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**The Plural Dynamics of State Institutionalisation in
Brazil. The Building Blocks of the Nation's Political
Structures**

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The Plural Dynamics of State Institutionalisation in Brazil

The Building Blocks of the Nation's Political Structures

Jorge Caldeira and Lourdes Sola¹

ABSTRACT

Based on a description of Brazil's political institutional structures over the course of five centuries – given that some have remained constant since the very start of colonisation in 1500 up to the present day – and including the monarchical regime in the 19th century and the Republic which has been in place since 1889 – this article seeks to put the key moments into historical order and display the chronological sequence of the creation of the nation's political institutions. At the same time, it engages in a debate with recent international literature regarding the basic attributes of a statehood process shaped according to the broader power relationships that encompass and sustain the structures analysed.

1 INTRODUCTION

The 200th anniversary of independence (07 September 1822) is a calendar milestone and serves as an appropriate moment for reflections centred around the passage of historical time, of duration, the slow separation between what has the substance to endure and what ultimately submerges as transient. It is always an opportunity to take stock – in this article, to take stock of the formal structures of power and government.

Although in this context, this text is part of a broader project, a History of Institutions in Brazil. As a starting point, it has its own characteristics. The proposal here is extremely simple: merely to arrange the structures of formal government in a clear sequence.

This option has very significant consequences. Focusing on the formal aspect has the advantage of demonstrating the institutional mechanisms in a better way. On the other hand, it costs a great deal. Qualitative analyses and discussions of causality are reserved for another time, to be explained in the future book. Analyses of very relevant institutions of government, such as the structures of the tribal governments of the native peoples, which are not formal, will also be deferred to another moment.

The expository criterion will be linked to duration. The structures will be described according to their greater or lesser continuity. First those that have not changed much over a long period of time are addressed, followed by those that have undergone minor changes, and lastly those that, while remaining in place, have undergone major changes.

The timeframe covered is also different, extending beyond 200 years. The reason for this is obvious: many of the structures of formal government came into existence long before Independence. Hence the need to examine a longer timeframe, within which the period as a whole can be understood.

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2 FROM COLONIAL TIMES TO THE REPUBLIC. TIME FRAME OF AN EMERGING NATION-STATE

Brazil's period as an independent nation brought about essential changes – but it also reinforced a number of previous political forms. In this arrangement based on form, one organisational style immediately takes priority: the division of government into three branches. Two of these branches were actually implemented on 22 August 1532 in a single act. Upon receiving the charter that made him the grantee of a portion of the territory – the regional branch of government created at that time – Martim Afonso de Sousa used his powers under the Captaincy of São Vicente to hold the first election of town councillors of the town bearing the same name, followed by the inauguration of those elected to power.

This election was the first attempt by the Portuguese government to establish some kind of specific, permanent formal authority in a territory that, up until the arrival of Europeans, was occupied by tribal groups with a political organisation based on an authority that was almost entirely consensual within the group and strongly militarised in its relations with other groups. If the king's charter founded a regional authority centred on the powers transferred to the grantee, the act by this grantee in creating the town based on the powers conferred marks the inauguration of the local branch of government and the creation of an authority with powers coming from another source, namely the choice by vote of representatives with a fixed-term mandate to exercise power.

It did not take long for the Crown to superimpose another level of authority: that of general government, established in 1549. This date put the finishing touches on a framework that remains in place up to the present day. The structure of three levels of administration – local, regional, and central – remains unchanged almost five centuries after

it was first established. Over the course of history, the colony became a nation, the names of the branches of government changed in the wake of regime changes, and their attributes gained new qualifications. But no matter how great the disruption in the circumstances, no event has led to changes in the institutional design of these three branches of government.

One of the greatest signs of the effectiveness of this structure is that almost nobody has even come up with alternative hypotheses for it. It is as if it is a problem that has been solved; solved so well that it would not even be worth looking into any other solution. In short, it is one of those formal constructions that, although fundamental in classification, scholars often pay no attention to – as if these structures for organising power were as natural as the tides or the changing seasons.

The exceptional endurance of the distribution of government powers between the three branches makes it the most solid institutional structure of Brazilian political organisation. It is a kind of cornerstone around which other institutions have been organised without it ever having undergone even the slightest tremor.

2.1 LOCAL GOVERNMENT

With survival over time as a criterion, local government is the second most resilient institution, after the division into three branches. At the heart of this durability is the election of town councillors. This process has been held on a regular basis since 1532 in all administrative units organised in this way.

There are two notable constants in this institution. The first is its longevity: local elections were held every three years during the colonial period and the Empire, and have been held every four years since the Republic was established. The

second is its scope: local elections have taken place in all units throughout the territory.

Surviving for a period of 490 years and successfully replicating itself throughout the entire country would be a great deal to achieve for a closed institution or an abstract concept. The constancy of local elections has a lot to do with the hundreds of thousands of repetitions of real political choice events, with this form of organising political power remaining effectively unchallenged over time and across the vast regions where it has been applied.

This resilience is by no means a simple phenomenon. Although there has never been any shortage of individuals with a marked capacity to bring together forces to impose personal interests and notwithstanding historical records of commanders leading forces from the sertão (backcountry) – the equivalent of armies, bloody family wars and military uprisings – there has hardly been a single attempt to abolish local elections and almost never been any discretionary administration in this branch of government.

The “almost” is due to a single exception. An attempt was made by the central authority (rather than by local or regional coups) to abolish the institution of local government organised on the basis of elections during the eight years of the so-called Estado Novo (New State). But the attempt to govern locally with appointed intervenors² vanished with Vargas’ downfall.

² “Intervenors” is the name given to the state governors appointed by Getúlio Vargas (1930–1945), imposed on the powerful local oligarchies and, in principle, indifferent to their interests. Armed with new dictatorial powers during the period known as the Estado Novo (New State) between 1937 and 1944, Vargas initiated profound transformations in the structure and forms of operation of the state, comprehensively reshaping the political arena – the effects of which continue up until this day. The aforementioned transformations included the centralisation and institutionalisation of political authority, the expansion and diversification of the state apparatus along with regulation of the economy and society, and state corporatism as the principal mode of interest organisation.

Apart from this exception, the regularity of local elections experienced minor shocks at the time of major regime changes, such as at the time of the declaration of Brazil’s Independence and the fall of the Monarchy. However, after a few minor adjustments, elections were resumed.

Thus, local government organised on the basis of the election of town councillors has been a stable institution for almost five centuries. And this practice is not exactly an administrative institution: organising elections, counting the results, handing over power to those elected – and, in particular, those who have been elected governing on the basis of the powers received by law over the course of their terms in office and handing over power to their successors – is a complex social process. A significant number of agents are involved, and the functioning of elections depends on a level of consensual acceptance of the system. In short, both political as well as sociological questions need to be answered to properly understand this formal constancy, which is the greatest among all the institutions of government. But, as theory is not within the scope of this paper, this observation remains just a record.

The details in the story show the *content of the construction*. An initial characteristic of the colonial towns was the ease with which they could multiply. At the start, since all that was required was a small number of residents and an authorisation from an authority in any whatsoever captaincy, the formal process to establish a town was simple.

Two captaincies, in particular, stood out in terms of authorisations. From Pernambuco came those that led to the creation of Paraíba (1585), Natal (1599), São Luís do Maranhão (1615), and Belém do Pará (1616). From São Paulo came the founders of the first Colônia do Sacramento (on the River Plate, opposite Buenos Aires, in 1680) or Cuiabá (1719). Before this last event, the two currents of

expansion of the network of towns had already met up in the interior, in the hinterland of Piauí, with the foundation of the parish of Nossa Senhora da Vitória in 1697 – also the southernmost limit of the expansion from the north, from Belém. An immense territory, almost equivalent to Brazil's current area, had quickly been transformed into an area with a formal government in place based on political rule pivoting around small towns.

Had these towns been mere paper formalities for protocol, most would have suffered the fate of the Colônia de Sacramento, which was invaded and abandoned soon after its foundation. What really gave substance to the local governments was the fact that the towns functioned or, in other words, that political authority obtained its powers because society gave them meaning.

What were these powers? In colonial times, town councillors legislated, administered (collecting taxes, contracting construction work, giving orders for services to be provided – in short, functions that are today the prerogative of the local executive), including policing, arresting, and judging. The limits on exercising their powers depended much less on legal restrictions than on the absence of delegated authorities from the regional or central branches, which, theoretically, held the power to overrule the councillors' authority.

Since the aforementioned delegated authorities were hardly ever present in the remote hinterlands, the town councillors did everything. In 1690, the São Paulo City Council went so far as to decree the legal value of the currency – at the time, an exclusive prerogative of the monarch – and not only by writing it down on paper. The value approved by the councillors was applied by the residents to prices, and the situation only changed after an agreement.

This structure, whereby the powers were concentrated among the town councillors, persisted until

the end of the Empire. Only once the Republic was established was the formal structure of government at the local level reorganised for the first time, after three and a half centuries of stability. Local units were renamed municipalities. The change marked the division of power in the local territory according to the principle of the Enlightenment of separation of power by function. Town halls were created (a specialised executive entity was given powers previously concentrated in the town council), and local judicial functions previously exercised by the Moderating power increasingly began to be transferred to the judicial branch.

The reform made little change to the essentials: local government was always in the hands of the elected authority that governed for a limited period of time. Alternation in power. A plurality of office holders. In short, this form of government is a man-made institution for exercising power, which does not produce trees or *jabutis* (tortoises) – once again, it is not a product of nature.

All in all, it is clear that the organisation of local power around the election of representatives is an institution that is not only stable in secular terms but also capable of evolving over time without having to undergo any major changes to its essential mechanism. In short, the election of councillors is the pillar around which society's participation in the exercise of power has been built. However, since it originated from local power, it can only be understood in the context of the other branches of government.

2.2 CENTRAL GOVERNMENT

With regard to government branches, in a classification based on resistance to time, we now have to move on to a description of the branch of central government – although chronologically, it is somewhat newer than the local branches. In this case, the fluctuations are much greater than those

observed with local power structures, or, putting it another way, there is less stability.

In colonial times, the foundations of the highest authority were the opposite of those of the towns. The monarch's power was defined around a sovereignty of divine origin, exercised solely by the anointed figure with the sceptre and crown. It was a total, arbitrary power, not subject to any rules or limits. A power, putting it simply, that could not be challenged. A power capable of generating commands from on high without contradiction or restraint.

Undoubtedly, this situation leads to a direct and irreconcilable conflict in logical terms: one source of power comes from below and grants authority to elected officials; the other issues irrevocable orders from above – and commands a hierarchical line of obedient personnel. But this was how it was, with coexistence between opposites defined in the clash, with undisputed priority theoretically resting with that authority emanating from above, with the will of the monarch predominating without contradiction in cases of differences in the nominations of elected local or regional government officials.

The General Government was part of the hierarchical structure that obeyed the Crown. The content of this obedience was clearly set out by the regulations that each Governor General brought with him. More often than not, the Governor General, the highest official of the Brazilian colonial administration, was not at the top of the hierarchical chain that linked the monarch to their subjects. Since the time of Tomé de Sousa, the line of command that began with the Governor General had two executive cornerstones. On the one hand, a fiscal authority was in charge of revenue collection for the central administration and the Crown. On the other, the expenditure was managed by a group of royal officials and paid service providers, most notably Jesuit priests and a

bishop at a time when the Church was part of the State (since the institution that formally linked the State and the Church was abolished in 1889, this aspect will be dealt with at a later time, outside the scope of this text).

For all intents and purposes, tax officials and ecclesiastics were the central branch of government's only effective agents of power in the colony – with very little real power. This was the way things were almost up until the arrival of Prince Regent João (later King João VI) in Brazil in 1808. The miracle of the multiplication of the general government's powers over the course of the colonial period will be analysed later, bearing in mind the intertwining with the regional power structures. With the arrival of the monarch, Brazil discovered just how much was over and above the viceroy's³ authority: higher courts, councils, central administration of the economy, nobles, the court – and, above all, the presence of the monarch who was the personal embodiment of sovereignty of divine origin.

At that time, the logical tension between a power that commands from above and a sovereignty that comes from below was being addressed in the West through a new conception of power: the idea that the only true sovereignty resided with the people. During this period, the balance between these opposing principles was often decided by a revolution and on a few occasions, by the beheading of the crowned head of state and the overthrow of their divine authority. Faced with this excruciating situation, the leading figure of the Portuguese monarchy came to colonial territory, fleeing the spectre of the guillotine.

A complicated question in Europe, the presence of a monarch in the colony ended up making it

³ Viceroy was the title given to certain Governors General during the colonial period, subsequently abolished when the Portuguese court transferred to Brazil in 1808, shortly before Brazil became a monarchy.

possible to come up with a Brazilian solution to deal with the seemingly unresolvable conflict. Instead of following in the footsteps of the rest of the West, where a war or a revolution determined whether the organisation of power would rest with a monarch or with the people being sovereign, in Brazil there was an attempt at reconciliation.

The functioning of this paradoxical exception depended on two factors: on the one hand, a sovereign monarch accepting limits to their power given by a constitution made up of elected representatives – which requires understanding an absolutely essential theoretical change. In the colonial world, the subjects' power to elect was a gracious delegation from the monarch to the commoners, the rabble of the social structure. The powers of the elected did not go as far as covering aristocrats, nobles or the king's delegates. On the other hand, the lawmakers who would draw up a constitution would be representatives of a new Sovereignty, as strong and indivisible as the monarch's authority.

This immense increase in the value of popular choice as a source of legitimate and sovereign political power was the result of an agreement between the parties that preceded the Declaration of Brazil's Independence on 7 September 1822. Following negotiations inspired and mediated by José Bonifácio de Andrada e Silva, liberals and the Prince Regent accepted the compromise. This agreement led to a peculiar sequence during the period of independence.

The new power that was created, the Constituent Assembly, was convened on 3 June 1822. The events of 7 September took place with the elections already underway, although prior to the formal setting-up of Parliament. The basic meaning of its change was maintained in the Constitution of 1824, which starts with the words: "The Empire of Brazil is the political association of all Brazilian

citizens". This new concept of citizens together forming a whole marked the new era.

With the citizens first and foremost came the second definition, in Article 3: "The government is a hereditary, constitutional and representative monarchy". The distinguishing characteristic of Article 3 is continuity. However, the two parts did not make a single whole. Their essential separation was defined in Article 11: "The representatives of the Brazilian Nation are the Emperor and the General Assembly" – only these parts together represented the whole, each holding their own Sovereignty.

Thus, the central government was redefined, with the highest authority split in two. Each sovereign sphere gained its own role in the organisation of power – along opposite paths. The emperor's sovereignty was entirely centred around the Moderating Authority. Personal and unaccountable, it defined an authority that continued to command from above, and that was irrevocable, and furthermore, that could only be exercised by the monarch. The sovereignty of the lawmakers, on the other hand, was assigned by the citizens to elected representatives. It was set up in the form of a Parliament – a radical novelty in the Brazilian power structure. Parliament's role as an institution of formal government will be broken down below, according to its duration.

Also in this period, the central branch of government took on all the functions that mark the difference between the colonial administration under the delegated power of the Governor General or the Viceroy and the sovereign institutions of an independent nation. Since the Executive and Judicial branches were both directly subordinate to the Moderating Authority, the entire new administrative apparatus would be under its command: the national defence and foreign relations institutions, control of currency and finances, and the fiscal and budget execution apparatus.

The outset of the practical coexistence under this dual structure was characterised by fierce disputes. On the one hand, between 1823 and 1826, Pedro I was the absolute monarch, while on the other hand, during the Regency period,⁴ between 1831 and 1840, power was completely concentrated in the hands of Parliament. After this, Pedro II's wisdom was fundamental to the operation of this complicated mechanism of the two sovereignties. By establishing an informal parliamentary system and inviting elected representatives of the majority to run the Executive branch that he commanded, he transformed the disputes that were inherent in this system into a marriage of convenience.

The Moderating Authority and its imperial holder were removed in 1889 – 67 years after its establishment, which is a very short period in historical terms. The Republic reorganised all the branches of power on the basis of the now unique principle of popular sovereignty as the source of legitimate power, but also firmly in line with the Enlightenment framework of the division of power into three independent branches – without forgetting the division into three levels of government rule carved in stone – local, regional and central – which had been in place since the start of the colonial period.

Since the Republic was first set up, the formal institutional design of the government has been the same as that of Western democracies. And

⁴ The Regency period in Brazil corresponds to the interim period between the abdication of Pedro I in 1831 and the accession to the throne of his son, Pedro II, in 1840. This period marks central power's prevalence in the face of challenges from regional centrifugal forces – with numerous revolts in the provinces. The dominance and exercise of central power over the push in favour of autonomy on the part of some of the provinces is one of the distinguishing features between the trajectory of the Portuguese colony and the fragmentation observed in the Spanish colonies. Besides being highly charged with regional tensions and revolts, this period was characterised by Parliament's dominance. Key to the construction of national unity was the highly negotiated decision to enact a law declaring that the new Emperor had reached *Maioridade* (the age of Majority) when he was just 13 years old. The *Maioridade* is, therefore, a political turning point. And the end product of negotiations in Parliament.

it acquired these outlines through two opposing and complementary movements. On the one hand, there was the expansion of institutions organised around popular sovereignty, the historical matrix for local elections. In the Empire, this expansion had been limited to the legislative bodies. With the advent of the Republic, the positions of President of the Republic, Governor, and Mayor – the heads of the executive branches – also became dependent on the ballot box.

The republican project that was carried out was not limited to the moral demolition of something that for centuries had been presented as the centre of virtue, a concentration of power symbolised in the figure of the monarch who commands by opposing private interests. In political terms, the emperor and their family were separated from the country, and it was made impossible to exercise the Moderating Authority since it was tied to the sacred and inviolable person of a monarch and their successors. After that, the work of transferring its functions began.

The executive branch ceased to be subordinate to the emperor through the bond of obedience expressed in Article 102 of the 1824 Constitution: “The emperor is the head of the executive branch and exercises this power through his ministers”. And Article 135 clarified the differences between the head and their subordinates: “The emperor's order, whether vocal or written, does not exclude the ministers from responsibility”. Translating this in simple terms, the unaccountable emperor could order a minister to commit an illegal act in writing; if he obeyed, that minister would be held criminally responsible, even if he showed the order. Under the republican construction, the head of the executive branch was responsible and could be judged by parliament while in office or as an ordinary citizen by the judiciary when no longer in office.

The judicial branch was no longer entirely dependent on the pure will of the crowned head who appointed and supervised it. Made independent, with a stable judiciary, it also gained the power to judge citizens' claims against the central government's acts – something which would have been simply unthinkable in a scenario in which the monarch was inviolable and sacred.

In addition to the redistribution of powers, there was a division between the branches. Under the logic of the Moderating Authority, national interests were equated with centralised power: the greater the concentration, the greater the service to national interests. Thus, for example, the country's entire territory belonged to the Crown, which distributed the part deemed necessary to private individuals (in other words, to the subjects). An idea of the scale of the change can be seen from just one example of the redistribution between the branches of government: under the 1891 Constitution, vacant lands were transferred from the Crown directly to Brazilian states.

There were also direct transfers of the Moderating Authority's attributes to society. The greatest example of this type was the transfer of Church administration to the Vatican, ending the monarch's prerogative as Commander of the Order of Christ after 389 years. This transition was achieved by means of a decree by Minister Campos Salles at the beginning of 1890.

There was also a massive administrative simplification, with the elimination of all Councils subordinate to the deposed monarch. In this case, too, many powers were transferred directly to society. The most conspicuous example was the authority to approve joint-stock companies. Central control by the Council of State, an advisory body to the Moderating Authority, meant that by the end of the empire, there were only 89 such entities in the entire country. With the power to organise transferred directly to society by means of

a decree issued by Minister Rui Barbosa in January 1890, the city of São Paulo alone established 210 joint-stock companies between 1890 and 1891.

In general terms, the republican transformation shaped the political institutions that exist in the country today. But, this did not take place without a few shocks from the central branch of government, which need to be analysed.

One of the first decisions taken by Deodoro da Fonseca's cabinet – immediately after the establishment of the Republic – was choosing between holding elections for a Constituent Assembly or establishing the regime as a positivist dictatorship. The 3x2 tight victory in favour of holding elections for Constituent Assembly did not completely eliminate the dispute between opposing principles. Throughout the entire life of the republic, the country has lived with this proposal to eliminate the representative power, most of the time as an opposition programme. But it was a persistent programme at all times – and materialised in the central branch during two specific periods: between 1937 and 1945, with the *Estado Novo*, according to the authentic formula of positivism – rule by a dictator by decree, abolition of the representative system, elimination of the autonomy between branches of power down to the municipal level; and between 1964 and 1984, under the military regime, that adopted a more toned-down formula in comparative terms – a legislature with limited powers, fixed-term mandates for all branches and with local elections in most municipalities.

The central branch of government has had a total of 28 years of dictatorship during the republic's 133 years of existence, which is by no means insignificant. Although the formula has not become permanent, these backslides have been very pronounced. To summarise the situation symbolically, the monarchist João de Scantimburgo (1980: 30) said in a 1980 publication: "There is a nostalgia

for the Moderating Authority hovering in the background of Brazilian political institutions”.

2.3 REGIONAL GOVERNMENT

Compared to the secular stability of elected local power, the structure of the central authority has been much less constant over the course of almost five centuries. If, however, the criterion for comparison is the changes in circumstances of the intermediate branch of the regional government, this impression of instability can quickly be dispelled.

Initially, the intermediate branch of government was conceived as a risky operation. The “business model” was plausible on the basis of the following premises in force under the lines of the Ancien Régime: the monarch knew rights were acquired over a territory described as immense and fertile; recognised considerable potential wealth – if the effort were made to extract it; saw such high risks in this operation that there was a preference not to spend money from the royal coffers and was well aware that subjects can do even less.

To mobilise wealth without spending, the monarch improved the cost-benefit equation for their subjects by making a few offers: granting part of the Crown’s territorial domain to private individuals, handing the recipient certain franchises typical of the state, such as the right to create towns or levy certain taxes, while reserving for the Crown as many others as seemed appropriate. All of this manoeuvring cost just the price of a piece of paper, with the return eventually coming in the form of currency.

Bingo! Fifteen interested parties received their charters, each being given command of a hereditary captaincy⁵ measuring so many leagues

⁵ Hereditary captaincies (*capitanias hereditárias*) were an administrative system established by the Portuguese in 1534 to facilitate the colonisation of Portuguese America. King John III divided

of coastline plus as much of the interior as they could conquer. This action was the start of the process of eventually transforming potential wealth into real wealth, which also produced real income and consolidated government power. Seventeen years later, the balance between promise and realisation could be measured in numbers.

Seven of the fifteen beneficiaries kept their charters – but they were as careful as the monarch when it came to spending their own money, so the territories under their rule remained as they were. Six barely got settled in; the monarch benefitted from the increased production in these domains, but the same did not apply to the grantees, all of whom struggled to make any progress or instead made huge losses. In the Captaincy of São Vicente, on balance, the outlook was still promising. In Pernambuco, the system proved to be a success, with the grantee becoming extremely rich and expanding his power through alliances with the local Indigenous people (guaranteed by the marriage of his brother-in-law, Jerônimo de Albuquerque, to some thirty daughters of local chieftains) and the establishment of sugar mills.

D. João III knew how to evaluate all these situations when it came to taking the next step. He focused on comparing one case of success with another of failure. Francisco Pereira Coutinho landed in Bahia in 1536. As long as he had the support of Guaibimpará and her relatives (including her husband, Caramuru), he was able to set up sugar mills without any problem, be dazzled by the fertility of the soil and become rich. But when the personality traits that gave rise to his nickname Rusticão (country bumpkin) came to light, he was eventually killed and honoured by having his body devoured at a ritual banquet.

the Brazilian coastline into 15 strips of land, known as captaincies, which were granted to trusted minor nobles. These captaincies were hereditary, meaning they could be passed from father to son, thus giving rise to the term “hereditary captaincies”. This system aimed to encourage settlement and governance of the new colony by delegating power to loyal Portuguese families.

Understanding where the difference lay between the marriages of Pernambuco and the cauldron of Bahia, the monarch placed a less risky bet with a greater chance of returns when it came to spending his own money. He bought back the captaincy he had given for free to the man who had been devoured, at a cheap price from the heirs. As a result, the governor general, who had been ordered to treat local allies well, landed in Salvador to establish a royal captaincy as well. All it took was an agreement with Diogo Álvares Correia and Catarina Paraguaçu for the couple to become aristocrats and privileged partners in the enterprise – while Rusticão's bones rotted.

This royal intervention created a second model for administering the captaincies – namely, that of the intermediary body as an operational extension of the central authority. The structure of the captaincy became strong in Bahia – and what was actually the sphere of central action was handled with the minimum of subordinate personnel already mentioned: a fiscal branch and a religious branch, enough to achieve success. The aforementioned was greatly helped by the work of the Jesuits, who soon combined their knowledge of the *Tupi*⁶ culture with their powers as officials of the king.

This circumstance led to a third model of organisation during the raid against the French in Rio de Janeiro under the Mem de Sá government. The Ignatians organised Tupi troops in various captaincies and placed them under the command of the central government, enabling action on a scale that was impossible even for the most polygamous of settlers. The attack took place within the territories of the captaincies of Martim Afonso de Sousa and Pedro Góes da Silveira.

However, Mem de Sá did not use the expedition as an investment on the part of the general government on behalf of the grantees. He declared the territory abandoned and created a new captaincy, which was immediately assigned to his nephew, Estácio de Sá. In this way, he inaugurated yet another model for organising the intermediate branch of government: the transfer of a domain subsidised by central authority.

The fourth model was attempted in the captaincies of Maranhão and Pará. Those people from the State of Pernambuco who had militarily conquered the region founded captaincies in areas declared abandoned, which were subsequently given to the victors. However, in 1624, these two captaincies were separated from the State of Brazil, and a new central administrative unit was established: the State of Pará and Maranhão.

There was always a very high level of tension with this model, with the region becoming a stage for constant struggles between the central authority, the intermediate administrators and the inhabitants, all of which revolved around the balance between greater production of wealth or greater production of taxes. The constant comings and goings – which included several armed revolts – gave rise to administrative models with greater (the management of the captaincy handed over to a royal official) or lesser (handed over to the inhabitants' representatives) centralisation. The general model also fluctuated, with the headquarters at the general level alternating between Salvador and Lisbon.

The fifth model was established at the start of the 18th century and became very important. As the area of application had lived without promises of royal revenues to be collected, the descendants of the original grantees and the inhabitants were left in peace – or, more accurately, abandoned. A governor general visited Piratininga in 1553 when the only thing there was João Ramalho's Indigenous

⁶ The *Tupi* are Indigenous peoples native to Brazilian territory, having inhabited these lands long before the arrival of the Portuguese.

settlement. The second visit by this high authority to the town of São Paulo occurred only in 1697, after an interval of 144 years.

During this long interval, the Paulistas (the captaincy's inhabitants) took over half the continent, creating towns scattered throughout their areas of activity. In the absence of the grantee's representative, São Paulo's council assumed the role of coordinator of business throughout the captaincy. This coordination included decisions such as declaring war, expelling Jesuit royal officials, dictating the value of the currency, collecting taxes, and overseeing spending.

Everything the monarch needed was humbly requested by letter. And the Paulistas complied with these wishes such as gathering troops to fight the Dutch in Pernambuco, financing Antônio Raposo Tavares' great foray into the area west of the Tordesillas line, or setting up the Colônia de Sacramento.

But when the Paulistas discovered gold, the metropolitan government discovered the Paulistas. Governor Artur de Sá Menezes was sent to set up the operation to collect the Crown's legally mandated share of this precious metal. He was efficient in his own way: he pardoned Manuel Borba Gato for the confessed murder of an aristocrat, appointed him governor of the mines "with all the honours, privileges, freedoms and exemptions" and turned him into a respectable figure, formalised with: "I order all officials to honour and esteem him" (Revista IHGB 1942: 334).⁷

The new governor of the mines took the governor general into the backcountry, showing him the way to the gold. Once there, Borba Gato used the powers of his office to draw lots. The governor-general's fate was linked to this act, in the words of

a chronicler of the time: "Governor Artur de Sá e Menezes took the lots for himself, in the place that Gato marked out for him, and from them, it is said that he extracted roughly thirty-odd arrobas (440 kg) of gold, which made him very rich in Lisbon" (Fundação João Pinheiro 1999: 190).

The wealth of people like the governor and others around him in the Kingdom was something to think about. For the monarch Pedro II, nicknamed "the Pacific", very rich colonial residents and a former governor, but with limited gold from taxes for the Crown, was an acceptable balance between the production of wealth by the subjects, the well-being of the Kingdom, and the sustenance of the royal treasury. However, for his successor, Dom João V, the balance had to be different – and the intermediate authority of government would be the instrument of change.

King Dom João V purchased the captaincy from the grantee in 1711. The logic behind this purchase was simple and was summed up by the historian Hernani Donato (2005: 642): "The purchase served a purpose, as the buyer made clear when he gave his justification for doing so: 'to obtain better justice and administration of the gold mines', in other words, to increase taxes". The monarch began to appoint everyone from the *almotacel*⁸ to the *capitão mor*.⁹ He set up militias that were subordinate to the aforesaid military officer and militarily controlled the mines. His success led him to replicate the model, dividing up the former area of influence of the residents of the town of São Paulo, as they discovered gold, into a number of royal captaincies: Minas Gerais, Goiás, and Mato Grosso.

In the wake of this growth, the central government set up a sixth model for the intermediate branch. When the captaincies of Santa Catarina and São Pedro do Rio Grande were set up in 1736

7 Rank given by Artur Sá de Menezes to Manuel Borba Gato (Revista IHGB 1942: 334).

8 The *almotacel* was the municipal official responsible for inspecting a town's weights and measures.

9 *Capitão-mor* refers to the military officer in command.

and 1760, respectively, military interests led the central branch not only to override the rights of the previous grantees but also to inaugurate an administration that invested in the territory's development. This new model subsidised bringing in settlers and attracted enterprises with tax favours and security guaranteed by troops.

Finally, at the end of the 18th century, a seventh model was created: slicing up the territory of the Captaincy of Pernambuco, the most important captaincy still under the rule of the grantees. Although subordinate to the general government, Ceará (1796), Rio Grande do Norte, and Paraíba (1799) were designed to become economic hunting grounds for commercial monopolists favoured by the Crown. This model was yet another attempt to extract larger portions of local wealth and increase transfers to Portugal.

The variety of models in the search for a balance between the wealth of the residents and the state of the Exchequer is proof of successful management with a focus on mitigating risks (for the residents) and ensuring results (which the Crown reaped when they benefitted it). These models represent a practical approach to accommodating interests rather than an indication of instability. Both local governments and the central government operated on the basis of elections or authority. The captaincies, on the other hand, were constant elements but served as a means to process differences – hence the variety of models.

In summary, the great variety of models, the constant changes based on each case's failures and successes, and the sensitivity to the tensions inherent in the structural conflicts of interest that exploded in the intermediate branch were proof of their importance as a buffer. The captaincies operated with models that ranged from extreme decentralisation (in an environment where little taxable wealth was created) to the hierarchical and militarised chain of gold administration. As a

result of this flexibility, an immense territory was administered with a central branch that only had a minimum number of agents: a true miracle of multiplication.

The general equation of the balance between a reduced central branch and an extensive regional one, which covered the government's total operation with flexibility in its relations with local governments, underwent a radical change in the type of power exercised with the Court's arrival in 1808.

2.3.1 THE REGENCY PERIOD

In the colonial structure, the state's essential function was very much that of the "taxing power". Brazil generated up to 80% of Portugal's revenue and accounted for less than a quarter of its expenditure. The effective functioning of the government as a whole depended almost entirely on the smaller branches – which were left "free" to work.

The arrival of the Court transformed Rio de Janeiro into the centre of something hitherto unfamiliar to colonial eyes: the exercise of authority as "spending power". If, from the revenue point of view, nothing changed with the monarch's arrival, the direction of spending flows took a different turn. Payments to officials and service providers previously made in Lisbon were now basically made to Rio de Janeiro. This flow led to an explosion of progress in the capital – and provided food for thought in terms of political theory in the tax hunting grounds:

Pernambuco's federalists (as well as Father Feijó who was one of the leading figures during the Regency Period) argued that, once the unity of the Kingdom of Portugal, Brazil and the Algarves was unravelled, sovereignty would revert to the provinces, where it properly belonged, which could then negotiate a constitutional agreement and, if this didn't suit them, use their right to organise themselves separately, under the system that best suited them (Cabral de Mello 2004: 14).

Federalist thinking, under which maximum sovereignty rested with the intermediate level of government, was inspired by the institutional construction of the independence of the United States in 1776: an assembly of regional sovereignties forming a unified national entity. This design turned out to be a very interesting concept in those parts of Brazil where the tension against the central authority was greatest – such as in Pernambuco. The Revolution of 1817 was the first movement to adhere to this new formulation, setting in motion attempts to separate from Portugal and set up a federation within Brazil, with the consequent increase in the intermediate branch of government's degree of power to the level of sovereignty, giving rise to a new balance between the spheres of government.

But, the same movement that sustained this change led to a reaction in the opposite direction. The increase in public spending in Brazil mirrored a decrease in Lisbon's share. Consequently, not only did the fiscal gap between the large colonial economy and the small Portuguese economy increase, but the most violent attempts to rebalance the equation by using the power of government – along the lines of the actions to slice up the captaincy of Pernambuco at the turn of the century – lost their effectiveness.

The attempt by Portugal's commercial bourgeoisie to regain control and revenues included the constitutional revolution of 1820 and the efforts to redesign the Kingdom's entire government by means of a new constitution. As a result of this attempt, the 1821 charter extinguished the captaincies and established the intermediate branches as provinces. It was not just a change in name: the provinces would not have the same autonomy as the captaincies had had. Instead, they would be directly subordinated to the central authority through a clear chain of command to ensure complete control from the centre.

The new format was implemented at the end of the colonial period, but it continued in independent Brazil. The Constitution of 1824 brought about a radical change in the checks and balances of the previous format of the regional branch of government. In its 1824 version, the short Article 165 determined that the provinces would be governed by a president, whose only qualification required was the aforementioned complete subordination: “[he] will be appointed by the Emperor, who may remove him whenever he sees fit for the good service of the State”.

The pressures that came from the bottom, emanating from local governments and organised regional interests, towards the higher levels – generated a whole complex game of interests in the intermediate sphere of the captaincy. These were greatly simplified in procedural terms. Article 71 stated that citizens could “intervene in the affairs of their province” through a General Provincial Council, which, during the two months in which it met, could “propose, discuss and make decisions regarding the province's affairs” (Art. 81), forwarding the resolutions to the central executive branch, through the province's president who could be fired. The emperor, as the head of the executive branch, would rule as he deemed appropriate relative to these resolutions.

That was it.

The brutal reduction of franchises, based on an increase in the power of the central (and now national) sphere, starting from the emperor, along the lines of a unitary state, and the elimination of legal room for adaptations based on local and regional interests, generated an immediate response: the Confederation of Ecuador, the driving factor for which was the non-recognition of the constitution. The government's response to this was also immediate: armed occupation, imprisonment of the leaders and a firing squad for federalists like Frei Caneca. Not even the Regency's

constitutional changes, almost all aiming to reduce rigid centralisation (transforming the Provincial Councils into Provincial Assemblies with control over revenues and budgets, for example), were able to curb the sequence of outbreaks, which lasted almost three decades.

From Pará to Rio Grande do Sul, involving all the most important provinces, the tensions between regional interests and the imperial government were resolved by armed conflicts – and not simply administrative disputes. The largest of these conflicts was the so-called Cabanagem Revolt,¹⁰ whose leader, Eduardo Angelim, was a regional merchant who had become a subsistence farmer. It cost the lives of 30,000 of the province's 150,000 inhabitants; the regional economy was wrecked (in 1852, the tax revenue of the newly created province of Amazonas was 29 million réis (29 'contos de réis'¹¹, which was the price of a townhouse in Rio de Janeiro at the time).

What did not make any sense from the point of view of local activity did make sense for the centralisation of the financial flows of taxes and savings in the direction of the Court, even with the high costs such as those noted by Nathaniel Leff (1992: 26) in the case of the Northeast: "There seems to have been a reallocation of factors from the Northeast to the Southeast, from sugar to coffee. As a result, northeastern incomes were reallocated to low-quality subsistence agriculture" – a path that is similar to the biography of the cabano Angelim.¹²

10 The Cabanagem Revolt in what was then the province of Grão-Pará, between 1835 and 1840, was a popular uprising in which sectors of the elite took part. The revolt lasted five years and was among the most violent of the Regency Period. Approximately 30,000 people died in the province's capital and the region's interior, out of a total population of around 100,000.

11 Réis was the old currency used during the colonial period.

12 This biography represents an analogy between the trajectories of the region's agricultural sector, which up until this point had been thriving, and the fate of the so-called *cabano* Angelim, who died after sustaining popular resistance to central power for a prolonged period.

It was hardly a bond of mutual interest. The marked subordination of the intermediate branch to the central authority was imposed by military force. And the outcome of the centre's victory was the command of the province along constitutional lines, headed by a president who was a delegate appointed by the Moderating Authority – usually from another region and changed on a frequent basis. The state's ability to organise regional interests, legislate, administer, and invest was always very limited, although it increased at the end of the monarchical period when the nature of the federalist demand underwent a change.

2.3.2 THE FEDERALIST PERIOD

The legacy of the federalist leaders defeated in the uprisings of the first decades became the cornerstone of the republican programme. Just like the first governors general, the national party had no instruments at its disposal – and the state parties were entirely autonomous. They were truly federalists, focused on the defence of a powerful intermediate branch.

This focus on the intermediate branch became the key aim of action after the conquest of power in 1889. The 1891 Constitution transformed Brazil into a federation – and not just nominally. The intermediate branch of government was given the status of sovereignty. However, there was no unanimous assessment on which sovereignty was the most important.

Nineteen of the twenty federative units interpreted the national constitution's formula based on the assumption that the greatest sovereignty rested with the people, from which all the other sovereignties would derive through the vote. In this way, the elected representatives in the states drafted constitutions in which the representative system became the norm for all state-level political organisations.

However, the Republican Party of Rio Grande do Sul, which was entirely dominated by positivists, interpreted the constitutional reality of federalism as meaning that the highest level of sovereignty was that of the states, such that they could adopt a government structure that would free them from the metaphysical concept of representation, via positivist dictatorship.

With the backing of the national army and at the cost of tens of thousands of lives, this interpretation was constitutionalised with minimal formal concessions to the vote, the division of powers, and a powerless legislature. The dictatorship, substantiated in this way, served as a stress test for the national federative structure. By the end of the process, 19 states had enacted laws reflecting the notion of a federation united by popular sovereignty and one state where the positivists institutionalised advantages for holders of largely arbitrary power, justified by the argument of federative autonomy.

But there was also unity for the better in the organisation of the intermediate branch of power. In various versions, all states were provided with instruments and income to play a role of their own. Networks of universal services, particularly in education and health, finally began to be implemented in the country – always by the states. This example is just one of the translations of the reality of individually-owned franchises to collect taxes and raise revenue for this branch of government, in stark contrast to the reality during the period of the monarchy.

From 1946 onwards, the general structure of the intermediate branch of government stabilised within the formal norm of the representative system. Even the 1964 military regime made no change to this structure. It went no further than transforming the elections of the dictator and governors into indirect elections, where the National Congress or the State Legislative Assemblies and the city

councils of some municipalities, representatives of popular sovereignty, played the role of formal electors at the centre of a process that elected the candidate who had been nominated from above.

During the military regime's twenty-year existence, there was a centralisation of a different kind: tax revenues increased significantly relative to GDP – and the national sphere got almost everything. Only after the return to democracy in 1985 and the 1988 Constitution did the trend slowly start to be reversed in favour of the states and municipalities.

Finally, in Brazil's period as an independent nation, the intermediate branch of government continued to play its role as an element of conformity – and the perfect place for absorbing shocks or being a source of dynamism for the whole.

3 GENERAL TRENDS IN THE ORGANISATION OF FORMAL GOVERNMENT. CONTINUITY, ENDURANCE, AND ACCOMMODATION

Having given this brief overview of the sequence of events over five centuries, it is now possible to begin identifying certain general trends in the organisation of formal government in Brazil.

The separation of government into three branches is a structure that has survived five centuries totally unscathed, without ever having been altered or even threatened. This sturdiness has meant that, over time, all kinds of problems with the organisation of government that have arisen, whether in the 16th century or even in the present time, have been solved by making adjustments within the branches or between them.

This resilience has preserved a certain unity in the government as a whole. Of course, there have been attempts to create a wide range of arrangements, including very significant qualitative

changes such as those following Independence and the Republic. However, the fundamental structure remained intact without undergoing any radical modification.

Another construction was initiated on this basis, which was now lagging behind the Western timeline. Transformed into the sovereignty concentrated in Parliament during the Empire, it was not until the Republic that popular will became the main principle of all political organisation – with dictatorships inspired by positivism acting as a check on the system. Instead of a revolutionary rupture, successive arrangements in the form of institutional space for discretion from above have taken place between ever stronger waves of organisation of power along the lines of the Enlightenment – which have been unable to completely extinguish the opposing principle of arbitrary power.

In this context, we can properly understand the two-century-old institution that effectively made a difference in the life of Brazil as an independent country, namely Parliament. It is directly derived from the colonial population's ability to govern itself without depending on the central government – and to establish very important institutions of its own. A vision with this focus is essential to understand the role of Parliament in the life of the Brazilian nation. Without paying attention to previous local structures, the new national power seems to have emerged out of nowhere – a nothingness that only exists when ignored.

As has already been observed, there is an enormous difference in quality between the vote to elect councillors, a gracious concession on the part of the monarch to the humblest subjects during the colonial period, and the election of lawmakers who hold sovereign power as representatives of the citizens at the national level – a difference the size of the divide between the Ancien Régime and today's representative governments.

But when things are analysed from the perspective of historical reality and formality, it is possible to create another kind of link between these very different eras. Although limited by the king's discretionary power and by the narrow sphere of power of those elected, the electoral mechanism worked, and it had many attributes – the greatest of which were those that have already been described: regularity in time, extension in space and, above all, compliance with the rules of alternation in the exercise of power.

This was not a reality that existed in the absolutist areas of Europe. There, apart from England, its implementation required constant effort and gave rise to all kinds of friction. In the Brazilian case, comparatively speaking, it took much less effort.

To begin with, there was a clearly defined electorate. In colonial times, “good men”, as defined by Aristotle, voted and were voted for: heads of families who did not work in commerce or other trades. In practice, the further inland the town was, the less stringent the criteria were. That is why the continuous habit of voting and being elected led to a general spread in the formation of an electorate.

The transition from this system to the election of a Parliament was very straightforward. It started with the choice of representatives for the Legislative Branch (Cortes) of Lisbon in 1820. All that was needed was a letter explaining that it would be a two-stage election – those who chose councillors would choose representatives in each town; these chosen representatives, called electors, would repeat the process in the capital of each captaincy, ordaining the Constituents.

So, the absolute novelty of sovereignty was not really much of a novelty to those who had been used to electing representatives for centuries. What is more, the individuals chosen had a strong sense of what collective decision-making was all

about, and as a result, they performed effectively as good deputies in Lisbon.

When the process was repeated for choosing the constituents in 1823, even provinces under Portuguese military occupation elected their representatives. Right from the very first preparatory meeting in Rio de Janeiro, they knew exactly what they wanted: to extract the maximum amount of sovereignty that had previously been reserved entirely for the king.

Not even the closure of the Constituent Assembly really changed anything. Pedro I saw that he could not rule without parliament, which was reinstated in 1826. The lawmakers knew how to oppose him. Within five years, they forced the emperor to abdicate.

In just that short time, the lawmakers became the entire government in the central branch, divided in terms of opinion – but united around responsibility. They carried out all the constitutional reforms that achieved a majority and steered the executive branch in the midst of a major financial crisis. They handed over to Pedro II a country that was at least minimally structured along the lines of the Enlightenment era.

Among the changes were those related to the status of voters. Under the Empire's constitution, heads of households over the age of 25 with an income of more than 100,000 'réis' could vote. By today's standards, this seems very exclusive and elitist. But it should be viewed within the context of the 19th century when the electoral process was established in various parts of the Western world, allowing less subjective comparisons.

Political scientists use statistical methods to calculate the percentage of voters relative to the total population. In the case of Brazil, Letícia Bicalho estimates that the electorate represented

13% of the free population in 1872 (Caldeira 2017: 278–ff.).

Similar studies for other countries show the following figures: 11.2% in the elections for governor in Virginia, United States, in 1851; 2.6% of the Spanish population in the national election of 1865; 18% in the Portuguese elections of 1878; 6% of Austrians voted in 1873; 5.5% of Swedes in 1872; 10% of the Dutch in 1870; the best situation in the Western world was in England, where 20% of the population had been voting since 1832 – but in Scotland the figure was just 12%.

In Brazil, illiterates, Indigenous people and blacks all voted. The first black man to be elected to parliament was Antônio Rebouças, from Bahia, in 1829 – in the United States, this did not happen until 1871. This significant gesture marks the formal entry of Afro-descendants into the power structure as a very late exception. And so, once again, the classification limits are recorded without going into the substance of the merits of slavery, in the same way that native peoples are overlooked.

We have already listed the most substantial losses, let's move on to other very significant ones. With the creation of the Republican Party in 1870 and the sound performance of a few candidates, particularly in provincial elections, the advocates of the Moderating Authority really began to fear the rise of a federalist electoral mass that could elect individuals who advocated destroying the monarchy. They resorted to the model that had been installed in the southern United States since 1876 when a tightening of the franchise – things such as requiring written tests for citizens lacking literacy, just to mention the mildest mechanism – reduced the black electorate to a negligible fraction of its previous size. In Brazil, this process culminated in the reform of 1879, which imposed the need to write applications for illiterates with

the constitutional right to vote, thus reducing the electorate to a paltry 1.5% of the population.

This reform was the most radical attempt to maintain the Moderating Authority's influence over the outcome of elections – not that different to the American reality. Tracy Campbell (2005: 77) analysed this situation in the United States before 1876 – when it worsened as a result of the tightening of the franchise – as follows: “It was a decade of corrupt elections, in which the two parties saw each other as deliberately rigging results. The idea of counting the results honestly didn't cross anyone's mind”.

In Brazil, even before the cancellation of illiterate people's right to vote, there were already other mechanisms for altering the value attributed to representation. Informal parliamentarism¹³ was based on a set of procedures. The emperor chose the head of the cabinet; his first act was invariably to dismiss all the provincial presidents of the opposing party – these were the so-called “derrubadas” (which involved the total replacement of the aforesaid individuals). The provincial president, in turn, dismissed all the officials involved in organising the election, including the police chiefs.

Senator Nabuco de Araújo masterfully summed up the mechanism in a speech in 1868:

Look at this fatal sorites, this sorites paradox that does away with the representative system: the Moderating Authority can call whoever he wants to organise the cabinet; that person holds the election, because he has to hold it; that election decides the majority. That's the representative system in our country (Nabuco 1949: 110).

It is true that this system meant that the person chosen by the Moderating Authority won all the

elections that took place during Pedro II's 49-year reign. It is also true that, in Brazil, the pressure to shape the electoral result came from above and was transmitted down through the government structure. It is undoubtedly true that the provincial presidents, officials of the Moderating Authority who could be fired, were the obvious links during the imperial period.

But in this same speech, Nabuco de Araújo also made a choice that revealed the nature of the insoluble contradictions generated by the empire's paradoxical constitution:

I ask the noble ministers of the Crown that, if by any chance they find what I say inconvenient in relation to the position I hold in the Council of the Crown, I ask them to discharge me from the position of Advisor of State. Because I prefer the mission that I have been given by my fellow citizens to follow the opinion that elected me and put me in this position, to everything else (Nabuco 1949: 107).

At that time, the most that an elected representative of the citizens could hope for in the Executive branch was to serve two masters. On the other hand, there was considerable room for arbitrariness in the system. And when it came to weighing up the alternatives, the Republicans who extended the scope of the vote to the executive branch, regional governments, and mayors were very cautious when it came to expanding the electoral franchise, even though universal male suffrage had become the standard in the western world.

If the monarchists who feared Republicans reduced the size of the electorate, the Republicans also feared the monarchists. The 1891 constitution made it a written rule that illiterate people should not be allowed to vote, which was a step backwards compared to the West, which had already adopted universal male suffrage as a rule, and it took a century before this rule was overturned. Women's suffrage was expanded in 1934,

¹³ Brazil's first experiment with parliamentarism occurred during the Empire, from 1847 to 1889. The second (short) experiment took place during the Parliamentary Republic, a phase of João Goulart's government, from 8 September 1961 to 24 January 1963.

and illiterate people were only allowed to vote again in 1988.

The clear reversal of the evolutionary line of representation – if we consider the advanced model relative to the Western world during the colonial period as the standard – leads to a significant initial question: how can a society that created a widespread and efficient representative system very early on coexist with central structures that are less inclined to value it – or democracy, in the modern sense of the term?

4 STATECRAFTING CENTRAL AUTHORITY IN BRAZIL

The answer to this question requires us to explore conceptual issues that have been dealt with here in an implicit or residual way. The existence of a system of representation along the lines described is the first of these issues. The existence of a representative system is not by itself enough to characterise a political arrangement as democratic. To be considered democratic, the construction of political authority has to be anchored to two additional principles – participation and competition. The historical-sociological assumption here is that society is structured to recognise a single source of sovereignty, the people, as the criterion for legitimising political authority. Indeed, the logic of representation was present in Brazil but at the local level only – and well before the country's political economy (understood as the set of various interests, institutions and ideas) was structured to see some value in non-slave labour. And this is the necessary material condition for considering popular sovereignty as a criterion for political legitimacy.

When it comes to understanding the formation of the state, however, the logic of representation matters, even though limited to the local sphere. It is one of the drivers of the political arrangements

underlying distinctive features of the Brazilian experience. It was present at various later moments when the construction of the national state was at stake. For instance, it shaped the negotiations at the root of the political arrangement that anchored the Independence, codified in the Constitution of 1823, under the form of dual sovereignty. Also, it was invoked to justify the open challenge of federal power in critical moments. First, in the succession of outbreaks at the regional level in reaction to the absolutist impulses of Lisbon and Pedro I, which were decided *manu militari*. Second, in the sequence of autonomist demands during the Regency period.

In broader historical terms, the logic of representation operated as an enabling constraint to accommodate the coexistence of conceptually distinct and logically opposed criteria of sovereignty and, consequently, of legitimisation of political authority. However, it was not present in its pure state but rather in a variety of combinations, according to the context in which the relationship between norms, institutions, and practices regulated the exercise of political authority. It also varied according to the transformations in the broader power system that framed the country's political economy. In the Empire, under Pedro II, it was present within the narrow limits established by the exercise of the moderating authority – but which was somehow guided by a form of electoral representation. Earlier on, it gained new substance and meaning as a result of the dominance exercised by Parliament during the Regency – framing the negotiations that legitimated the “age of majority”.

A century later, under a different power configuration, this logic was present in Brazil's version of a technocratic-military dictatorship, with some room for the survival of political representation. That is, the political class survived through elections and a newly created party system, which opened the space for challenging military rule

through parliamentary activism.¹⁴ However, it is at the cost of successive institutional rearrangements in the party system imposed from above in response to the military governments' electoral defeats. Either way, this was evidence of some recognition of the value of the electoral game and the parties. In broad historical terms, therefore, the logic of representation has acted as a constraint to the full exercise of arbitrary power. This distinctive feature enabled the construction of institutional arrangements that attempted to reconcile otherwise mutually exclusive notions of sovereignty.

5 CONCLUDING REMARKS

From a comparative perspective, the task of reconciling mutually excluding notions of sovereignty is one of the factors at the root of the distinctive characteristics of the statecrafting challenges faced by elites in Brazil.

The transformations recorded in the formal structures of power and government in this study partially confirm what the comparative literature suggests, namely that the institutionalisation of the modern state was not a uniform process, either geographically or historically. Nor was it unilinear. It is known that the paths to statehood varied according to the social forces that gave momentum to the formation of the basic attributes of this phenomenon in accordance with the historical moment and the order of its entry onto the international scene. And, not least, according to how it is integrated into the broader power relations that encompass and sustain it.

¹⁴ As is well known, Brazil's bureaucratic military regime held direct elections in both municipalities and states but not in the state capitals – although the elections were deeply controlled and restricted. It also set up a new party system, redefining it every time it faced an electoral defeat. In this respect, it was different to the equivalent regimes in Argentina and Chile and has been viewed by some comparativists as *dictablanda*, in contrast to the respective dictatorships.

But there are “universal” attributes stylised by political theory in terms of “phases of development” or “history of the state” (Poggi 2011: 2486–2496). This sequence offers a convenient starting point for highlighting the specific characteristics of the “history of the Brazilian state”. Its starting point is the centralisation of power in a given territory and the concentration of political resources – military and financial – which are essential for consolidating this dominance. This consolidation is followed by the strengthening and rationalisation of the administrative apparatus and the construction of positive law (also construed as the depersonalisation of authority). And last but not least, the expansion of the state, a phenomenon in which the apparatus itself plays the leading role but has its roots in other processes because they respond to transformations in society (for example, literacy, urbanisation, and industrialisation).

By taking the formal structures of power and government as a starting point, the evolutionary line drawn here suggests a sequence partially shared by other former colonies. It is encompassed within a system of power in which two of the attributes of the state – the monopoly on the means of violence and the monopoly on the ability to tax – result from a process of institutionalising power that is distinctively specific to colonial society. In this context, the way in which the relevant institutions were internalised conditioned the substance and scope of the challenges faced by domestic elites in building a national state.

The royal family's arrival altered this script by “nationalising” part of these capacities before the consolidation of the national state through new institutions and symbolic resources – and resulted in unique challenges to the art of governing (which await an analytical history).

Consider, for example, the second reversal of the evolutionary line of power structures analysed here, namely that of a federation and the abrupt

elimination of the franchises enjoyed by the regional authorities, as codified in the 1821 Constitution. This shift was the result of a movement from Lisbon aimed at restoring this central control. However, its incorporation into the 1824 Constitution, that is to say, into the post-Independence order, engendered distinctive features of the emerging national state. It was driven by a new round of the concentration of powers to tax and spend – thus limiting the autonomy previously enjoyed by the sub-national entities in colonial times. This shift also obeys a different political dynamic, placing relations between the state and society at centre stage. These institutional developments are better explained in terms of a process of statecraft: in other words, in terms of domestic and international strategic choices and how these were calibrated and reconciled by the rulers of the day over the course of time (Sola/Whitehead 2020).

From the perspective of “histories of the state” suggested here, the processes of institutionalisation of political power theorised by the contemporary German sociologist Heinrich Popitz helps us better understand Brazil’s history (Poggi 2011: 2486–2496, citing Popitz 1996). By considering what he regards as the last phase of the modern state, namely the growing integration of power relationships into a more comprehensive order – that of the social edifice – he forces a change of focus. For him, the institutionalisation of power is embedded in – and eventually adapts to – a pre-existing situation. This situation is part of the social edifice that encompasses it and, at the same time, sustains it.

Two implications can be drawn from this perspective. The first relates to the phase corresponding to the emerging national state in Brazil, as it involved a succession of challenges relating to the ways in which the state’s dominance expanded over a society organised around a pre-existing representative system at the local level. The

second relates to the analytical framework adopted in this study. Fully understanding the processes outlined here in terms of formal structures of power and government would require a reconstruction of how the state and society transformed and constituted each other – a task beyond the scope of this paper.

Along the same line, the idea of the expansion of the state’s domain is instrumental in understanding the relationship between different paths of statehood. Gianfranco Poggi (2011) reminds us that in certain historical contexts, the “administration” was responsible for refining the processes of rationalisation and expansion of the state’s domain, but it did so on behalf of a specific ruler or set of interests and ideas. In other contexts, the social transformations that encompassed the rationalisation and expansion of the state’s rule generated new groups and elites that challenged the privileges reserved for the aristocracy and, later, the ruling elites. When successful, this process resulted in the formation of a liberal public sphere. By establishing this sphere, “the state projects itself to a large extent as empowered by the population to serve their needs” (Poggi 2011: 2493–2494). From this interpretation, we derive the notion of democratic accountability: the perception that the holder of a public office is merely a trustee of the state and of the population’s interests.

In ideal-typical terms, however, the active promotion of citizenship has been one of the two basic responses to the process of expanding the state’s domain. The other has been the promotion of nationality, which consists of evoking the feeling of shared identity and political destiny among the population.

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