REPRESENTATIVE DEMOCRACY AND CORRUPTION IN POLITICAL SYSTEMS

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Abstract- The present theoretical essay has been written for a paper presentation at the International Conference of Law and Political Sciences (ICLPS), held by the International Institute of Engineers and Researchers (IIER), in July 2017, in Oslo, Norway. The main purpose of this essay is, firstly, to address the elective mandate as a model of political representativeness and, secondly, to hold that this is an ideological strategy based on the persuasion of social groups towards transferring the political power to the countries´ economic power holders who hide themselves behind the so called mass-oriented political leadership in countries experiencing contemporary Democracy. We argue that the legal institutions that are on the basis of the democratic political systems make this ideological strategy possible through disguising political parties, political campaigns and short-term elective mandates whose main purpose is to arrange optimal opportunities to set up business contracts among the Public Administration and a selective group of politicians and businessmen allowing for their own illicit enrichment. To support this argument, we highlight the corruption phenomenon in countries that are at the edge of the global economy and whose legal institutions weaknesses open the door to extraneous arrangements between politicians and businessmen to take control over their countries´ government. For instance, in Brazil (one of the first ten countries listed in the global economy rank), several different political parties that control States and counties across this country not only sank the Brazilian economy, wiped out the financial resources of PETROBRAS S/A, a public oil refinery company, but also contributed deliberately to the illicit enrichment of certain people and groups, bringing about one of the biggest criminal investigations carried out in Brazil, the "Operação Lava Jato". Finally, we propose some guidelines to minimize the damaging effects that ideological manipulations and arrangements cause to democratic political systems, which include improvements in the Law systems and in the legal institutions´ control arrangements and, lastly, nationwide free press guarantee.

Key words— Political representation, Ideological instrumentalization, Economic conglomerates, Brazil, Lava Jato.

I. INTRODUCTION

The political representation[1], as a milestone of the non-direct democracy, is an ideological principle that rose, acquired strength and consistency as a political guide and as a legal standard since the establishment of the ideas and ideals that took place in Europe and in Latin America, around the seventeenth and eighteenth centuries, when capitalism mode of production overcame, throughout the historical process, the Middle Age feudalism and the absolute monarchy in Western Europe. Only when capitalism became strong through the political society groups´ evolution process did the formal boundaries between politics and economy set apart "...dando causa histórica e constituição jurídica a uma antítese básica — consistente na contraposição entre sociedade civil e sociedade política...", resultando no surgimento do Estado contemporâneo"... na transição da Idade Média para a Idade Moderna..."[2]. Until then, and since back in time, the governors in charge held the economic power and, as a result, they controlled social groups in several different manners which were present in societies from ancient civilizations throughout Western Europe during early Liberalism revolutions, in the seventeenth (1688 Glorious Revolution) and the eighteenth centuries (American Revolution - 1775–1783; French Revolution - 1789 - 1799) Ideological artifice of considerable relevance, without which it would be almost impossible the development of pacification strategies through the statutory societies´ history, the subjection is defined, according to J. A. Guilhon Albuquerque, as "...mechanism with double effect: the agent is recognized as an active subject and, at the same time, as a subject submitted to an absolute Subject. In each ideology the subject's place is occupied by abstract entities, God, Humanity Capital, Nation, etc., which, though with their own specificities, are perfectly equivalent in their ideological mechanisms in general..."[3]. Through the subjection phenomenon, individuals conform to rules that are imposed by someone else not familiar to them, and they accept those rules as a natural guide to their behaviors (interpersonal, social, professional, religious, financial behaviors, and so on). The subjection is an ideological self-backward feeding mechanism that produces, by itself, domination (of and by people; of and by social classes; of and by civilizations). Through this ideological strategy, the use of regular and consistent physical violence towards gaining control over people becomes unnecessary.

Interrelated, all these phenomena (mechanisms or strategies) deliberately lead the subject (as an individual or as a member of a group) to interpret reality and social facts in a certain way, because they produce a historical consciousness withdrawn and have an effect on the analytical

perception of critical-minded individuals (in both their singularities and ties) that produces a collapse in their reasoning ability, which leads to alienation and to a false belief that reality is a place that they cannot act upon directly except through a power-owner authority.

The historical consciousness withdrawn is behind alienation[4] and it facilitates the rise of ideologies that, as a truth on their own, come to be the founding principles of the individuals´ mentally-built reality. When they are brought to their extreme point, they are generally materialized in terms of demonization-of-others and result in its followers´ ideological intolerance.

II. POLITICAL REPRESENTATION THROUGH ELECTIVE MANDATE AS AN IDEOLOGICAL MECHANISM

Ideology as discussed here does not refer to that of "science of ideas", that has been proposed by Antoine-Louis-Claude Destutt ("Elemens D`ideologie" - Destutt de Tracy[5]) during the beginning of the nineteenth century. It is also not related to the distorted interpretation by Napoleon Bonaparte, who did not interact frequently enough with philosophers, because he believed that their ideas stood apart from the actual reality. The concept of ideology discussed here also differs from that of Karl Marx, who defended that ideology was defined by a distortion of reality in favor of the dominant bourgeois class and in disfavor of the dominated proletariat class ("Die deutscheIdeologie: Kritik der neuestendeutschen Philosophie in ihren Repräsentanten Feuerbach, B. Bauer und Stirner, und desdeutschen Sozialismus in seinenverschiedenen Propheten" - 1845-1846[6]). Ideology, as discussed here, is somewhat similar to that of Karl Mannheim ("Ideologie und Utopie" – 1929[7]), who defined ideology as a way to maintain and justify social structures without the individuals being aware of such rationalizations, but unconsciously these individuals conform to them, because they are, as an ideology, the way through which individuals understand and interpret reality within the social interactions among groups and social classes with which they are in contact.

Ideology, as discussed here, refers to rationalizations that serve the development and dissemination of ideas (information strategically fragmented about social, cultural, political, economic, religious, syndical phenomena) that are of interest to social classes that actually dominate the mode of production of ideas and of the social patrimony in the capitalist system (industry, commercial, services, syndical, and information conglomerates, and so on). Ideas under the labels of information or knowledge are created and spread out as an apparent truth that makes it difficult to the target social class to read and interpret reality effectively. This process veils the truth behind their corresponding essences, because it is important that they do not come out. Under these ideologies – under these ideas rationally arranged – individuals and social groups act as they were independent human beings, however, unconsciously, their behaviors are guided by ideological rationalizations that mask the interpretation of the reality. Also, these ideologies are rationally transformed in principles and (constitutional and intra-constitutional) laws that are incorporated to the Legal and the Political Systems of Modern States, as standards for the citizens´ reasoning and acting, who in turn accept them as truth in guiding their behaviors and thoughts, even though they are not aware of the primary causes of these ideologies (i.e., principles and laws).

Among the well-established ideological rationalizations, which are built up as principles and constitutional and intra-constitutional laws, the political representation through elective mandate, considered as the representative Public Administration´s and the Modern State´s alter-ego, is the most legal-supported ideological strategy, because it represents a legal and a political ideal of all the Democratic States governed by the rule of law that were shaped as Parliamentary Monarchies, Presidential Republics and Parliamentary Republics. The political representation is supported by several legal and political instruments that conform perfectly well to the ideological rationalization behind them: political parties, political affiliation, open and secret vote. All of these legal and political institutions allow for the political representation through elective mandate to acquire status ("appearance") of mass participation instruments for choosing and building up the government systems of contemporary States. This ideological representation hides real fact ("essence") in that legal and political strategies are used to give e economic power holders the political power by means of elective political positions in contemporary Democratic States governed by the rule of law, endorsed by the vote of the mass, which in turn believe that they are playing a role in the political elections, in that they are deciding in favor of those candidates who will act on behalf of the mass interests as their representatives in the Public Administration.

III. THE IDEOLOGICAL MATERIALIZATION OF THE POLITICAL REPRESENTATION: ELECTION CAMPAIGNS, ELECTIONS AND POLITICAL CORRUPTION

Perhaps one of the best definitions of Democracy would be that stated in the book entitled "The Best Democracy Money Can Buy" (GregPalast, 1982[8]), in which the author discusses the relationship among large economic Corporations and the Government

representatives democratically elected in States considered Democratic and ruled by the Law.

As a standard practice, in established Democracies (United States of America, Brazil, England, France, Germany, Spain, Japan, and so on), there is spontaneous or mandatory mass participation in elections for high-level positions for Public Administration representatives and for both Executive and Legislative (Parliament) Powers. The election candidates for these elective positions represent, in a sense, actions, projects, programs and ideas that are specific to their respective political party. Political parties are vital legal and political instruments of Democracy: democratic systems cannot take place without the freedom-based existence of political parties. Truly democratic systems are multiparty systems. The political parties financially support highly expensive costs of the political elections. Although some countries adopt in their Constitutions and laws the possibility of financing election campaigns using the public financial resources, the elections require many millions of dollars, which is more than the public financial amount that is available for this purpose.

The electoral candidates as well as their parties receive the million-dollar funds they need from major economic Companies. This is the rule of the political game. This is the rule of the democratic game. In the capitalist system, the elective political mandates are "commodities" in which large economic corporations invest during the pre-election, election periods and sometimes during the active period of the elective mandates. However, because the mass is required to vote in the parties´ candidates through elections, the ideological rationalization behind the mass´ free choice in voting for their political representatives in the Democratic States ("appearance") is endorsed and materialized. However, the mass is not aware that their political representatives are financially supported by large economic corporations ("essence") and that, before the political representatives become the mass´ representatives, they are, first, political and legal instruments in the hands of the economic power holders in charge of the Public Administration in contemporary States. In addition to this, the political elective mandate is the "commodity" whose price varies according to the elective position, and according to the respective Democracy rules.

No one, in any of the contemporary States, is elected democratically without the legal and political structures, and huge financial backing of by the political parties. In the United States, the place of birth of the Modern Republic, political-party-free candidature is allowed for North-American presidential candidates, but such permission, although legal, is merely political and formal. In the real-world election, one may achieve the position of President of United States of America only through billionaire arrangements by the political parties ("The greatest show on Earth" – The Economist). Depending on the legal system of each country, the political parties receive a significant amount of money for their election campaigns. However, the major funding (in millions) is provided to them through private business companies. These companies are large national, international or transnational economic conglomerates that financially support the political parties and the huge costs of their election campaigns. Likewise, these large economic conglomerates provide financial funds ("buy?") for the elective mandates of those candidates aiming at a position in the Public dministration of the contemporary States. None of the economic conglomerates donate their money to strictly humanitarian causes. The post-election businesses opportunities emerge during the economic relationships that are established throughout the pre-election and election periods.

The large national, international, and transnational economic conglomerates, when financially supporting political parties, political campaigns and election candidates, are actually making short-, mid-, and long-term investments. And, when the elected political representatives finance the economic conglomerates back using the Public Administration financial resources, this is the phenomenon called, within the Criminal Law field, corruption. In politics, corruption is, briefly speaking, the observable part of the big deal – "of the short-, mid-, and long-term investments" – set up by the economic conglomerate players in the election market game.

Also, as Milton Friedman said "There ain't/is no such thing as a free lunch". In the Modern Democracies, the elective mandates are the large companies´ objects of desire. The financial support provided to political parties, election campaigns and election candidates is the price paid by these companies to make businesses with the Public Administration through the political representatives they get elected... democratically through the vote of millions of citizens who proceed to voting at the best of their intentions to collaborate with the improvement of the political scenario of their respective countries.

That is the origin of the representative government, underlying the contemporary Democratic States. That is the capitalist way. That is the system. Democracy is economically highly expensive. And, for its existence, a huge, huge amount of money is required.

Clear examples of what has been discussed here are the current events affecting the Federal Republic of Brazil, whose institutions, public authorities, and public-state companies were set up by the political representatives in charge of the Federal Parliament (Senate and House of Representatives), Republic Presidency, and all of the parliaments, in the counties and states governors, that were elected through free and secret vote of millions of Brazilian citizens. The

elected political representatives that were supported financially by large construction companies payed back with frauds and deviations of Public Admistration resources. One of the major oil companies, PETROBRAS S/A, broke down and was forced to recognize losses of millions of dollars caused by fund deviation towards corruption, due the audit companies that did not accept to audit PETROBRAS´ balance sheets,.

All of the five latest Brazilian presidents that are still alive have been mentioned as supporters of corruption in favor of economic Corporations. Most of the federal parliamentarians, a great number of governors and almost all of the potential candidates for the 2018 Brazilian Presidential Elections are implicated in electoral corruption. All of the major Brazilian political parties, with no exception, are implicated in Public Administration financial resources deviations favoring large economic Corporations to obtain illicit financial resources for their election campaigns. The major political scandal of the Brazilian political history resulted in the major criminal investigation currently carried out in Brazil, the "Operação Lava Jato"[9] [10], that has terrified political parties, political representatives, Public Administration institutions, public-state organizations and the Judicial Power[11]. The political scandal targeted by the "Operação Lava Jato" has also ashamed honest Brazilian citizens[12]. Seventy-seven high-level executives of the major construction company in Brazil (Odebrecht company) have already confessed that this company payed, approximately, U$1 billion towards corruption in eleven countries, bribing governors and election arrangements. In just one investigation carried out in the United States, the Odebrecht company agreed to pay U$2.6 billions as a penalty for using North American banks in corruption transactions in foreign countries. However, Brazil is not alone. Political-electoral scandals occur in the United States, Mexico, Venezuela, Japan, Germany, France, in practically all Modern Democracies and Dictatorships, but each country has their own local particularities.

The political-electoral corruption has ramifications in all departments and in all the high-level public administration positions, regardless of the political parties, or the elected candidate or even the ideological orientation: all of them are committed to their supporters, all of them are committed to the large Brazilian economic conglomerates. Because this is the origin of the democratic systems of the contemporary States: apparently, citizens freely vote for honored candidates supported by their political parties; in essence, the representative government system and the elective mandate are legal and political instruments that make it possible for large economic conglomerates to take over the political control power in Democratic States governed by the law and yet to hide from the population, the big deal that consists of investing in the political election system of major Democracies in contemporary States. This scenario worsens when it takes place in countries that are in the economic periphery and that play minimum or no role in the world economy. In such cases, in addition to the election systems´ way of functioning, involving huge financial political campaigns, the populism of popular political leaders, and the public-state institutions´ and the free press´ weaknesses sum up. In well-established Democracies (Germany, Canada, Denmark, Iceland, Finland, Sweden, for instance) the historical process contributed with clarifying and revising the political electoral system. It is not a coincidence that these countries are among the best-rated countries in the Human Development Index, according to the United Nation Development Program (UNDP).

Public Administration controlling institutions and the free and active press are two powerful antidotes against electoral corruption, because they expose the electoral malaises of their political representatives to the public opinion. The "light of the free press" represents to the electoral corruption the same as the light of the dawn represents to the vampires: death forecast.

And, for crowning this, there is always the need to improve the legislation that supresses electoral crimes, providing the basis for typifying and defining penalties that will prevent the promiscuity between Public Administration representatives and the representatives of business industry giants.

CONCLUSION

The representative Democracy, implemented through temporary elective mandates in Modern States ruled by the law, is still one of the best government practices that has been documented through the mankind civilization history, however, as a legal and political organization that became structurally solid during the seventeenth and eighteenth centuries´ Liberal post-revolution period, along with the capitalist system development, it has been still passing through an ongoing transformation and evolution process. Yet, there are barriers to target and overcome throughout the historical process.

One of the main barriers to be faced in the establishment of major Democracies is indeed the termination or reduction of the impact of the economic power that is represented through major national, international and transnational Corporations, by means of financially supporting political parties, election campaigns of candidates applying for elective positions. This is an important step to suppress and reduce the high levels of corruption involving arrangements between the business industry giants and the Public Administration. And, even though the political-electoral corruption is present in almost all of

the major Democracies, such corruption mechanisms are present in a greater extent in non-developed and emergent countries. As an example, Brazil, the major country of Latin America, and one of the ten biggest economies in the world, is currently experiencing the negative impacts of promiscuity between major Corporations and political parties, electoral campaigns, elected candidates and the Brazilian Public Administration financial assets.

A possible solution to minimize the aforementioned promiscuity is, in fact, the improvement of the legislation that specify suppressions regarding the presence of the private capital in a country´s election system and, always and always, wide and unlimited free press, because only this will make it possible for honest citizens, potential voters, to become aware of the actions and mechanisms involving deviation of the Public financial asset by political representatives.

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[4] Alienation here is defined by a process whithin which the dominant classes´ ideas become dominant ideas and, therefore, become dominant ideas among all social classes; alienation is not "...é produzida erro da consciência que se desvia da verdade, mas é resultado da própria ação social dos homens, da própria atividade material quando esta se separa deles, quando não a podem controlar e são ameaçados e governados por ela..." — cf. Marilena Chauí, em O que é ideologia?. 2ª ed., São Paulo, Brasiliense, 2008 (Coleção Primeiros Passos: 13), p. 77 e p. 88

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