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A Crisis of governance – Brazilian democracy in the crucible. The impeachment case of president Dilma Rousseff

Abstract: The aim of this article is to scrutinize the controversial impeachment of president Dilma Rousseff and expound the character of presidential system in Brazil. Though the impeachment procedure is a common method to resolve political deadlock in presidential systems in Latin America, it often leads only to temporary solutions. Long-lasting political crises demonstrate that Brazilian democracy has serious shortcomings, with the said long-lasting political crises casting a doubt on functioning the whole system.

Key words: Brazil, Dilma Rousseff, impeachment, presidentialism, deadlocks

Introduction

The aim of this article is to delineate the impeachment of President Dilma Rousseff and elucidate a shady side of presidentialism in Brazil. Though long-lasting political crisis cast a doubt on Brazil's democracy and its institutions, it is worth considering whether Brazilian presidentialism has genuinely experienced a breakdown. In this context, the issue might relate to functioning of „coalition presidentialism" known as an innovative and characteristic resolution of governing in all Latin America's democracies.[1] Despite many unfavorable prognoses for longevity of this political system in academic literature, presidentialism sur-

[1] Latin America is home to various political models of presidential systems including several variants of majoritarian presidentialism and presidential dominance as well as "coalition presidentialism" and other solutions for minority governments (Llanos, Nolte, 2016, p. 1). Brazilian presidentialism functions as a „coalition presidentialism." The term was first used by Sèrgio Abranches in famous article *O presidentialism de coalizão: o dilema institucional brasileiro* in 1988 and since then the term won widespread acceptance (Limongi, 2007, p. 2).

vived, however it is not exempt from creating severe deadlocks. In Latin America, political crises are more intensified and unpredictable than in parliamentary regimes (Linz, 1991, p. 64). In every political crisis, political actors endeavor to find a solution for political stalemates which could even culminate in impeachment of the chief of executive branch. Undoubtedly, the impeachment mechanism, which could be perceived as an attempt of ousting unpopular president by opposition, has been overused in all democracies in Latin America and seems to be representative of this region. Although Brazil is regarded as a presidential democracy, president's status is not necessary strong, especially in terms of fragmentation of parliament, which also implies that the decision of removing a president is not only motivated by her presumably breaking the law, but as well by placating crisis and social discontent.

In this article, descriptive-analytical method will be used in order to present the problem of the stability of Brazilian system. The text is based on the most recent publications concerning the impeachment issue and its ramifications as well as analyses relating to the functioning of Brazil's democracy. The main goal of this text is to attempt to answer a question whether Brazil's democracy is decaying due to the fact political actors cannot stabilize political situation even in terms of ousting the president, or rather Brazilian political system is experiencing critical deadlock. The author's hypothesis is that firstly, Brazilian democracy is prone to create difficult to overcome political crises, because of complexity of relations between presidentialism and multiparty system. Secondly, political stability in the country depends also on the president's political skills to achieve sufficient support for his policies in Congress. The structure of this article and analysis conducted in this paper are devoted to deeper understanding of Brazilian democracy.

Political Context

31 August 2016, Brazilian Senate voted 61–20 to remove president Dilma Rousseff from office (Sandy, 2016). Rousseff has been found guilty of spending public money without congressional authorization in violation of article 85, items V and VI of the Brazilian Constitution (The Constitution of the Federative Republic of Brazil, 1988) and the Fiscal Responsibility Law, article 36 (The Brazilian Fiscal Responsibility Law, 2000). Although the former president has never pleaded guilty, labelling her trial as

a coup d'état, only minority of society believed in her innocence. Her approval ratings dramatically had plunged during her term from formidable 85 percent, which made her one of the world's popular politician, to the abysmal 7 percent (Equels, 2016). Given these extremely low numbers of popularity, it seems interesting to indicate what factors led Rousseff to the most disreputable and ignominious process, which has cost her position before termination of fixed presidential terms.

History of Rousseff's impeachment dates back to the period just after her reelection in 2014 (Saad-Filho, Boito, 2016, p. 221). Although Rousseff had guaranteed her position as a head of executive for a second term, without a fail, it was a Pyrrhic victory. Rousseff had prevailed over her opponent, former governor of Minas Geraris – Ae'cio Neves of the Brazilian Social Democratic Party – PSDB (Partido da Social Democracia Brasileira), only by narrowest margin in Brazil's history (51.6 to 48,4) (Melo, 2016, p. 52). Her victory stemmed from a last minute mass-mobilization elicited by the angst that Neves would dictate neoliberal economic conditions and forgo from social-economic reforms which has been acknowledged as the Worker's Party's achievements (Partido dos Trabalhadores – PT). In that time, Brazilians have opted for preservation of current status quo which has been associated with good times manifested in a substantial economic growth, relatively low (but slowly raising) inflation, declining unemployment and social benefits (Saad-Filho, 2016). Their regenerated support toward Rousseff could be justified in terms of wishful-thinking; simply they hoped that the social stabilization would be maintained by those who had once secured it.

When Rousseff took power over from Luiz Inácio Lula da Silva in 2011, Brazil was apparently an economic and social paradigm for others countries in Latin America. Lula's administration successfully managed to create a Swedish-style welfare state, including important social benefits and rights which helped many millions of Brazilians to rise from poverty (Ibidem). By dint of promoting the interest of domestic capital and workers during the prosperity period, it seemed that good times finally had arrived for Brazil.

Only weeks after reelection, Dilma was presented with a choice of finding a response to economic crisis, which in part was caused by PT's leaders policies (Melo, 2016, p. 61). In this connection, Rousseff invented the new strategy which relied on inculcating austerity measures to reduce the Brazilian debt. However, this new agenda which was supposed to restore Brazil's fiscal credibility has been perceived by PT's voters as an act of betrayal.

In short, Rousseff applied the same methods as the ones she had criticized her PSDB's rival for during presidential campaign. During the election she had manifested her support toward developmentalism, but ultimately she opted for neoliberal reforms. The outcome of her policy was horrendous. Rousseff has unleashed massive discontent which resulted in her declining popularity (*Brazilian Public Opinion Perception-Impeachment*, 2016). The 2015 street protests, which were organized by PT's voters, erupted in worsening economic crisis caused by paralysis of Dilma's administration because of its own policy's failure.

Indubitably, a worsening condition of economy which Brazil has been facing up for few years could explain at least in part why clouds were gathering over Rousseff's head. Subsequent major element of this complicated puzzle of Rousseff's political demise was tremendous corruption scandal named "Lava Jato" or operation "Car Wash" – which has been consuming the Brazilian political scene since March 2014 (Pandey, 2016). Given this fact, it is worth stressing that corruption in Brazil is a common pathology, but the range of Petrobras scandal was unprecedented (Power, Taylor, 2011, p. 5).

Once "Lavo Jato" scandal had exploded, millions of Brazilians came into streets to demonstrate their outrage. The blanket discontent had a ripple effect on Rousseff's popularity which felt down to 7 percent. In November 2015, according to the Ibope poll, 87 percent of respondents defined Rousseff's reign as bad or very bad and 67 percent claimed that she should be impeached (Melo, 2016, p. 55.). Nevertheless, Rousseff was never directly implicated in "car wash" scandal although right wing – friendly private media has implied that she was embroiled. Due to the scandalous revelations, several politicians and public – sector executives staff followed by the most affluent Brazil's businessmen were convicted (Pandey, 2016). The range of disclosure of fraud and illegal funding parties was unprecedented in Brazil's history. Though almost every party were enmeshed, media coverage focused on governmental PT which was presented as an exceptionally corrupted organization. Deterioration of PT's image, once perceived as a party established in order to eradicate corruption pathology and to put to an end to a fossilized system of the privileged, has given an ammunition to their opponents to dethrone the party and to oust their president. In the point of fact, Rousseff had no explanation to offer and no strategy to prevent her political banishment, while her opponents have gained ability to impose their narration of political events.

In sum, given these several reasons which were presented above, it is necessary to stress that the impeachment would not have occurred if president Rousseff had not had problems with stability of her coalition. At bottom, Brazil had been always having problems with the functioning of its governments and all these present woes gave Rousseff's coalition partners and opponents arguments to wage political war against the president and strive for her impeachment. Considering all these facts including hostile coalition partners who has decided to trigger off an impeachment procedure, the fate of the president Rousseff seems to be foredoomed.

The Politics of the Impeachment Game

The impeachment campaign against Rousseff has taken its origin in a political wrestle between coalition partners PT and The Brazilian Democratic Movement Party – PMDB (Partido do Movimento Democrático Brasileiro), and it could be perceived as an act of retribution against Rousseff and her party. The inceptor of Brazil's president impeachment was Eduardo Cunha, a PMDB leader and the speaker of the Chamber of Deputies from February 2015 till July 2016 (Melo, 2016, p. 53). PMDB, the second largest party in the Chamber with 66 representatives in comparison to 68 PT's deputies, was PT's the most important coalition partner which guaranteed stability of Rousseff's government. Since the beginning of Dilma Rousseff's second term, Cunha was actively conducting his own sophisticated game which was heading into two directions, first of all, he was endeavoring to strength PMDB's position within constitutive branch framework, second, he was clandestinely striving to dispute executive's branch policy and simultaneously forced PMDB's agenda.

However, in August of 2015, Cunha underwent an investigation, led by the Chamber ethics committee, which revealed that he was taking bribes worth 1.8 million US in connection to "Lavo Jato" scandal (Ibidem, p. 53). In this context, it is necessary to stress that this revelation has accelerated Rousseff's impeachment trial, due to the fact that, Cunha had started to play impeachment card in order to discontinue the investigation targeting him. Namely, Cunha accepted impeachment petitions against Rousseff which were prepared by lawyers close to PSDB, the leading opposition party, in the hope to use them as a bargaining chip with PT's leaders (Main, 2016). Incipiently, PT was willing to back up Cunha for fear of impeachment trial, nevertheless, in the light of new events, po-

litical stakes had been changed and Rousseff refused to negotiate with Cunha. In effect, PMDB departed from governmental alliance with PT, causing enormous problem for Rousseff's party which no longer could bank on the support of majority in Congress.

Thereupon, all circumstances led to ineluctable turning point which has been contemplated for months. 11th of May 2016, Brazil's Senate voted in favor 55 votes to 22 to suspend Dilma Rousseff from the office and commenced the impeachment trial against her on charges of budget and fiscal responsibility crimes (Chavarro, Frazer, Hilderbrand, Tyrou, 2016). The impeachment trial was followed by millions of Brazilians and international observers. What is worth mentioning, at that time Brazil transfigured into two groups, supporters of the impeachment and opponents who distinguished themselves by the color of outfits. Yellow-green and red divided Brazil's street began to look as in Carnival period; nonetheless, it was time of political games. Conclusively, all uncertainty concerning Brazil's future had culmination point in historic vote from 31th of August 2016, when Brazilian Senate led by President of Supreme Court Richardo Lewandowski found Dilma Rousseff guilty and decided to remove her from the office (Sandy, 2016). As a result of impeachment trial, a provisional government has formalized with the interim President Michel Temer from PMDB, a former Vice President in Rousseff's cabinet. His nomination quashed the end of 13 years of ruling by PT.

However, decision to oust Rousseff has been perceived as controversial on two grounds. First, it has been suggested, mostly by supporters of former President, that her impeachment was illegitimate. Furthermore, it is believed that Senate's decision constituted so-called "soft coup" – an undemocratic process of regime change gained by political malfeasance, selective justice and non-electoral transfer of power cloaked in the guise of the rule of law (Main, 2016). Second, election of interim President Michel Termer has cast a doubt on Brazil's democracy which might have more significant impact for Brazil's future. Namely, Rousseff was impeached due to the fact that her party was enmeshed in political and corruption scandal, notwithstanding her removal has not changed relevantly situation, owing to Termer who is not politician with unblemished reputation. In fact, he has been accused of various acts of fiscal and electoral corruption (Pinherio, 2016). However, since he has been sworn as a Brazil's President, he received an immunity from Supreme Court that protects him from further investigation of any crimes that took place before he become a chief of executive branch.

In this context, it is worth stressing that this resolution only undermines Brazil's political system domestically and internationally and it has not terminated Brazil's political turmoil. However remote, the possibility of another impeachment is not unthinkable. Hypothetically, if Supreme Court would decide to suspend Termer's presidential immunity and allow to commence impeachment process against him that would conclude of ousting him, the next president would be chosen by Congress among current senators. Nonetheless, it is highly unlikely that Brazil will have another president before the end of fixed term and Termer will probably remain at the office until next presidential election in 2018 (Sandy, 2016).

All things considered, it is difficult to measure consequences of Rousseff's impeachment in a long term at such an early stage. However, ramification of alternation of the head of country, again with criminal allegations, is an impression of deepening crisis of Brazil's democratic system. Electing Michel Termer who by gaining presidency managed to evade charges against him testifies that Brazil is still in political deadlock. Furthermore, Brazil's future is uncertain, with major parties discredited and common persuasion among Brazilians, that all political class is abusing the power, the improvement of political turmoil might come only in the next presidential election. Assuredly, long-lasting political stalemates have negative impact on Brazilians' perception of political institutions. Namely, the respect for Brazilian's system is one of the lowest among Latin America (Russo, 2016). Needless to say, this prolonged crisis effects on stability on Brazil's presidential system and reflects its shortcomings. In next section what will be presented is an explanation of Brazilian's political system which should shed a new light on a current political crisis.

The Explanation of the Brazilian Presidentialism

In academic literature there is a rich debate relating to Brazil's democracy and its deficits since the end of military regime and restoration of civil government in 1985 (Chavarro, Frazer, Hilderbrand, Tyrou, 2016). Brazil and others countries in Latin America have become a subject of interest of numerous publications, particularly concerning functioning of democratic intuitions. Many scientists claim that successful presidential systems are possible though it requires observing few rules. The bottom line of stability of political systems is resolving complexity of relations between presidentialism and multiparty system, especially where there is

a risk of difficulty for president to gather legislative's support for his policies (Cheibub Figueiredo, Limongi, 2000, p. 152).

In such situations, victory of particular president which evinces the solution of conflicts between coalition parties and maintaining control over legislature branch depends on two factors. First, institutional aspects such as level of fragmentation of the party system and the constitutional authority of executive. Second, personal strategy of ruling country. As long as president managed to gain enough support from parties in Congress, the „presidential coalition" is established and simultaneously he secures backing his policies.

Furthermore, the stable cooperation between the president and legislature branch is also possible, even if the country has a poorly institutionalized party system. In this situation, a new president elect is obligated to form coalition to secure sufficient support in Congress, by recruiting ministers to coalition from other parties (Ames, 2001, p. 160). In practice, presidents have also used different mechanisms to attain their programs such as agenda of setting-powers or pork-barreling (Inácio, Llanos, 2015, p. 47).

In Brazil, the president's status is perceived as one of the strongest in Latin America. Brazilian constitution gives presidents enough power to enact their policies and gaining Congress' support by establishing „presidential coalition". However, prevalence of executive branch could be restrained by robust federalism, strong check-and-balance institutions, coherent bureaucracies and highly competitive elections. Thus, building and maintaining „presidential coalition" could be a rough task, especially when what is taken under consideration are such factors as corruption and „clientelist practices" (Armijo, Faucher, Dembinska, 2006, p.767). Despite the fact, Congress's support is not formally required to form cabinet, governing in multiparty system requires stable coalitions. Therefore, president's strength in a manner of speaking is a paper's strength, while the real power depends on president's popularity and ability to achieve support among political opponents.

In this context, insufficient support in Congress can create perils for presidents, especially those who are dealing with severe issues such as economic crisis, corruption scandals or massive social discontent are viewed as weak leaders. Political crisis which occurs on inter-institutional level, between the president and Congress, ultimately could cause the change in the presidency before the fixed terms. Nonetheless, presidential deadlocks have not led to the breakdown of democracy system. Though,

presidential systems are prone to create political deadlocks, it is worth stressing that responsibility for conceiving those deadlocks is related to political actors who also are obligated to find a solution (Llanos, Nolte, 2016, p. 9). Moreover, presidentialism in Latin America has constituted special mechanisms for redressing tough situations in the country and simultaneously avoiding democracy breakdowns. On the other hand, those mechanisms such as impeachment procedure are perceived as disruptive owing to massive antagonisms which occurs between political actors.

Indubitably, explanation of functioning presidentialism illuminate recent political deadlock in Brazil and it allows to understand more Brazilian political scene. Namely, the impeachment of Dilma Rousseff was not, as her supporters stated, a coup d'état. It would be better to name it a repercussion of not grasping specifics of Brazilian political system. Basically, Rousseff's reverse could be explicated in three grounds.

First and foremost, the cost of establishing and maintaining „coalition presidentialism" was too high and led to yielding too much power in hands of her coalition partners. In fact, Rousseff's strategy to secure majority in Congress by distributing high-level positions to PMBD's members resulted in fragmentation and proliferation in Congress which ultimately aggravated president's ability to govern (Ibidem, p. 5). In this context, it is worth stressing that multipartism in presidential system was adulated hitherto as a system that precluded misusing the power, however high-level fragmentation suggests that the line concerning proper functioning multipartism has been crossed, which led to inter-institutional conflict. The new established coalition in 2014 has seemingly enjoyed majority in Congress due to the fact that PMBD was divided for into pro-and-anti Rousseff's fraction that made Brazilian Congress the most fragmented in its history. Incidentally, PT and PMBD had been always jousting for power. Nonetheless, in this constellation, PMBD seemed to be stronger and more experienced political player that was better positioned to benefit from public funding and free broadcast time which enabled them to impact a greater number of voters (Milo, 2016, p. 56).

Second factor that contributed to Rousseff's failure was her struggles with power sharing and maintaining coalition which is significant in multiparty system. In Brazil, governing a coalition depends on a number of parties that hold seats in Congress and president's skills and choices. However, it seems that Rousseff did not comprehend how crucial a task it is to guarantee stability in coalition. This lack of understanding is conflated with Rousseff's political experience. The truth is that Rousseff had

not never been elected for public office until she was chosen by Lula as his successor in 2010 (Saad-Filho, Boito, 2016, p. 218). Before that, her role in PT was strictly administrative and she was viewed as a fixer and as a manager. This lack of experience has already reflected after election in 2014 when PT has lost eighteen seats in the Chamber which translated into dropping share of that body from 17 to 13 percent (Melo, 2016, p. 58). The costs of establishing coalition has relevantly risen and Rousseff could not manage to established coalition which could enjoy large nominal majority in Congress. Third factor which was decisive for Rousseff's fate was economic crisis. It can be said that Rousseff has committed a political suicide in the minute she had decided to conduct neoliberal changes and cut down welfare in order to alleviate economic crisis. However, those changes did not improve the situation. Instead it discredited president in the public eye and resulted in declining Rousseff's popularity. Once she had lost public trust, opposition started campaign against her which it ultimately led to her impeachment (Ibidem, p. 61). By and large, the explanation of presidentialism in Brazil allows us to understand in larger perspective this long-lasting deadlock. Although system is not immune to creating political stalemates, it is worth stressing that democratic tradition is rooted deeper in Brazil's DNA. Successful presidency is possible; however, in terms of economic and corruption discontent the price of maintaining coalition in multiparty system is simply higher which makes this presidency simultaneously much weaker and vulnerable to political opponents' ploys.

Conclusions

Presidentialism in Brazil does not seem to be an ideal solution relating to providing stability to the country. However, it turned out to be the best answer for overcoming a military regime. While presidentialism might lead to political crisis in specified circumstances, the possibility of changing this system for parliamentary democracy is slim.

The case of impeached Dilma Rousseff has demonstrated that political deadlocks are common when president loses majority in Congress. In terms of high fragmentation of parliament, the size of presidential coalition impacts on president's fate even more than alleged violation of law. Nonetheless, the impeachment procedure as a chance for defeating tough situation in country might occasion only temporary solution to the crisis

and prompt focusing attention on democracy's shortcoming. In this context, ousting Rousseff from office and replacing her by Michel Termer with similar corruptive charges, in longer perspective, has not changed the situation. Long-lasting institutional crisis in Brazil is still visible and it is fascinating to further contemplate in which shape Brazil would be in 2018, when new elections arrives. Having said that, Brazil's democracy is not in crisis, albeit it is experiencing complex political turmoil. Positive aspect of Brazilian's democracy is a strong rule of law and check-and-balance intuitions which have been precluding abusing the power on every level. The strengthening of the rule of law is an exceptional achievement which consolidates political system and suggests that, though, presidentialism in Brazil offers costly solution of overcoming deadlocks, it is still better than regression to the military system.

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Kryzys rządzenia – ciężka próba dla brazylijskiej demokracji. Przypadek impeachmentu prezydent Dilmy Rousseff

Streszczenie

Celem tego artykułu jest zanalizowanie kontrowersyjnego usunięcia ze stanowiska pani prezydent Dilmy Rousseff oraz objaśnienie specyfiki prezydenckiego systemu w Brazylii. Pomimo, że procedura impeachmentu jest powszechną metodą rozwiązywania politycznego impasu w prezydenckich systemach w Ameryce Łacińskiej, to często prowadzi tylko do tymczasowych rozwiązań. Długo trwające polityczne

kryzysy wskazują, że brazylijska demokracja posiada poważne braki, które podają w wątpliwość funkcjonowanie systemu w całości.

Słowa kluczowe: Brazylia, Dilma Rousseff, impeachment, prezydencjalizm, impas

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