

1 Introduction

In Brazil, as in most democratic countries, the involvement of judicial institutions in political and social matters has grown significantly in recent years. Magistrates, public prosecutors, attorneys, and state lawyers appear in the national media on a daily basis to participate in public debate. This situation is markedly different from the recent past, when the members of the Brazilian justice system distinguished themselves for their extreme discretion and for deliberately distancing themselves from controversial issues and discussions of society's social ills.

In the light of such recent changes it is surprising that the number of sociological studies of the justice system in Brazil, and one suspects elsewhere, is still relatively insignificant. Despite the academic community's increasing interest, the judiciary remains the least studied of the three branches of government. The same can be said of the remaining institutions that comprise the justice system: the Public Prosecutor's Office (*Ministerio Público*), public defenders, police, lawyers and civil registries.

The importance of the justice system in Brazil is greater than that of a pillar of the *Estado Democrático de Derecho* (Democratic *Rechtsstaat*) in which the judiciary guarantees the rule of law and applies it in a fair and impartial way. The democratic Constitution of 1988 confers a critical role on the justice system, expanding its scope of intervention over the other branches of government. Moreover, the Constitution establishes the principle of constitutionality over the rule of majority. That is, it established a system of political control in which the constitutionality of laws and political decisions prevails over the will of the majority. Furthermore, a wide range of individual rights and social rights was constitutionalised in 1988. Strictly speaking, few themes escaped legislative attention. As a consequence of these changes, the justice system institutions were hoisted to a position of first magnitude.

Taking into consideration the absence of a tradition of respect for civil and social rights, either by the state or by civil society, the 1988 Constitution is a legal landmark and represents a significant redefinition of the scope of public policy. Has the

The Public Prosecutor's Office and Legal Change in Brazil

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new constitutional text, however, provoked changes beyond formal alterations in law? In other words, have the new legislation and justice institutions affected to any degree the life chances and development opportunities of ordinary citizens, particularly the poor?

2 Equality of Law and Social Inequality

One of the most important effects of the incorporation of rights into national constitutions is the reduction of inequalities (Marshall 1967). Historically, the process of increase in citizenship rights has meant an expressive reduction in the levels of social exclusion. The recognition of equality before the law has, in various national contexts, been translated into increasing possibilities for the enjoyment of public goods. That is, equality before the law has contributed to the reduction of economic and social inequalities.

In Brazil, however, the desired effects of legal equality have been, if not null, at least of little significance. Two features of Brazilian social life stand out: on the one hand, the extremely high rates of socio-economic inequality; on the other, the juridical order, despite approximating that of liberal democracies, possesses a more symbolic than effective meaning. The distance between the two – legality and reality – has been observed by many analysts, and has been summed up in expressions that highlight the existence of two Brazils: the legal and the real. The legal Brazil has been a country of equality, which incorporates rights and respects legal norms. The real Brazil is characterised by enormous inequality in income distribution and elevated rates of poverty. Inequality in the distribution of income produces dramatic effects in the opportunities for economic and social inclusion. There is in fact a situation of cumulative inequality: the poorer, besides having a low income, have an extremely low educational level and far less opportunity to benefit from public services. The real Brazil, in contrast to the legal, has therefore been a country of inequality, of exclusion and of disrespect for legal principles. In the real country, rights are a dead letter for a significant part of the population.

A very high level of social and political conflict is one of the symptoms of this extreme inequality and

social exclusion. The number of new cases brought before the courts each year is one indicator of this level of conflict: in recent years, on average, there has been one new case for every twelve people; in 1999 alone this amounted to eight million cases. Certainly, one cannot explain the high number of litigations by looking exclusively at economic indicators, but the latter should be taken into consideration. Other factors also contribute: the discrepancy between the processes of urbanisation and industrialisation; big urban concentrations; the loss of primary bonds; the lack of minimally efficient public services; impunity; the lack of trust in the institutions responsible for solving the conflicts.

Any possibility of confronting the legacy of social inequity, which maintains the exclusion of a significant part of the population from access to minimal conditions of dignity and citizenship, requires fundamental redistributive policies and effective legal guarantees. Hence, the performance of judicial institutions has a double significance: its ability to control state policies and its ability to provide a fundamental public service – peaceful resolution of social conflicts.

3 The Crisis of Justice

The dissatisfaction with the performance of the judiciary is not a recent problem. Public manifestations of discontent with judicial institutions have occurred since the colonial period and reflect the poor performance of the courts and how far short they fall from a minimally satisfactory model of justice. The deep changes – economic, social and political – that have marked the country in the last centuries have not been accompanied by changes of the same rate or depth in the justice system. On the contrary, public perception for a long time now has been that these institutions are incapable of responding to the rising demand for justice, are anachronistic or even worse, and are impervious to change.

The current situation differs from that of the past, however, in at least two regards: first, justice has become a national priority – it is now part of a larger reform agenda – and, second, tolerance for the inefficiency of the judicial system has decreased significantly. The *magnitude* of the symptoms

indicating the need for reforms is significant: loss of trust by the public; obsolete procedures; excessive tardiness; scarce resources; congestion of services; anachronism of civil and criminal legislation; deficient professional training of legal professionals; absence of public control of the activities of legal professionals; and so forth.

In recent years, not only has general dissatisfaction with the distribution of justice risen, but members of the justice institutions themselves have shown growing disapproval and have participated actively in the public debate. Indeed, magistrates, attorneys and prosecutors have actively sought to shape discussions about legal reform, elaborated proposals for change and fought to prevent alterations being made.

From the point of view of the functioning of the judicial machine, some indicators are enough to show that the crisis of justice in Brazil is not a subjective evaluation. In 1998, for example, 7.5 million lawsuits were filed in the Common Justice Court (*Justica Comum*) for the whole country and 4.9 million were judged, that is, 66.13 per cent. At the beginning of the decade, in 1990, 4.2 million were filed and 2.4 million judged, representing 57.8 per cent. These numbers show that there has been an increase both in the number of lawsuits and trials; and that, although the rate between the ones filed and judged has decreased, the difference is still very considerable. These days a lawsuit takes on average six years to be judged.

This weakness becomes even more apparent when taking into consideration that only 33 per cent of all people involved in some kind of conflict go to the judiciary in search of solutions. Most parties in a conflict do not get to a court of law. The situation of the judiciary would be far worse if the other 67 per cent saw the justice system as the best place to settle disputes. If everyone were to make use of the law, the system would be near collapse.

The high number of cases nevertheless reveals a paradox: there is simultaneously an excess demand for judicial services and a lack of demand for solutions to social problems through public channels. Some sectors – above all public agencies and business people – utilise the justice system too much, as they seek to turn its slowness into an

advantage. Legislation governing lawsuits, for example, allows a large number of appeals, which effectively postpones final sentencing indefinitely. In contrast, large sectors of the population are excluded from the judicial services, both because of the costs of access to the judiciary, and because many people do not believe that judicial settlements offer any real benefits. Hence, the affirmation that the poor are only aware of the Penal Code (through their contact with the police), but not the civil code.¹ As a result, the resort to parallel forms of justice (governed by the law of the strongest and with great potential to unravel all the social fabric) has been growing.

The lack of access to judicial institutions is a significant obstacle to the achievement of citizenship.² Lack of knowledge of their rights, and a view of the law as something expensive and slow, has kept most of the population away from the courts, which are seen as a last resort.

4 The Justice System and the 1988 Constitution

The distance between legality and reality – that is, between rights consecrated in law but disrespected in everyday life – is a clear indication of problems in the field of effectiveness of legal norms. The deficiencies of the institutions of justice, their inability to meet existing demand and the lack of access by a considerable part of the population, were taken into account in the 1988 Constitution. The Constitution tries to remedy these problems, including in ways that contribute to a substantial democratisation of society, through the formalisation of rights, the erection of the legal mechanisms to put them into effect and the reinforcement of the role of the institutions of the justice system.

The 1988 Constitution, from a rights point of view, incorporates two fundamental changes. First, it recognises 'collective rights' (diffuse, collective and homogeneous interests) alongside more traditional individual rights. Second, it strengthens the mechanisms of protection of both types of rights. The document can be considered a turning point because the new rights and mechanisms to protect them require the state to act. Public authority cannot absent itself – in the words of the Preamble of the Constitution it has to actively intervene to

... institute a democratic state for the purpose of ensuring the exercise of social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society, founded on social harmony and committed, in internal and international orders, to peaceful settlement of disputes.

For the protection of these collective rights an innovative juridical instrument was conceived: 'public civil action' (class action). Strictly speaking, this juridical instrument precedes the Constitution. The original legislation of 1985 sought to provide redress for harm caused to the environment, to the consumer, to the goods and rights of the artist, and to aesthetic, historic, tourist and landscape values. In the 1988 Constitution, the scope of public civil action is expanded significantly to cover any diffuse interest of society, including rights related to health, social security, social assistance, education, healthy environment, motherhood, childhood, adolescence, the physically disabled and the social function of property.

The protection of diffuse and collective rights serves the urgent need to rationalise an important part of the legal system, since a single lawsuit can now include a larger number of agents. The greatest gain, however, is the real possibility of increasing access to justice, as now entire groups and communities can pool resources and bring collective cases. The creation of collective rights entails a recognition that forms of social conflict exist that are of a collective rather than an individual, nature; the law's object is not the abstract or generic individual, but the individual in her or his specificity, that is, as a consumer, as a child, as an elderly person, as black, as homeless and so on. To sum up, collective rights constitute a legal instrument to correct inequalities, a mechanism for distributive justice.

The constitutional innovations are not restricted, however, to the incorporation of new rights and juridical instruments. There is also a new conception of the institutions of the justice system. Both the judiciary and the office of the public prosecutor have acquired new functions that have changed the profile of these institutions in important ways. In this article I will focus on the

Office of Public Prosecutor, since it is this institution that initiates the cases that activate the judiciary.

5 The New Office of the Public Prosecutor

The 1988 Brazilian Constitution assigns to the Office of Public Prosecutor two principal responsibilities. These are to (1) defend the constitutional interests of citizens and society at large, and (2) ensure that public administration fulfills all its constitutional responsibilities and adheres to existing legal norms. The Public Prosecutor's responsibilities are best highlighted through citing the relevant passage of the Constitution:

The Public Prosecutor's Office is a permanent institution, essential to the jurisdictional function of the State, and it is its duty to defend the juridical order, the democratic regime and inalienable social and individual interests. (Article 127)

A list of a few of its institutional responsibilities, which are detailed in the Constitution, allow us to verify the important role played by the Office of the Public Prosecutor in Brazil's political and judicial arena:

... to ensure effective respect by Public Authorities and by the services of public relevance for the rights guaranteed in this Constitution, taking the action required to guarantee such rights; to institute civil investigation and public civil suit to protect public and social property, the environment and other diffuse and collective interests. (Article 129)

Such attributes stand in sharp contrast to the Office of Public Prosecutor which existed prior to the 1988 Constitution. Academic work and press releases up until 1988 only associated public prosecutors with criminal questions, and members of the Prosecutor's Office in turn were only seen as responsible for filing criminal charges. In addition, in previous constitutions the Office was the institution responsible for defending, in a juridical capacity, the interests of the state and its respective

office holders. It is emphasised that the institution was legally tied to the executive branch and did not enjoy autonomy.

Today the Office enjoys independence from the other branches of government. It is not subordinate to either the executive or the judiciary. This institutional transformation was accompanied by a large increase in the jurisdiction of the Office of the Public Prosecutor. In addition, to maintain its ability to prosecute criminal cases the institution was granted the responsibility to defend collective and diffuse rights (the environment, the consumer, etc.) as well as to protect minority rights (children and adolescents, people with disabilities, the elderly, etc.).

Due to this expansion of its jurisdiction, the Office of the Public Prosecutor is able to bring a lawsuit demanding, for example, that the state provide education and health services, or shelter for homeless children. From its position of public administrative overseer, it can bring lawsuits challenging the constitutionality of existing legislation or normative acts promulgated at the federal, state or municipal levels.

Moreover, the Public Prosecutors' Office has a powerful juridical instrument to guarantee diffuse and collective rights – '*ação civil pública*' (public civil action suit). Although other public institutions and civil associations can also make use of this legal instrument, it is the prosecutor's office that uses it most.

The Constitution further stipulates the unity and indivisibility of the Office and guarantees its administrative and functional autonomy. It further grants the institution the same prerogatives as the judiciary: life-long tenure for its members, a guarantee that prosecutors will not be transferred to other jurisdictions against their will, and a constitutional guarantee of due benefits.

All these features enhance the potential of public prosecutors to defend 'social rights', be it through controlling abuses of power within the public or private sphere, or through defending social rights. Stated in other words, these new institutional features transform the Public Prosecutors' Office into a potential instrument that can ensure what O'Donnell (1998b: 40) calls 'horizontal accountability'.

6 From Legality to Reality

The judicial reforms enacted by the 1988 Constitution, and the set of new laws deriving from them, have created a propitious environment for a more effective system of justice. Due to the 1988 Constitution, Brazil's justice system has increased its ability to oversee public and private institutions and protect individual and social rights. In order to help ensure such responsibilities are carried out, the Constitution provided functional and administrative autonomy to the Office. As we have already noted, however, the constitutional attributes delegated to the Public Prosecutor's Office presume the existence of an institution with a high capacity for intervention.

The potential of the Public Prosecutor's Office to play a significant role is further enhanced by its organisational design and low level of institutionalisation. From an organisational point of view, it can be characterised as a decentralised institution that lacks a functional hierarchy and gives substantial autonomy to each prosecutor. Therefore, within any given state-level Public Prosecutor's Office there can be great variation in the performance of individual prosecutors, which can range from a very conservative to the most liberal interpretation of the institution's mandate. Furthermore, the low level of institutionalisation within the Office acts to give its members a great deal of freedom, leaving the institution's identity open. The performance of the institution depends greatly on the characteristics of its individual members.

The new legal parameters and 'political will' embodied in the Constitution have, in fact, been translated into effective action. The performance of the Public Prosecutor's Office, subsequent to the 1988 Constitution, stands in stark contrast to its previous caricature. Both federal and state public prosecutors have adopted their newly granted supervisory and control responsibilities. Members of the institution have been utilising the legal instruments at their disposal to intervene in the most diverse spheres within public administration and collective life.

At the federal level, the members of the Office of the Public Prosecutor have transformed their institution into a veritable political actor. Federal prosecutors have actively participated in political disputes

between the executive, legislature, or civil society groups. Prosecutors have brought legal action against government ministers for the misuse of public funds and/or property,³ have questioned social and economic policies, and have also denounced crimes in the financial system. Not coincidentally, federal prosecutors are viewed with suspicion by members of the executive, senators, federal deputies, directors of state-owned enterprises, and monetary authorities.

Within the states, the institutional performance and type of work undertaken by the Public Prosecutor's Office has varied greatly. Despite such variation, however, one can affirm that generally the state-level prosecutors have been most effective in cases of administrative crimes. According to a study that drew upon court records across the country, over the last five years prosecutors have convicted one-hundred-and-ninety-five mayors and former mayors. To cite only a few examples:

- in the southern state of Rio Grande do Sul, one hundred were convicted, with twelve mayors or ex-mayors convicted in every hundred counties;
- in Paraíba, a northeastern state, eighteen were convicted, and public prosecutors were able to induce mayors and former mayors to return R\$1 million of misappropriated funds to state coffers;
- São Paulo has seen fifteen convictions, four hundred lawsuits are currently underway, as are almost twice as many investigations of allegations of improper hiring practices and misuse of public funds;
- in Pará, in the north of Brazil, there were four convictions, with the public prosecutors bringing charges against one-hundred-and-twenty-five mayors and former mayors, the majority for misuse of public funds.

Rio Grande do Sul deserves special attention. In this state, public prosecutors have faced the least amount of resistance from the judiciary – a traditionally conservative institution, which shies away from political conflicts. Since 1994 the state Supreme Court has established a criminal court with the sole purpose of hearing cases against mayors. This court has already convicted one hundred mayors, with punishments ranging from compulsory community service to prison sentences

for such crimes as the misuse of public funds or irregular contracting. Currently there are two mayors in prison.

Due to public prosecutors' efforts, the majority of mayors and councillors in the country face an unparalleled level of control. Whereas in the past mayors were accustomed to govern without any form of accountability and use their mandates either for personal enrichment or as a springboard for higher office at the state or federal level, today, at the very least, they find themselves in an uncomfortable position.⁴

The Office of Public Prosecutor does not restrict itself to monitoring administrative impropriety. It has also become involved in protecting social and collective rights and has demonstrated considerable ability in influencing the implementation of public policy. Its influence in the latter instance must be a critical component of any analysis of the extent to which citizen's rights and social protection are being attained in practice. The set of institutions comprising the justice system can now legitimately question decisions made by local executives and demand federal, state and municipal legislators to regulate and implement constitutionally guaranteed rights. From this point of view, legal documents both protect rights and open an unprecedented venue of action for the judiciary, the Public Prosecutor's Office and organised groups in civil society.

7 The Public Prosecutor's Office and Civil Society

Social movements and their respective struggles for rights and social inclusion have gained significant visibility in Brazil since the 1980s. This public ascension of important sectors of civil society has been triggered by, amongst other factors, the union strikes that were first conducted in the late 1970s and the re-emergence of civil society during the process of political opening and democratic transition. These new collective actors have helped transform the concept of citizenship from one based on individual rights to one that incorporates a more social and collective dimension. On the other hand, their demands have helped create new types of rights, which were eventually incorporated into the Constitution of Brazil.

In this new and distinct phase of Brazilian history, organised groups establish new types of relationships amongst themselves and with other actors – whether it be within civil society or with the state. In this new socio-political context these organised groups have relied on the ability to invoke the law and, amongst other channels, seek to satisfy their demands through the formal system of justice.

The relationship between the Public Prosecutor's Office and civil associations has been of fundamental importance in a context where the space for action on behalf of groups within civil society is inscribed within the law. A few prosecutors not only admit but also value a partnership with civil society:

... the Public Prosecutors' Office has to seek partnerships with other sectors in civil society who defend similar interests. Therefore, in all issues ... public prosecutors can't act alone. [The Office] has to seek partnerships with unions, environmental groups, human rights groups, and neighbourhood associations, etc.

Recent studies demonstrate that prosecutors see themselves as political actors whose role is not only legally to defend collective rights, but also to act in conjunction with social movements to 'resolve the social problems' that lie behind the defence of these rights. Some groups within the Public Prosecutor's Office even work towards developing political projects that seek non-judicial solutions in the defence of certain collective rights. In these efforts they seek to resolve conflicts through informal mechanisms of negotiation and conflict resolution and to garner public opinion.

State-level public prosecutors often coordinate their work with colleagues in other states, and prosecutors often remark that 'our work is not intended to be solely punitive, but primarily preventative'.³ Indicating the prevalence of such an orientation, the institution customarily distributes booklets to the general population that seek to 'educate the population in their right to demand their rights'. Each booklet almost always contains the same title: 'Know your rights! Complain! Speak with your prosecutor!'

8 Who Guards the Guardians?'

While the Constitution undoubtedly delegates to the Public Prosecutors' Office the responsibility for supervising and controlling political and judicial institutions, it does not define who should supervise the institution. Such ambiguity raises the old question: 'who will guard the guardians?' As a result, there is a growing concern over possible 'excesses' on behalf of members of the Office. A discussion of these issues needs to be developed, perhaps along the following three lines: (1) the institution's particularities within the justice system; (2) its limits within the justice system; and (3) whether it is subject to internal and external controls.

Recruitment and promotion patterns within the Public Prosecutor's Office reveal how the institutions of the justice system differ from other political institutions. Like the judiciary, entry into the institution is not conducted by election but through a civil service examination, where potential candidates require only a law degree. Tenure and merit are the two criteria used for promotion. These mechanisms do not provide a means of external control consistent with a classic conception of vertical accountability.

A lack of internal vertical accountability, however, is not necessarily a positive or negative trait. There are strong arguments in favour of entry through a civil service examination, which include: (1) accessibility to all with a law degree; (2) removal of all possibility of political influence and/or nepotism; and (3) competence as criteria. This manner of selection has shown itself to be 'democratic' by being 'transparent'. Promotion based on tenure rewards career experience, and is an objective criterion that allows promotion to individuals who do not circulate within the organisation's powerful or influential groups. In contrast, promotion based upon merit can lead to a mechanism of internal control.

Two agents are responsible for ensuring internal control: the Corregedoria (Inspectorate) and the Attorney-General, the highest post in the Public Prosecutor's Office. The Corregedoria, a high-ranking department within the institution, is broadly responsible for personnel orientation and supervision. At the federal level the Attorney-

General of the Republic, and at the state level the Attorney-General of Justice, are political appointees and accountable to elected officials.⁶

The large degree of freedom and autonomy given to members of the Public Prosecutor's Office constitutes the most important problem facing the institution. According to legal norms, each prosecutor has the right to select his own cases according to his own criteria. And, there exist very few mechanisms, if any, of popular control over the prosecutors.

The Constitution grants a number of protections to members of the Public Prosecutor's Office to guarantee the institution's independence – principally from the executive. Those same guarantees, however, can contribute to 'excessive' behaviour in which the institution begins to operate beyond the limits of its prescribed mission. But, much like the judiciary, without these constitutional guarantees the institution would be open to pressure from the private and political arena, making it very difficult to carry out its responsibilities.

Concern over potentially excessive behaviour of the Office of Public Prosecutor, however, should be attenuated by the fact that members of the institution only have the power to initiate legal action, conduct investigations, and open public inquiries. Ultimately the judiciary will decide whether an accused party is guilty or innocent. Prosecutors are also not above the law and are bound by ordinary legal constraints.

9 Conclusion

From a constitutional perspective, the Public Prosecutor's Office may be the Brazilian justice institution which has undergone the most profound changes. As a result it is still in the process of defining itself, both in terms of its internal organisation and in terms of its relations to external actors and groups.

The current judicial reform proposal in the Brazilian Congress includes an important item that 'prohibits members of the Office, the judiciary, and the police from unduly disseminating to the media, or other third parties, information gathered in the process of carrying out their respective

responsibilities, which violates confidentiality laws to the detriment of personal privacy and the public image of the individual in question'. According to the reform proposal, the National Council of the Public Prosecutor's Office is empowered to fire members of the institution who violate the above clause. Known as the *Lei de Mordaça* (Muzzle Law), this reform proposal is supported by the Office of the President and practically all mayors, while opposed by public prosecutors and the media. Those in favour of the reform justify it as a necessary means to protect individual rights. Opponents, however, claim that, if approved, the reform will effectively give impunity to public administrators involved in charges of corruption, public contracting fraud, misuse of public funds and illicit personal enrichment.

In addition to this proposal, there are two other amendments being discussed in the Congress that seek to restrict the autonomy of the Public Prosecutor's Office. Both have generated intensive debate. The first amendment stipulates that candidates to the office of Attorney-General of the Republic 'can include any person who is not employed by the Public Prosecutor's Office of the Union, but who is at least thirty-five years of age, has considerable juridical knowledge, and an unblemished reputation.' The second amendment gives the President of the Republic direct authority over prosecutors' promotions, and hence career paths.

Leaving the merits of these reform proposals aside, these amendments provide an obvious indicator that legal reforms implemented in the 1988 Constitution have changed Brazil's justice system performance. Work conducted by the Public Prosecutor's Office, specifically its supervisory and control responsibilities, has generated significant reaction by segments of the polity whose interests have been hurt. The proposed Muzzle Law is not only the first reaction by opponents of the office, but it also is an indicator that the 'formal-legal country' has had an impact on the 'real country'. Simultaneously, however, there has been a rediscovery of the rule of law by society. A significant and growing segment of the population is discovering that the justice system can be an effective means to oblige government to carry out its responsibilities.

Notes

1. Carvalho (1997) based on data from a research concludes that the justice system 'is inaccessible to the great majority of Brazilians. For them, there is the Penal Code, and not the Civil Code' (p. 49).
2. Capelletti and Garth (1988), in a text that became mandatory, state that 'the entitlement of rights has no meaning in the absence of mechanisms for its effective demands. The access to justice can be faced as a fundamental requirement – the most basic of human rights – of a modern and egalitarian juridical system that intends to guarantee, and not only proclaim everyone's rights' (p. 12.).
3. The Public Prosecutor's Office has taken legal action against twelve ministers for using the Brazilian Air Force's planes (Força Aérea Brasileira) for private benefit. One must note, however, that the Attorney-General of the Republic also faces similar charges.
4. In written law the possibility for supervision has always existed, whether it be by the legislature over the Executive or vice versa, or through the Tribunal de Contas (the legislature's Court for Public Spending), an organ created with the sole function to oversee public spending.
5. Public Prosecutor from the state of Pará, interviewed April 1999.
6. According to the Constitution, the Attorney-General of the Republic is 'appointed by the President of the Republic from among career members over thirty-five years of age, after his name has been approved by the absolute majority of the members of the Federal Senate, for a term of office of two years, reappointment being allowed.' According to a study conducted by IDESP, only 5 per cent of Public Prosecutor members agree with this selection rule. The overwhelming majority think that selection should be conducted without political interference. The Attorney-General of Justice is in turn nominated by the state Governor from a list of three candidates, who are elected from all members of the respective state Public Prosecution Office. Differences in selection rules for the federal and state attorney-generals serves as indicators of the institution's level of real autonomy.

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