer, the defendant who invites a justice to serve as godfather at his child's wedding, the justice who pushes openly to see his daughter raised to an appeals court, and the judges who are invited to fancy annual conferences at posh resorts, expenses paid by plaintiffs with cases before the court. All deeply unethical, but without overtly trespassing on the law.

But inoperative judicial control in matters of corruption also has formal origins: the broad role of the STF draws it into political matters frequently, yet because of its heavy caseload it cannot always pay due attention or establish a strong jurisprudence. The individual powers of each STF justice to control

¹⁷ Luciano Da Ros and Matthew M. Taylor, "Opening the Black Box: Three Decades of Reforms to Brazil's Judiciary," School of International Service Research Paper No. 2017-3 (Washington, DC: American University, 2017).

¹⁸ Diego Werneck Arguelles and Leandro Molhano Ribeiro, "Ministocracia: O Supremo Tribunal Individual e o Processo Democrático Brasileiro" [Ministocracy: The individual Supreme Court and the Brazilian democratic process], *Novos Estudos CEBRAP* 37, no. 1 (2018): 13-32; Vieira, *A Batalha dos Poderes*; Conrado Hubner Mendes, "Na prática, ministros do STF agridem a democracia, escreve professor da USP" [In practice, STF justices attack democracy, USP professor writes], *Folha de S. Paulo* (January 28, 2018); and Conrado Hubner Mendes, "Uma proposta com dez medidas elementares de ética para o STF" [A proposal with ten elementary ethics measures for the STF], *Folha de S. Paulo* (February 9, 2019).

the agenda, through injunctions and requests for further study, mean that if a justice is uncomfortable with a case, she can simply set it aside and make it impossible for the full court to hear. On the other hand, if a justice is eager to decide a case, she can issue an individual decision that commits the court to a particular course of action immediately (at least until another justice acts).¹⁹ The “argumentative cacophony” generated by justices’ multiple contradictory stances contributes to extremely unstable decision making, leading Conrado Hubner Mendes to conclude that the use of the term “STF jurisprudence” is mere “poetic license.”²⁰ In the field of political corruption, such judicially engendered uncertainty has been rife. Oscar Vilhena Vieira points to a raft of confusing and often bipolar recent decisions associated with high-level corruption:

- *Politicians implicated in corruption serving in presidential cabinets*

Temer’s appointed minister Moreira Franco was permitted to serve; Rousseff’s earlier attempt to nominate former president Lula as her chief of staff was quashed;

- *Whether cases under the STF’s original jurisdiction should be split between plaintiffs with standing and those without*

In the *mensalão* case, heard in 2013, the STF decided to hear all of the defendants jointly; in 2014, however, the STF decided that, in the future, the STF would hear only the cases of authorities falling under the court’s original jurisdiction; other defendants’ cases would be heard in the speedier lower courts;

- *Imprisonment after conviction on appeal*

Imprisonment on appeal was possible under STF jurisprudence from 1991 until 2009, when the STF decided that no one could be jailed until his or her case had gone through *all* possible appeals. In 2016, a *habeas corpus* case once again permitted imprisonment after conviction on appeal; the timing of this decision coincided with the expansion of the *Lava Jato* investigation, and exacerbated the controversy over the prosecution’s use of plea bargaining as a tool in that case (the reason being that plea bargains are more likely if defendants are in jail, and they are more likely to be in jail if jailed after the first appellate judgement). Uncertainty about this rule was exacerbated by individual

¹⁹ Mendes, “Na prática, ministros do STF agridem a democracia, escreve professor da USP.”

²⁰ Mendes, “Uma proposta com dez medidas elementares de ética para o STF.”

justices' public declarations of opposition to the rule, as well as the STF chief justice's unwillingness to allow the case to come to the full bench during her two-year term. Amazingly, when it did, two justices essentially switched sides on the issue; and afterward, when the rule had been upheld, a number of justices continued to provide *habeas* protections as though it had not!²¹

The simultaneous willingness of the STF to be drawn into political debates, and the constant uncertainty about the rules it will apply to those debates, have led the court to become more of an “exacerbator” of political tension than a “moderator” of it.²² As Vieira argues, it was not always thus: the STF has progressed, since the 1980s, through increasingly active judicial postures: from omission under Fernando Collor de Mello, to deference under Itamar Franco, developing into responsiveness to political questions under Fernando Henrique Cardoso, and finally into the active usurpation of other branches' authority after 2013.²³ In corruption matters, as in other legal issues, the consequence of immense power wielded frequently, but inconsistently and unpredictably, has been the institutional rule of overall inoperancy. This was perhaps best exemplified by the fact that when one justice in 2016 ordered Renan Calheiros to step down from the Senate in the light of corruption accusations against him, Calheiros simply failed to comply; the STF was forced into a quick and humiliating retreat.²⁴ Compliance, of course, is a key measure of a court's power and influence; failure to comply is an ominous bellwether of irrelevancy.²⁵

Bureaucratic Autonomy

A final institution that is vital to understanding the corruption scandals of the past half-decade is bureaucratic autonomy, made possible by the tenure guarantees and irreducible salaries that were introduced by the Constitution, and improved over time by a variety of changes in public hiring via merit examinations and restrictions on the number of appointments that can be made on political grounds. In addition to these formal protections, bureaucratic autonomy is nurtured by historical beliefs in the importance of the state as a protector against rapacious local social and economic elites and as a motor of development.

²¹ Mendes, “Na prática, ministros do STF agridem a democracia, escreve professor da USP.”

²² Mendes, “Uma proposta com dez medidas elementares de ética para o STF.”

²³ Vieira, *A Batalha dos Poderes*, 177-178.

²⁴ *Ibid.*, 205.

²⁵ Diana Kapiszewski and Matthew M. Taylor, “Compliance: Conceptualizing, Measuring, and Explaining Adherence to Judicial Rulings,” *Law & Social Inquiry* 38, no. 4 (2013): 803-835.

One consequence of the institutionalization of bureaucratic autonomy is that Brazil's federal government is highly ranked in terms of the quality of its bureaucracy.²⁶ The relative autonomy of the bureaucracy from the political sphere is remarkable in the context of coalitional presidentialism and the patronage it engenders. Yet, this autonomy has been real. Many of the anticorruption efforts of the 2010s emerged from within this autonomous bureaucracy, rather than being imposed on the bureaucracy by an external source.²⁷

Bureaucratic autonomy is most obvious in the judiciary: courts in democracies the world over are often highly independent. Large salaries and budgets contribute to such independence in Brazil. Yet, the plethora of inconsistent decisions that may be forthcoming from Brazil's judiciary often tempers any positive effect that might result from judicial independence. Prosecutors within the *Ministério Público* also have gained power and capacity to act autonomously against political actors, as have an alphabet soup of oversight organizations within the executive and legislative branches, such as the TCU (*Tribunal de Contas da União*), CGU (Comptroller General's Office), COAF (*Conselho de Controle de Atividades Financeiras*), the Federal Revenue Service, and the Federal Police. Together this organizational empowerment has increased the likely revelation of corruption.

Checks and Balances?

Marcus André Melo and Carlos Pereira have been prominent exponents of the argument that the rising power of the accountability bureaucracy is a sign of increasing checks and balances in Brazil. Checks and balances are an institutional advance, they argue, that is likely to provide the means for "inefficiencies" in the political system to be "continually, though imperfectly, transacted away in political markets," thereby moving Brazil into a "critical transition" toward "increasingly less dysfunctional politics and corruption."²⁸

²⁶ Ben Ross Schneider, *New Order and Progress: Development and Democracy in Brazil* (New York: Oxford University Press, 2016); Laura Zuvanic, Mercedes Iacoviello, and Ana Laura, with Rodriguez Gusta, "The Weakest Link: The Bureaucracy and Civil Service Systems in Latin America," in *How Democracy Works: Political Institutions, Actors, and Arenas in Latin American Policymaking*, ed. Carlos Scartascini, Ernesto Stein, and Mariano Tommasi (Washington, DC: Inter-American Development Bank, 2010); Joseph L. Love, "An Institutional Perspective on Brazil's Political Economy," *Latin American Research Review* 53, no. 4 (2018): 863-869; and Katherine Bersch, Sérgio Praça, and Matthew M. Taylor, "State Capacity and Bureaucratic Autonomy within National States: Mapping the Archipelago of Excellence in Brazil," in *State Building in the Developing World*, ed. Miguel Angel Centeno, Atul Kohli, and Deborah Yashar (Cambridge, UK: Cambridge University Press, 2017), 157-183.

²⁷ Sérgio Praça and Matthew M. Taylor, "Inching toward Accountability: The Evolution of Brazil's Anticorruption Institutions, 1985–2010," *Latin American Politics & Society* 56, no. 2 (Summer 2014): 27-48.

²⁸ Lee J. Alston, Marcus André Melo, Bernardo Mueller, and Carlos Pereira, *Brazil in Transition*:

As we evaluate the contemporary state of Brazilian democracy, the Melo–Pereira hypothesis illustrates why the conceptual muddling of organizations and institutions has practical consequences. For the rise of the national integrity system in Brazil is not really about checks and balances in the conventional Madisonian sense of organizational jealousies and disputes among branches of government that contribute to a well-policed polity in which horizontal accountability thrives. Checks and balances are indeed “institutions,” in the sense that they suggest recurring patterns that we should expect in the relationship among the organizational super-structures to which we refer as the “branches” of government, each composed of tens and sometimes thousands of smaller organizations, such as “courts,” “committees,” or “agencies.”

To equate the development of organizations within each of the branches with the development of an “institution” of checks and balances, however, is to ignore the larger institutional context within which these organizational super-structures operate: coalitional presidentialism that provides a *motive* for corruption; the developmental state that provides the *tools*; and an inoperative judiciary that provides the *opportunity*. Indeed, it is hard to imagine checks and balances working well in a political system in which the institution of coalitional presidentialism engenders an incestuous relationship between the executive and legislative branches, and in which judicial inoperancy serves as a bottleneck—sometimes unwittingly, but often purposively—to any concrete and effective accountability. The inoperative nature of the judicial process means that most corruption investigations end up “in pizza,” as Brazilians say when a scandal leads to impunity. The recent *Lava Jato* and *mensalão* scandals are the rare exceptions that prove the rule that political corruption is seldom punished. Even in these cases, only a partial subset of those implicated has been punished; federal politicians falling under the STF’s original jurisdiction are largely immune to legal consequences for their actions.

Bureaucratic autonomy has been enhanced, and the civil servants within key accountability agencies have a clear understanding of the mechanisms by which much political corruption occurs. Yet, over and over, the lesson from most accountability efforts is that, although the organizations of accountability—the TCU, the CGU, the MPF—may work well because of their improved capacity and relative autonomy from political pressures, the institutions under which they labor have proven to be quite stable equilibria that mediate against accountability. The growth and strengthening of organizations such as the PF, the TCU, the CGU, and the MPF have not yet managed to disrupt the recurring patterns of behavior of institutions such as coalitional presidentialism, which are profoundly hostile to most checks and balances that limit executive—

Beliefs, Leadership, and Institutional Change (Princeton, NJ: Princeton University Press, 2016), 17-19, and Marcus André Melo and Carlos Pereira, *Making Brazil Work: Checking the President in a Multiparty System* (London: Palgrave Macmillan, 2013).

legislative cooperation collusion; attempt to demand accountability from the inoperative judiciary; or seek to reduce the scope of influence-peddling within the developmental state apparatus. Two anecdotes help to illustrate the point.

TCU and Petrobras

At several moments during the Workers' Party governments of 2003–2014, the TCU turned up signs of overspending and cost overruns on Petrobras refinery projects, making the TCU perhaps the first oversight agency to discover signs of the massive scandal that would erupt at the oil company. But in almost every case, those reports were either overridden internally, by the nine political ministers who oversee the TCU, or externally, by the three branches of government.

Article 71 of the 1988 Constitution makes the TCU the primary audit institution responsible for “external control of spending” by the federal government. Over the past generation, the TCU federal accounting tribunal has developed enormous bureaucratic capacity, including a gigantic budget that dwarfs many of its regional peers and a staff of more than 2,500 professionals. Since 2001, the TCU has had the mandate to regularly review all large government projects and to report irregularities to the joint budget committee of Congress.

Yet, as the OECD noted,²⁹ the TCU's ministers are insufficiently independent from politics and their appointments frequently result from negotiations within coalitional presidentialism: appointments are often a perk for retiring politicians or for politicians who were not reelected, and who are not seen as likely to battle their former coalition allies in Congress and the executive branch.³⁰ Of the eleven TCU ministers who served between 2012 and 2014, 63 percent (seven) were professional politicians; an additional two ministers were former Senate staffers. Five of these eleven TCU ministers (45 percent) faced allegations of improprieties during their time in office.

²⁹ OECD, “OECD Integrity Review of Brazil: Managing Risks for a Cleaner Public Service” (2012), <http://www.oecd.org/publications/brazil-oecd-integrity-review-9789264119321-en.htm>, p. 84 (accessed November 24, 2014).

³⁰ David Fleischer, “Corrupção e reforma política no Brasil: O impacto do impeachment de Collor,” [Corruption and political reform in Brazil: The impact of Collor's impeachment], in *Além de Collorgate: Perspectivas de Consolidação Democrática no Brasil via Reformas Políticas* [Beyond Collorgate: Perspectives for democratic consolidation in Brazil through political reforms], ed. Keith Rosenn and Richard Downes (Rio de Janeiro: FGV, 2000), 103-104; Argelina Cheibub Figueiredo, “Instituições e Política no Controle do Executivo” [Institutions and politics in controlling the Executive], *DADOS—Revista de Ciências Sociais* 44, no. 4 (2001): 710; Matthew M. Taylor and Vinicius Buranelli, “Ending up in Pizza: Accountability as a Problem of Institutional Arrangement in Brazil,” *Latin American Politics and Society* 49, no. 1 (2007): 59-87; and Bruno Wilhelm Speck, “Auditing Institutions,” in *Corruption and Democracy in Brazil: The Struggle for Accountability*, ed. Timothy J. Power and Matthew M. Taylor (Notre Dame, IN: University of Notre Dame Press, 2011), 155.

Even when the TCU decided to proceed with reports of over-pricing or over-invoicing on Petrobras projects, it faced strong headwinds, from weak laws to pushback from the three branches of government. In July 2014, the TCU ordered eleven Petrobras executives, including members of the executive board, to reimburse R\$1.6 billion in losses that resulted from the purchase of the Pasadena refinery. In 2017, the TCU placed a block on those executives' assets, but a year later dropped the block when it became clear that the legislation governing such a block did not permit its renewal beyond the first year. No change in this legislation has occurred since, although presumably a governing coalition seeking accountability improvements would not find it hard to make that change.

The TCU could report irregularities to Congress, and recommend that these projects be halted, using Fiscobras, an annual audit plan for federal spending. When the TCU forwarded its concerns to Congress, however, on all but one occasion between 2010 and 2014, when wrongdoing at Petrobras appears to have been at its peak, the budget committee decided not to block the projects. Furthermore, when the Brazilian Congress agreed with the TCU's decision to halt funding for the Abreu e Lima and Comperj refinery projects, in 2010, the executive branch quickly moved to veto the components of the budget law that halted transfers to four refineries. Finally, even when the TCU's concerns passed through the elected branches, they faced opposition in the courts: in May 2010, for example, in response to an impasse over the appropriate laws governing its bidding regime, Petrobras filed an injunction (*mandado de segurança*, MS 28.745) in the STF against the TCU. The injunction was granted by Minister Ellen Gracie, who argued that the TCU's oversight was bureaucratic overreach, going beyond its constitutional attributions in regulating this crown jewel of the developmental state. Rather than checks and balances across the branches of government, the TCU example suggests that accountability organizations within each of the branches are struggling to overcome the shared, and sometimes illicit, interests that lead key actors to cooperate among the branches of government to avoid accountability.

Active and Passive Undermining of Anticorruption Efforts

The Temer administration came into office in March 2016 on a provisional basis after Congress's remarkable decision to submit Rousseff to an impeachment trial, but before she had been removed from office. While Rousseff's articles of impeachment said nothing about corruption per se, it is hard to escape the conclusion that the parallel *Lava Jato* investigation did not help her case. Any illusion that the new Temer administration would bring new practices or policies that would revise the old institutions of the coalitional presidential state, though, were rapidly quashed.

In a March 2016 wiretap (first made public in May), interim President Michel Temer's planning minister, Romero Jucá, was heard chatting with the long-time president of the state-owned Transpetro, Sérgio Machado, who had

been implicated in Petrobras wrongdoing. Jucá argued that the new Temer administration would “staunch the bleeding” caused by *Lava Jato*, through a new “pact” with “the *Supremo*, with everything” to push back against the investigation. After evaluating the political moment, Jucá concluded, “There has to be an impeachment. There’s no other way.” Machado and Jucá discussed the possibility of reversing the STF’s decision allowing jail time upon failed appeal; how best to reach a political alliance that would slow the investigations; and how to sacrifice a “*boi de piranha*,” a cow offered to the bloodthirsty piranhas so that the rest of the herd of politicians implicated in the case could make it across the river. Jucá reported that he had spoken with some STF justices, with the implied meaning that they were onboard this “pact”; claimed that he had been speaking with the military; and discussed with Machado a way of reaching one particularly recalcitrant STF justice who was not yet committed to the “pact.”

If the notorious “staunch the bleeding” wiretap left any doubts, the ensuing behavior in Brasília showed that, even though government accountability organizations were growing increasingly active, the overarching institution of political coalition-building still had the upper hand. Of Temer’s initial twenty-four cabinet ministers, only nine were not under investigation in the *Lava Jato* case. The MPF’s “Ten Measures against Corruption,” a popular legislative initiative backed by two million citizen signatures, was smothered in a late-night congressional session. After public outcry, the STF ordered it reconsidered, at which point it was quietly set aside on a committee room shelf. The Federal Police contingent supporting *Lava Jato* was gradually reassigned, and, in 2017, the overall police budget was cut by 44 percent. The former prosecutor general, Rodrigo Janot, complained that Temer’s Justice Ministry was slowing down joint cooperation with other countries. From January 2015 through 2018, the Comptroller General’s Office churned through seven different ministers, and a clear schism opened between the ministry’s technical staff and its political appointees.

When, in May 2017, the owner of the JBS meatpacking behemoth, Joesley Batista, surreptitiously taped his conversation with President Temer, it was perhaps less surprising than it should have been to hear the new president agree to a plan to bribe two key witnesses, Eduardo Cunha and Lucio Funaro, in an effort to stymie their cooperation with the *Lava Jato* prosecutors. Nor was it particularly surprising when Congress twice voted not to proceed with an investigation of the sitting president, or when Temer’s solicitor general (AGU) wrote an opinion in favor of revising the STF’s decision allowing jailtime upon failed appeal.³¹ Rather than checking each other, actors within the executive and legislative branches appeared to be colluding to prevent accountability.

³¹ Bruno Santos, “Procurador da Lava Jato diz que governo Temer está destruindo a operação” [Lava Jato prosecutor says Temer government is destroying the operation], *Folha de S. Paulo*, April 11, 2017.

Temer was perhaps exceptional only because he was brazen in supporting the prevailing institutions of judicial inoperancy and coalitional presidentialism against the challenges posed by *Lava Jato*. But past presidents have passively permitted those institutions to survive, if only because the short-term governability risks posed by reforming those institutions outweighed the perceived long-term gains of pushing for a better performing institutional framework.

Indeed, although Dilma Rousseff was never charged with personal enrichment, her experience as an anticorruption reformer demonstrates that frequently coalitional pressures and judicial pushback are capable of sidelining even those reform efforts that might push institutions toward a new equilibrium. In 2013, a new anticorruption law went into effect, with rules governing business corruption; this law, however, required further regulation to become effective, and did not touch on the broader political system.

On three occasions, in the midst of the 2013 protests, during the 2014 election campaign, and in response to new protests in 2015, Rousseff declared that she would undertake broader anticorruption reforms. The package she ultimately put forth in March 2015 was watered down, however, and then did not advance in Congress, where Rousseff's allies quashed her proposals for campaign finance, political reform, and reforms aimed at accelerating the judicial process.³² Forward movement on reform came through a presidential decree that regulated the anodyne 2013 Anticorruption Law, as well as a somewhat more ambitious STF decision that banned corporate campaign finance contributions (Congress subsequently granted itself hefty public campaign funding to make up the shortfall). More biting reforms, such as the public initiative of “Ten Measures against Corruption,” proposed in March 2015, was shelved by Congress, and the Rousseff administration—like other administrations before it—proved unwilling to invest the necessary political capital in pushing through more significant reforms that would alter the underlying institutions.

Conclusion: The Longevity of Institutions

The experience of the past five years in Brazil has been traumatic, as the expanding power of federal anticorruption forces—including such diverse bodies as the Federal Police, the CGU, the TCU, and federal prosecutors—

³² Mark S. Langevin and Clara Clemente Langevin, “Towards Accountability? Corruption and the September 2015 Political Reform in Brazil,” ed. BrazilWorks Analysis and Advisory (Washington, DC: BrazilWorks, 2015), and Matthew M. Taylor, “A Corrupção e as Reformas Anticorrupção no Brasil: Um Longo Caminho” [Corruption and anticorruption reforms in Brazil: The long road], in *Lobby Desvendado: Democracia, Políticas Públicas e Corrupção no Brasil Contemporâneo* [Lobby uncovered: Democracy, public policies and corruption in contemporary Brazil], ed. Fernando Mello and Milton Seligman (Rio de Janeiro: Record, 2018), 87-127.

ran up against longstanding political practices and a tradition of impunity. The impeachment of Dilma Rousseff in the midst of the *Lava Jato* operation was especially confusing, as she was impeached in part by politicians who represented some of the most transactional and corrupt traditions in Brazilian democracy. This has made it hard to draw black and white lines: many of the most iconic figures in Brazilian politics today do not fit neatly into a clear narrative of good or evil.

Key actors across the Brazilian democratic spectrum appear unable and often unwilling to seriously consider changes to the underlying institutions of Brazilian democracy. Those institutions and the behaviors they incentivize have proven resilient despite impressive and quite hopeful changes in both the key actors of Brazilian democracy, as well as in the organizations of the state, which have grown more capable and more autonomous, both in terms of human capacity and procedural efficiency. The turmoil of the past half-decade has effectively replaced many of the central actors of the past generation's politics, including political elites influential enough to be known by a single identifying moniker: Aécio, Lula, Dilma, Jucá, and Temer, among others. The organizations of the state have gained impressive numbers of new staff, as well as better laws and procedures.

The new Bolsonaro administration is not populated by angels. Despite the shock that greeted Bolsonaro's election, furthermore, the administration's multiple crises since the election suggest that it does not seem likely to significantly alter the underlying institutional patterns of behavior that govern Brazil. The Constitution has proven very resilient, and as noted earlier, efforts to rein in its most regressive and expensive elements face powerful headwinds from the strong rights guarantees that are a part of the inviolable *clausulas pétreas* (clauses etched in stone) of the Constitution.

For all its liberal rhetoric, the Bolsonaro–Guedes team will face the same difficulty in trimming the developmental state as its predecessors, as demonstrated by its quick rollback of campaign promises to privatize core SOEs, such as Petrobras, Banco do Brasil, and Caixa Econômica Federal. Whether one takes solace in such institutional immobility or sees it instead as yet another warning of long-foretold fiscal collapse, the simple fact is that the Bolsonaro administration seems unlikely to upset the institutional apple cart, at least in part because privatizing these organizations would reduce the tools available to govern, without significantly improving fiscal conditions in a highly constrained budgetary environment.

On the anticorruption front, the products of the past generation's improvements in the “web” of accountability agencies in Brazil continue to feed into an inoperative judiciary. In an environment in which one-third of the actors in Congress are under investigation or on trial, in which large segments of the left are critical of lawfare and the seeming politicization of criminal procedure, and in which the new president's cabinet has been populated by alleged wrongdoers, political will in favor of change is middling, at best. While

it would be nice to imagine a world in which Brazil follows the experience of other countries, where stronger organizations raise “the relative costs of deploying the exchange of favors as a strategy of coalition management,”³³ the short-term damage to governability that would result from remaking Brazil’s institutional framework is simply too great for most presidents to genuinely contemplate. Meanwhile, Bolsonaro’s early moves, including both the watering down of Brazil’s freedom of information law and efforts to paper over his son’s suspicious financial transactions, offset any potential gains that might emerge from Justice Minister Sérgio Moro’s proposed February 2019 anticorruption reforms, even if these somehow survive a Congress that has shown itself to be hostile to many accountability initiatives in the past.

Unsurprisingly, citizens’ collective agency appears to have lost momentum in light of the dizzying sequence of political events in recent years and the polarizing fights that accompanied that turmoil. Electoral accountability proved to be an effective but blunt tool in the last election, removing key actors in the old political generation but also eliminating more moderate, middle-of-the-road alternatives without significantly changing the ratio of alleged venality in the legislative branch. The failure of the “Ten Measures” against corruption and the replacement of the impeached Dilma by an eminently impeachable but ultimately impregnable Temer, demonstrated the limits of civil society mobilization as a tool for pushing Congress to undertake accountability reforms. In the absence of a clear citizen consensus on the desired direction of reforms, and a massive citizen mobilization for reform, it seems that the institutions that have governed Brazilian democracy for the past generation are likely to persist. Democracy as a normatively valued asset, which attracts the attitudinal and behavioral commitments of the next generation of Brazilians, however, seems significantly diminished.

³³ Chaisty, Cheeseman, and Power, *Coalitional Presidentialism in Comparative Perspective*, 194.

