

## THE BRAZILIAN WAY OF DOING THINGS AND THE PHENOMENOLOGY OF CLEPTOCRACY

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### Abstract:

*The theme of Ethics in Public Service is a controversial issue, but actual, taking into consideration that every day increases the number of employees at public sector, these employees with a degree in various areas. Because to the number of professionals, appear a major problem; this great intellectual capital isn't used to make the machinery of government functions efficiently. Now that knowledge acquired in university education in both the institutions and the Private Public, which should be put in place and are in many cases replaced by defects should not exist. Most of these as kind of no ethic ills could be defined here as absence of ethics: the administrative dishonesty, bribery and others, that sense when considering such a phenomenon of corruption, we chose to use descriptive analytical method, with exploratory aspects, through research bibliographic found in the reporting of political articles and specialized books, adds to these procedures the phenomenological method. This study demonstrated the origin and complexity of between ethics and corruption as a phenomenon as old as the humanity. It is suggested a revision to avoid a crisis of values within the authority, especially in governmental decision-making, what happens in general and particularly in the power base, is impunity, or an unconscious incentive to corruption, as does it comes to more serious penalties for these agents, which most often go unpunished or worse, are reappointed to their posts, including almost always by a unconscious vote of the brazilian people.*

### KEYWORDS:

Ethics, Corruption, Brazilian Way.

### INTRODUCTION

This Article is the result of a research on ethics in Public Service. The problem of initial research intends to discuss about the ancient culture of "brazilian way". Also Known for providing this game of waist in time to resolve situations that may not be legal, but judge morality. The known recourse Brazilian is seen as a clever trick to solve problems that are insoluble far from the legal point of view, bureaucratic and even financial. Ramos (1966) says, that the known recourse is "had virtually as a national characteristic of Brazil, a country with a large and intricate bureaucracy, the way or your nickname known recourse, began now to be employed in numerous companies as their only means of survival".

Already for Damatta (1997) The way is a way of giving more space for negotiation.

Due to these abuses reported and often exposed in prime time by means of communication, this culture that some Brazilians acquire by exercising positions in public service are beginning to be unmasked

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and Santos (2007) in his work "The space of the citizen" flame of employees without a mandate.

The present Article has as objective to show the disrespect that has been occurring with the rules of conduct and ethics in that requires the public service and the work that the public officials should pay.

## 2 METHODOLOGY AND PROCEDURES

The research method used for this study is divided taxonomically on two basic criteria: about the purposes and the means. How many to the purposes the research was exploratory, descriptive and explanatory (Marconi, 2006).

Exploratory because there is a emphasis and systematization of a research ethics in administration. According to Vergara, (2000), it does not involve assumptions and, however the same could be suggested along the work.

It is descriptive in order to expose the characteristics of some immoral practices in the public service of parliamentarians etc. do not have The same commitment to explain "The Brazilian" although Known Recourse will serve as an initial basis for such explanation (VERGARA, 2000).

This sum-if the explanatory research in order to make intelligible the reason for using the "jeitinho brasileiro", write about the factors that contribute to the strengthening or weakening of this phenomenon (MARCONI, 2006).

In relation to the media, the research was documentary, literature review and case study. It is a documentary research because it was held in printed documents, old and varied. It is a bibliographic research, because were used various works of various authors, materials from magazines, internet, and variety of sources both primary and secondary.

It is a phenomenological study social and philosophical frameworks, by dealing with an issue of ontological server corrupt in Brazil. This study has relevance to reflect the relationship ethics in public service and the phenomenon of Brazilian way as social fact already recorded by anthropologist Darci Ribeiro (1995).

## 3. THE SPACE OF THE CITIZEN

The principle, you can imagine that the failure occurs due to a lack of awareness of their own citizens, whether by the standards and examples tax up by our leaders, bringing an effect of omission of the role of a citizen and their rights. These effects cited are objectified by the rulers.

Santos (2007), the classic work "The space of the citizen" shows us that these acts of disrespect to rights and representation that some of public officials, violate the moral rights, and mainly, attacking the culture of citizens, giving the impression that public services can be something, when the same is inalienable.

A proposal less theoretical and more practical, you can understand this concept by analyzing certain behaviors from day to day, when it comes, for example, the attitude of certain professional this may be a doctor, journalist, lawyer, administrator, a political and even a teacher; expressions such as: medical ethics, journalistic ethics, ethics administrative and public ethics, are very common. We can check that ethics is directly related to the pattern of behavior of the professional (Sanchez Vazquez, 1982).

The man drew the laws to regulate their behavior ahead to our needs (rights and obligations) and in relation to the social environment. AND here comes another important point that is the culture, and it is clear that we have not here the culture in order of quantity of acquired knowledge, but rather the cultural traits sociologically in favor of social function, the well-being and everything that concerns the principle of human dignity. This sim is the crucial point, the essence, the most controversial point when we dealt with the question of ethics in public administration, which will be detailed in the next few topics, because it is the demarcation and central theme of this research.

When we talking about ethics in public administration, as soon as we believe in corruption, extortion, inefficiency, and other negligence toward. But, in reality what we have as a point of reference in relation to the public service, or in public sector management in general, is to set a default, an assessment from which we can then judge the actions of public servants.

However, it is not enough that there is no standard, so only, it is necessary that this pattern is also reported within the ethical principle, above all. The foundation that needs to be understood is that the ethical standards of public servers comes from its own nature, i.e. public in nature, and its relationship with the public.

The question of public ethics is directly related to the fundamental principles, these being compared to what we call in Law, "Fundamental Norm", a standard hypothetical with ideological assumptions and that should govern everything more what is related to the behavior of human beings in

their social environment. Indeed, in this sense we are backed by the Federal Constitution of 1988. This sustains the moral values of good conduct, good faith above everything, as basic principles and essential to a balanced life of the citizen in society.

Another point quite controversial is the question of impersonality. Contrary to what many believe, the public servants and their servers should be given priority by the question of "impersonal", making it clear that the term is a synonym for "equality", is yes is the key issue and that elevates the public service to situations that arrives to be considered ineffective, the majority of those involved do not appreciated by the principle of equality in public.

The idea of impersonality presupposes a distinction between what is public and what is private (in the sense of personal interest), which generates, therefore the great conflict between the private interests above the public interest.

The lack of ethics in public administration finds fertile ground to reproduce, therefore, the behavior of public authorities is far from the ethical principles and this occurs due to the lack of preparation of officials, culture mistaken and especially, by lack of control mechanisms and proper accountability of unethical acts.

The society in its turn, has its share of responsibility in this situation, because it does not mobilize to exercise their rights and prevent these cases shameful abuse of Public Power.

One of the reasons for this lack of social mobilization if the, due to the lack of a culture citizen, i.e. the company does not exercise their citizenship. However, Milton Santos (2007) questions, if there is "a citizen in this country"? For him since birth people inherit from their parents and the long life and also of society, moral concepts, which are being challenged later with the formation of ideas of each one, but the majority of people are not yet found citizen.

The ethical awareness, such as education and culture are learned by man, thus, ethics in public administration, can and must be developed along with public officials, thus causing a change in public administration that must be felt by the taxpayer who employs it daily, either through the simplification of procedures (Santos, 2007).

The change that you want in public administration implies a gradual, but necessary, processing of "organizational culture" within the structure of the Public Administration, that is, a reassessment and valorization of traditions, values, habits, norms, which are formed over time and develop certain style of acting within the framework of the organization (Bueno, 2003).

The Slav and the lack of ethics that are born in administrative machine, due to the fertile soil and favorable found, governed by politicians without ethics, without criterion of social justice and that, even after the advent of democratic regimes, are still contaminated by "virus" of misguided interests, usually come from societies dominated by situations of poverty and social injustice.

Undermining the trust of institutions, undermine the effectiveness of organizations, increases costs, involves a good use of public resources and the results of the contracts signed by the Public Administration. AND still punishes the society that suffers with the poverty, misery, the lack of a health care system that really works, basic sanitation, housing (own house) in real conditions of payment of their tuition fees, lack of investment in public policies of the Government, and all this, because the corruption leads to "under the carpet", or sometimes "suitcases chock" money, what in fact would imply in social benefits.

### 3.1 The phenomenology of ethics

The etymology of the word ethics in guidance for its original sense. Ethics comes from the Greek ethos. This word if he writes in two ways: with eta, (h) and with the epsilon (e).

Thos: address, permanent shelter - animals/men, in the context of nature, the human being delineates a portion of it and builds a dwelling. The habitation the rooted in reality, gives you security and lets him feel good in the world, she is not given to man, but it must be built by human activity work culture. She must be careful, improved. The thos is not something finished, but something open to always be done, redone and care, thos translates by ethics. It is a reality of the order of purposes: live well, live well. Ethics has to do with basic purposes (such as living well, with essential values such as defending life, with founding principles of action to feed the hungry etc. ). The center of thos is the well, because only he allows that we achieve our end, which consists in knowing we are all well at home. AND we feel well at home (we have a thos, ran the order desired) when we created appropriate mediations, such as habits, certain standards and ways listed to act (Vaz, 1999).

The center of thos (housing) is the self-realization of the citizen in his personal and social dimension. This order, the autonomy, is realized through mediation, such as habits, virtues and legal statutes. already ethos (mediation): means the customs, the whole range of values and habits enshrined by

cultural tradition of a people. eThos: as the set of means ordered the end (well/self-realization) is reflected by morality. Latin: Mos/mores = means the customs and values of a given culture. How many are own of each culture, such values and habits founded several moral (VAZ, 1999).

Ethics and Morals are articulated intrinsically. The manners and customs (ethos) aim to make the villa human and social environment autonomous sustainable and habitable (ethos) for all. which means: "This person has no ethics"? It means to say: "This person has no principles, acts cynically as the advantages that can earn; it could not expect any behavior consistent and predictable, because it does not have a fundamental choice of life" (VAZ, 1999).

What it means to say: "This person has no morality"? Means: "This person has no virtues, mind, deceives customers, steals public money, exploits workers, makes violence at home etc. " This person may even have ethics (principles and fundamental values), but acts in contradiction with its principles. It can occur that the person does not possess and ethics and morality: acts randomly, as their more immediate interests. Have No principles and operates according to the individual advantages (VAZ, 1999).

### 3.2 Epistemological Ethics Aspects

You Could say that ethics is the science of ethos, taking into account the etymological derivation of the word ethics and the evolution that led him to substantives-whether in modern languages to designate a specific type of know formally defined and integrated in 1981 and didactic, is of the Human Sciences or Philosophy (VAZ, 1999).

Even with a fairly simple language will be difficult to formulate and justify a real definition of ethics in its version itself philosophical, even because, historically, it was the philosophy that, originally, it was the science of ethos , therefore, it is still the only appropriate form that allows us to think the rational foundations of this science (Zulmar, 2009).

Ethics, however, has as its object the ethos that presents itself as a historical-cultural phenomenon endowed immediately evident and imposing-if the individual experience as soon as it reaches the first age of rational, where the empirical sciences of ethos implies the universality of this experience, translating into paradigms of language and conduct revealing themselves in a given anthropological indisputable. The phenomenon is that ethical will offer us a substrate empirically the fundamental categories of ethics (ARICÓ, 2001).

For example: the intention of life in as well and, consequently, the act according to the well, from which derives the life better or more happy, for the agent and ethical excellence or virtue of his act or to be, being that the well should be performed, although not by coercion, but by persuasion. Where these terms of traditional Greek imply moral in the semantic content the fundamental concept of well, conceptual around which built the major ethical systems of the western tradition.

The only ethics possible structure-whether in the relation between the subject and the other, in that it is important to be preserved the complex space for inter-subjectivity.[ ... ] only on this Relation of the subject with the other we can build the ethical values about the welfare and mal.[ ... ] also Represents the relationship of the individual with the institutions [ ... ] with the society. (ARICÓ, 2001, 27).

Soon, all human acts must be based in acta ethical principles, with which the jurisdiction provided for that can expressing your moral behavior (moral ground) in a moral behavior ethical (moral reflexive), which is absolutely necessary for that ethics if sustain and improve social coexistence.

### 4. BRAZILIAN WAY OF DOING THINGS

The brazilian way, in portuguese " jeitinho brasileiro", is the imposition of appropriate on the right. You can make use of it to solve the day-to-day issues, will be that the whole way is demoralising, illegal burlador, inconvenience? Or will be that he can also be creative, supportive, benevolent? When we speak in way or known recourse Brazilian, the first thing that you think is more cunning, bribery, ambition (Rega, 2008).

Although this is not the only way of defining the Brazilian way, the negative side of this practice so widespread in our society is the most evident in the media. Temporarily Suspending the law, creates the exception and then everything returns to normal. The Brazilian would be, then, an anarchist, an out-of-law? Not. The Brazilian does not deny the existence of the law, which he denies is its application at the moment.

Flexibility is the modern version of the process that has been termed 'criollo's way', as a strategy for the second degree, that is, raised the formalism whose characteristics would be the creativity and pragmatism. The term is commonly applied in Spanish America the different ways of doing things that are the result of a long process of adaptation to local circumstances, and which do not correspond to any intellectual plane preconception of foreign origin. In Brazil, the criollo's way remained with a connotation

influenced by sociological literature of a process of circumventing a difficulty despite the law and even contrary to it. (BARROS; PRATES 1996, p. 67)

It is justified with all the rigors of reason : if you can pay less Income Tax to a government that does not render properly in social benefits for their taxpayers, by which to do it? Why pay a fine of transit if you can give a way to cancel it? corruption is a daily theme presented and discussed in the media spoken and written. She is present in that way to get a competition, or the way to "help" the tax to forget certain law, or even the way to expedite a process in a public distribution. "The way is not satisfied only in transgressing the norm. Sometimes, by own transgressions, it is important to give a way to not be punishment. In this case the incestuous union between the way and corruption." (Barros; Prates, 1996).

The inventiveness and creativity are some of the facets more relevant from the positive side of the way. The Brazilian has a high capacity to adapt to the most unexpected situations, which can often mean the difference between living or dying, between being unemployed or find a profession alternative to maintain himself and his family (Rega, 2008).

The way is also conciliator, allowing you to create a favorable solution for a situation the principle impossible.

The flexibility represents, in fact, a category with two faces which we denominate of adaptability and creativity, both knowingly pointed up by foreigners who visit us. ( ... ) The concept of adaptability, seen by procedural side, it is not a creation in its pure sense, as the production of something new. Is a creative capacity that is exercised within certain limits prefixed. This contour restrictive is exactly the process that takes place on the side of the institutional subsystem, where there is a recognition of standards and on the basis of these results a adjustment of operating elements attached, creating new habits that are consistent with our way of being. (Barros; Prates 1996, pp. 68 ff. )

Not every "known recourse" is reprehensible, it could be mentioned here, the case of the worker that "replaces" the other in his turn, while he participates in a course in suppletive, to win the lost time. While the negative side of the way generates delicate situations and demanding of ethical conduct, the positive side often come relieve the Brazilian's oppressed life that he needs to overcome. AND it is here that establish the ethical dilemmas of the way. The inconsistency of the government action in areas such as public safety, supervision and planning of tax policy and financial leads the citizen a situation such that its single output at time is the way, the "getaway", under penalty of losing employment or cripple your business. In short, the widespread disregard of public authorities, as the real needs of the people , generates the "sauve qui peut", which in turn powers the way and encourages the transgression of norms (Barros; Prates, 1996).

#### **4.1 The server known recourse Brazilian leads to resignation in SUFRAMA**

The Superintendence of the Manaus Free Zone (SUFRAMA), in the year 2009, registered 17 cases of servers of component, dismissed by Comptroller General of the Union. The resignations have occurred as a result of Disciplinary, Administrative Processes that have proven the use of public office to achieve personal gain and receipt of tuition fee for release of goods from companies, without the realization of physical inspection of the products.

The offenses committed by servers, were proven in traps and telephone tapping environments made by Federal Police, with judicial authorization, during the phase of police investigation.

According to the minister of the office of the Comptroller General Union Jorge Hage, what is being done is a "cleaning" morality in Brazilian Public Administration, which already is approaching 2 billion the number of public agents, various hierarchical levels, excluded from the public service in the past six years by practice of corruption (GGU, 2009).

#### **4.2 The "Brazilian" known recourse and the Mensalão (Great Mensal Propine)**

The Federal Public Ministry in Distrito Federal (MPF/DF) in the year of 2009, proposed 05 (five) administrative actions of Slav against those involved in called mensalão schema. All are being accused of taking part in a scheme to buy political support for the approval of projects and splices in National Congress and illegal enrichment.

The actions are based on documents extracted from the 2245/07 Survey in formality in the Supreme Federal Court (STF). According to the complaints, the criminal organization was composed of three cores of actuation:

- A) The central nucleus, built by leaders of Executive Power;
- (B) The core advertising; and

(C) The core financial, composed by the leaders of the Bank Rural (PROCURADORIA DA REPÚBLICA NO DISTRITO FEDERAL, 2009).

The scheme worked through misuse of public resources, granting of benefits to individuals, in exchange for money and benefits, in addition to the buying and selling of votes of parliamentarians.

Therefore, in addition to practicing the crimes already reported by the Public Prosecutor of the Republic, in March 2008, the involved violated principles of public administration and practiced acts of Slav that resulted in illegal enrichment.

In the actions, the MPF asks for the full reparation of damage caused to the public coffers, as well as the condemnation of involved the loss of public function, suspension of political rights for up to ten years, payment of civil penalty and prohibition of hiring with the public power (Wald, 2009).

#### 4.2 The Brazilian way of doing things: A Business of family

Nepotism is practice which violates the constitutional guarantees of impersonality administrative, in so far as that establishes privileges on the basis of relations of kinship and disregards the technical capacity for the exercise of public office. The foundation of actions to fight nepotism is the strengthening of the Republic and the resistance to the actions of concentration of power that privatise the public space.

In October 18, 2005, the National Council of Justice edited Resolution no. 07, banning definitively the practices of nepotism the Brazilian Judiciary. The standard specifies the cases in which the favoring of relatives in the appointment to positions of dismissed in committee or function profoundly gratified at, represent nepotism, safeguarding situations in which, the exercise of public functions by servers in situation of kinship does not violate the impersonality administrative, either by public tender, whether by temporal configuration of appointments of servers (KARPINSKI, 2009).

The nepotism is closely linked to the power structure of roles and functions of the administration and if configures when, in any form, the appointment of server occurs by influence of authorities or public agents connected to this server by ties of kinship.

Situations of nepotism only occur, however, when the characteristics of the office or function occupied entitle the agent to exert influence on the recruitment or appointment of a server.

In This way, in the appointment of servers for the exercise of positions or public functions, the mere possibility of exercise such influence, simply for the configuration of addiction and nepotism.

After three years of editing the Resolution no. 07/05, the Federal Supreme Court, in the judgment of Action Declaratory of Constitutionality no. 12, consolidated the understanding that the prohibition of nepotism is constitutional requirement, sealed in all Powers of the Republic (STF, Summing Up Binding no. 13 of August 29, 2008 (CONSELHO NACIONAL DE JUSTIÇA, 2009).

The Controllershship - General of the Union, by an act of the Minister Jorge Hage, resigned from the public service, an administrative agent of the Ministry of Agriculture, by Slav administrative characterized by illegal enrichment and provision of consultancy remunerated private company directly related to regular assignments of public office.

During the period concerning the irregularities identified, the server was transferred to the Chamber of Deputies. With the resignation, the administrative agent, is forbidden to return to the federal public service for a period of 05 (five years). The research began in the Ministry of Agriculture, by recommendation of the CGU, after accusations of involvement in irregularities server being peddled by the press.

The Comptroller has introduced a Property Syndication that proved the illegal enrichment of the server, and then introduced new Administrative Process, which confirmed property developments incompatible with their income, as well as the exercise of consulting the legal person, in subject directly related to the duties of public office (ASSESSORIA DE COMUNICAÇÃO SOCIAL - CGU, 2009).

#### 4.3 The Importance of Ethics in the State Concept

State is an institution organized political, social and legally occupying a defined territory, normally where the maximum law is a written Constitution, and directed by a government that has sovereignty recognized both internally and externally. A sovereign State is synthesized by maximum "A government, a people, a territory". The State is responsible for the organization and social control, because it holds, the monopoly of the legitimate use of force (coercion, especially the legal). IS the popular sovereignty foundation of political power, and without it, it will become evade of content.

The articulation of the right and the power in the State constitutional means, thus, The Power of the State should be organized and exercise in democratic terms. The State Reservation is

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constitutional legitimacy of political power and legitimacy of this same Power. The democratic element was not only introduced to curb the power (to Check the power); it was also claimed by the need of legitimating of same Power. (CANOTILHO, 1999, p. 44. 42)

The concept seems to have originated in the ancient city-states that have developed in several regions of the world, such as the -Meter Tall Vase from, Central America and the Far East. In many cases, these city-states were at some point of history placed under the authority of the government of a kingdom or emperor empire, whether by mutual economic interests, whether by domination by force. The State as the unit basic policy in the world have, in part, been progressing toward a supra nationalism, in the form of regional organizations, as is the case of the European Union.

It is important to stress that these ancient peoples have brought in their own modus vivendi ethical aspects that were reflected in the formation of western thought, mainly in the peoples Greek and Roman civilisation, in which we have inherited from the democracy and many other elements (Meirelles, 2002).

The definition of the forms of State according to Aristotle, already showed since the beginnings the existence of pure forms of government and its decadence related. People taken as leaders and heroes by their peers, who to take the power of the State became corrupt in sense of the word (Maluf, 2008).

Therefore, the lack of ethics in the State Monarchy when degenerated, it would become a Tyranny, the Aristocracy degenerates into an Oligarchy, Democracy for which we observed in the current political scenario, a demagogic. (Bittar, 2003 apud Aristotle, Politics, rf. frag. 1279A)

### FINAL CONSIDERATIONS

Brazil lives in actuality moments where the ethical values, in general, have been discussed in the media and in society. Are constant scandals involving public personalities and that has placed the evidence the values of our society. This reflects directly on business and consumers, who are paying more attention to ethics, because thus, you can better reflect whether our acts as Brazilian citizens are agreements with the ethical standards laid down.

After this search out possible analyze and identify that the question of the origin and because of corruption in Brazil, it is not up to the present, a matter of easy understanding, because such phenomena are related with the formation of the personality of the individual in psychological sense.

Already in social sense, the impunity of many corrupt generates motivation for new acts unethical that directly affect the population most lacking that needs of essential public services.

It is not the lack of more detailed regulations of the Brazilian Law, or public opinion, to more serious cause of corruption, is due in large part to the actions of some politicians, from personal interests at the expense of social interests, public institutions, where the posts, in their majority are populated by political criteria (friendship and consideration of favors) (Alvarenga, 2009).

Such partisan politicization in public administration creates vulnerability to corruption, which leads an employee commissioned being he bearer of a position of trust, does not have certainty of a continuity of its permanence in office, in power, or in function, if not following orders recommended, even if they are contrary to the ethical, moral and good morals.

To ensure good governance of institutions destroyed by immorality, corruption, nepotism, patrimonialism, impunity, of fraud and the misuse of public money, the Brazilian State must ensure the transparency of its administration, since access to public office upon jus criterion that is the merit and competence, and never indication for convenience.

The majorities of news programs of national scope displayed valiant a model of dishonesty, especially among the political class and some senior civil servants, who also joined in this ancient practice crankiness. Unfortunately, it is a crisis of values, subject to so much impunity.

This paradox is relevant for a future study, because, at the same time that Brazil stands out in the international scenario and achievement values and respect for Human Rights and economic growth, it can be done a reading, which also during that period, as never before in our entire history, since the discovery, overflowed in dome Isn't so many scandals and corruption, or a "Brazilian" pra known recourse if you buy a tapioca with corporate card.

The person who has "social conscience" is honest above all, follows their good principles and respects to another citizen, since the absence of such practice leads to dishonesty.

The honesty is still one of the few things that is not charged tribute. If it is stereotyped specimen in extinction, in the common sense as bobo or otario (these are the honest) where the most corrupt does not concern itself with honesty, moral, among other words, follows a Machiavellian ethics, where the ends justify the means, even if they are misguided and that aimed at many times the easy money.

Few give value honesty and the external stimuli are all for the leave to be. AND have Brazilian in the power that gives you orders "relax" and others say not to "connect that is anyway" and so many other

millions are worried with ax, the world Cup, Olympics, carnival and football.

Very if need improving in Brazil, to be able to achieve levels of moralization of decent public management . The change occurs in the ballot box, it must be considered that the public administration efficient and transparent to ensure that public money is the duty of the State, upon the representativeness and right to maintain the minimum of the principle of human dignity, because such subjects should have corrupt conscience, because anyone who steals public money is thief of money of all and the opportunity to improve life for many.

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