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**THEORETICAL
FOUNDATIONS
OF POLITICAL
REPRESENTATION AND
THE PARTY SYSTEM**

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Abstract: This work aims to address the main concepts, characteristics and principles of political representation. The theme “political representation” is put up for debate in the face of any problem in which individuals or groups of individuals are placed in an attempt to seek collective consensual solutions. Despite the fact that the solution of collective conflicts is one of the oldest questions of humanity, inherent to the human being itself, the concept of political representation, as it is currently used, appeared much later in Western culture. A complex concept, different from the word “to represent”, and with very particular characteristics. The polysemy of the term contributed to the fact that praxis did not adapt to current ideal models, becoming contaminated by the different uses of “representation” and “representing” in the visual arts, in the performing arts, in literature and in the legal field, among others.

Keywords: Political representation; parties.

THE CONCEPT OF POLITICAL REPRESENTATION

The word “representation”, originated from Latin, means bringing something absent into the presence, or the materialization of an abstraction in an object, emphasizing that this word was not applied to mean a type of relationship between human beings (MEZZARROBA, 2003).

In the Theory of Knowledge, the term “political representation” comprises two types of overlapping presences, that is, the objective presence of a person, object or action and, at the same moment, the indirect presence of a reality that escapes the field of apprehension. direct. The idea of representation is invoked to investigate the phenomenon of knowledge in order to reflect the notion that it comprises a fragment of the world that becomes immediately present to the knowing subject while maintaining a real distance from him

that the cognitive activity must necessarily have (MEZZARROBA, 2003, p. 11).

In contemporary law, exemplified by the Brazilian legal system, the term “representation” includes an almost endless list of associated expressions, which, however, distance themselves completely from the aforementioned “political representation” (see, for example, the term “representation of the offended”, in Criminal Procedural Law). Osvaldo Ferreira de Melo, in his Legal Policy Dictionary, defines the term as follows:

1. In the general language of law, it is the set of powers attributed to a person to perform acts on behalf of others.
2. In Diplomatic Law, assigning a diplomat to act on behalf of his government.
3. In the context of Legislative Theory, the prerogative of the elected to legislate on behalf of voters.
4. In philosophical language, mental process that expresses the idea of something desirable. This meaning includes the sense of *Normative Representation*.

Jellinek apud Mezzarroba (2003, p. 16), states that “the idea of representation is fundamentally legal”, because, from the moment a relationship is established between one person and another or several, and the will of the first becomes overlaps as an immediate expression of the latter’s will, a juridical unity emerges. This way, it must be noted that, although the term can be taken in several meanings, it is in Law that it takes on more body, insofar as it establishes a legal relationship between subjects of law.

With regard to the analysis of the specific expression “political representation”, this differs from the other meanings of the word “to represent”, due to its very particular characteristics. Such a concept only began to be elaborated from the emergence of political-representative institutions, with the English philosopher Hobbes perhaps being the first to develop it. It is from the moment that the representative political regime is placed in

opposition, on the one hand, with absolutist and autocratic regimes, and on the other with direct democracy (MEZZARROBA, 2003, p. 19).

Pitkin (1985, p. 269-270) states that the term “repraesentare” came to be used by Catholicism, in the Middle Ages, as a way of signifying the mystical incarnation of Jesus Christ in the figure of the Pope, in the same way that cardinals would represent the mystical reincorporation of the apostles. The term, this way, comes to be identified, by medieval jurists, with the personification of collectivities, understanding that a Society, even if not constituted as a human being, must be treated as such. However, it is only between the 13th and 14th centuries that those sent to participate in ecclesiastical councils or in the English Parliament begin to exercise the functions of representatives, translating human representation of a political nature.

It was Hobbes who definitively consolidated the term, in his work “Leviathan”, and the course of centuries served for political representation to become a sacred right in the English political experience and, from the American and French Revolutions, to be incorporated into the role of political representation. of Human Rights, passing, then, to the sense of popular representation (PITKIN, 1985).

According to Hobbes (1983), political representation is defined by the pact in which each individual recognizes himself as the legitimate author of all acts of the sovereign, who becomes the actor, who acts on behalf of the subjects. A concept of authoritative representation, an independent mandate whereby, once authorized, the actor is free to decide on behalf of the author. The sovereign represents all subjects with regard to peace and collective security: everyone submits their decisions to the sovereign’s decision because there is no opposition between subjects and

sovereigns.

At the same time, the term “political representation” is linked to the idea of representation through an agent and the idea of acting through others, through political institutions, and occurs from the 19th century onwards, due to the following factors: the emergence and expansion of political organizations in different countries; the gradual expansion of the right to suffrage; the institution of the responsibility of the rulers, for their acts, before the representative organs; and the subordination of “hereditary assemblies” to elected ones (PITKIN, 1985).

In its modern conception, the concept of political representation presupposes a double meaning present in the term “representation”. In this sense, it is an action, according to certain rules of behavior. This way, the parliament is said to represent the country (or the State or the Municipality) in the sense that its members act in the name and on behalf of the voters. In other words, to represent is to have certain characteristics that mirror or evoke those of the represented subjects or objects (AMES, 2006).

Cotta apud Mezzaroba (2003, p.20), conceives a definition of political representation as:

a stable relationship between citizens and rulers as a result of which the latter are authorized to govern in the name and following the interests of the former and are subject to political responsibility for their own behavior towards the same citizens through electoral institutional mechanisms.

In Bobbio’s definition apud Sobreiro Neto (2000), political representation means a particular political mechanism for the realization of a (regular) control relationship between governed and rulers. It inserts the idea that a single individual cannot personally exercise power, but can do so on behalf of the collectivity or universality he represents. An elective representation, however not sufficient

for any type of elections, but competitive elections that offer a minimum of guarantees of freedom for the expression of suffrage.

Thus, it is possible to highlight the evolution of the concept of “political representation”, which is developed, above all, in the liberal project of the State, as an instrument of political participation, although at first exclusionary. Therefore, a concept built by the liberal tradition of rigid attachment to the law and how it reacted to political absolutism, when the monopoly in the production of legality is delegated to representative institutions.

Currently, the concept is in crisis, given the context of bureaucratic expansion and technicalization of discussions, which exclude a substantial portion of the population from formal channels of dialogue with the Public Power. A reality of socioeconomic exclusion is experienced, which enhances conflicts and destroys legal abstraction, pushing the field of discussions towards the political field, seeking to elaborate fairer laws, capable of contemplating the most latent interests.

Therefore, before entering into the merits of the issue of fair representation, it is necessary to outline more defined parameters about what the liberal project of the State and its conception of “political representation” are.

THE LIBERAL STATE MODEL AND POLITICAL REPRESENTATION

The liberal State was born from the clash between the absolutist monarchies and, at the same time, from the struggle for the goals and conceptions of the ascending bourgeois strata. In its project of State, liberalism has present, from the beginning, four essential elements: the defense of freedom, equality, security and property. It presents itself as a logical unfolding of the separation between the public and the private (or personal) (MEZZAROBÀ, 2003).

The liberal theory of the State was based on

the competition of a divided society, therefore, it encouraged the parts not to submit to the whole, each one taking care of his own life, but to administer it under conditions of equality. To this end, a division of powers was created between the Executive, the Legislative and the Judiciary, based on Montesquieu’s theory, which has a strong democratic inspiration, characterized by the principles of equality and participation. (MEZZAROBÀ, 2003).

Due to the very nature of the liberal order, which disseminates inequality among citizens, such equality constitutes a contradiction in itself, since what was witnessed was the bourgeois, censorial and exclusive representation, with which the bourgeoisie illusory began to debate in name of the whole Society and to establish norms valid for all individuals (MEZZAROBÀ, 2003).

The liberal State expects things to change without individual or group intervention, and at the same time to adjust in such a way that things are related in a natural way, without the State having its direct interference in the production process, as also of consumption, since individual freedoms must be respected so that everything is accommodated in a common and simple way (MEZZAROBÀ, 2003).

According to Hobbes (1983. p. 105-106.), previously mentioned, in his authoritarian conception of the State, the formation of the state’s will is found in the union of all men, forming a single person. To make such an entity viable, it is essential to conclude a pact in which:

Let every man say to every man: I give up and transfer my right of governing myself to this man, or to this assembly of men, on condition that you transfer your right to him, authorizing in like manner all his actions. This done, the multitude thus united into one person is called the State.

However, it was Locke apud Mezzarobà (2003), the first great interlocutor of

liberalism, when he introduced the notion of interdependence and emphasized the decision of a majority. For him, each individual can preserve his personal freedom and enjoy the fruit of his work, lacking only, in the natural state, laws established and approved by all and a power capable of fulfilling these laws. Individuals consent to relinquish part of their individual rights, granting the State the power to judge, punish and defend externally.

Locke apud Mezzaroba (2003), recognizes that nature created men free, equal and independent, and to preserve life, liberty and property, they seek union among themselves and submit to a government. The more the government represents individual consents, the more representative it will be. Thus, the political organization would be constituted to preserve property and ensure individual happiness, defined by reason.

The idea of separation of powers is still vague in Locke's thinking. It was Montesquieu (2002) who innovated by overcoming the notion of hierarchy between the powers developed by him. For him, political freedom can only be found in a moderate government, because then it would have Limited Power.

Montesquieu works with the conception of the representative or virtual mandate, that is, chosen by the votes, the representatives of the people and the nobles would have the function of negotiating and defending the interests of those represented in the Legislative sphere. In the act of representing, the representative must take into account the general instructions of those represented, there being no need to consult them on each issue in particular. Governance would be guaranteed to the extent that no power could override the other, as any deliberation would be the result of an entire process of agreements and political negotiations (MEZZAROBA, 2003).

That said, based on these considerations, we can start with the theoretical analysis of

political representation, under the Theory of Mandates, in its three conceptions: the one that associates the meaning of representation with the idea of authority or delegate; the one that deals with the issue from the very activity of representing as a relationship of trust; and, finally, the one that establishes the meaning of representation as a reflection of something or someone.

REPRESENTATION LINKED TO THE IDEA OF AUTHORITY

For this model, the act of representing is linked to the power to act in someone else's place, in which authority arises with the granting of someone's rights, so that someone else can act on their behalf. In this conception, in theory, those represented support the actions of their representatives through the electoral process. And Kinzo apud Mezzaroba (2003, p. 34) adds:

the function of the representative is to function as a transmitter of the will of those represented. The positions assumed by the representatives that do not find support in their representatives are without any effect.

Hobbes placed himself as an important theorist in the justification of domination by absolutism, but it was, however, Jean-Jacques Rousseau, with his criticism of the representative system, that the model of political representation based on the idea of authority would consolidate its principles (MEZZAROBA, 2003).

In Rousseau's understanding, the popular will in the representative system – the general will – did not find its true meaning. For him, sovereignty cannot be represented for the same reason that it cannot be alienated, consisting, fundamentally, in the general will, and the general will does not represent itself. The general will is sovereign and is therefore inalienable, indivisible, infallible and absolute. In relation to the People's Deputies,

he affirms that they are not and cannot decide definitively. Each and every law must be ratified by the People, otherwise it will not be a law (ROSSEAU, 1983)

In this line, Rosseau (1983) diverges from the dominant theoretical trends of his time, allowing a strong criticism of the bourgeois representative system and inserting a problem present in contemporary politics.

REPRESENTATION AS A RELATIONSHIP OF TRUST

Edmund Burke was the advocate of the model of representation as a trust or fiduciary relationship. For this reason, at the moment of choice, the represented places all his trust in the chosen representative, transferring to his representative the Power so that he can decide and legislate on general conducts. Those elected come to represent not only their voters, but also virtually the entire Nation, enjoying the autonomy to decide according to their free will. It would be up to the representative to interpret whether the interests of those represented were being fulfilled or not (MEZZAROBBA, 2003).

In this sense, for Burke apud Rabello Filho (2001), the political party is a body of people united to promote, through joint efforts, the national interest, based on some special principles, around which everyone agrees.

Although an elitist profile is identified in the theoretical (PITKIN, 1985), Burke contributed significantly with his differentiation between virtual mandate and imperative mandate. The first would serve general and national interests, while the second would essentially accommodate local, regional, group interests (MEZZAROBBA, 2003). A theoretical consideration that even today generates great controversy in the contemporary debate on political representation.

REPRESENTATION AS A REFLECTION OF SOMEONE OR SOMETHING

Distinctively from the previous ones, this model of political representation seeks to analyze precisely the function of the representative, in a society in which the representation of social and economic interests is fundamental for its functioning. It starts from the principle that to represent is to witness something that is not actually present, meaning to somehow mirror the absent, says Kinzo apud Mezzaroba (2003).

Based on this model, it comes to be seen as a reflection of the entire social reality, since it takes as a representativeness criterion the correspondence of existing characteristics between those represented and the representative body. Representation is linked to the interests of specific collectivities, of small communities existing within the State, and not to exclusively individual interests – a de facto relationship between public opinion. It can be distinguished in two ways: symbolic and descriptive representation (MEZZAROBBA, 2003).

In symbolic representation, the act of representing is a mere matter of belief, since it is based on a conventional and arbitrary connection. In the depths of the representative, it symbolizes the set of those represented, as an abstraction. Representation is a matter both of precise correspondence and a preliminary condition for justifying government action. (PITKIN, 1985).

Descriptive representation, on the other hand, seeks, through the electoral process, to guarantee the interaction of the interests of the representative body with those represented. In this sense, it contributes to the notion of the importance of representatives resembling those represented, since it talks about keeping correspondence between them. It also takes into account the role of voters' irrational belief

in their representatives as symbols and refers to the need for satisfaction of voters by those elected (PITKIN, 1985).

Mill apud Mezzaroba (2003), was one of the main precursors of the descriptive model, concerned mainly with guaranteeing the political system through the implementation of a representative government, which would guarantee the protection of the rights of minorities and enjoy all his exceptional abilities, however, allowing the will of the majority to prevail in matters of general policy.

Based on proportional representation, Stuart Mill's theory moved away from a model of mass democracy, based on the material equality of all men, but it was of great value for the improvement of the liberal bourgeois project of political representation.

POLITICAL PARTIES AND THEIR CONSTITUTIONALIZATION

According to Damhus apud Rabelo Filho (2001), the name "political party" dates back to the Middle Ages. The factions that once divided the Republics were called parties, the Italian clans in the Renaissance period, the clubs of the deputies of the Revolutionary Assemblies, as well as the committees that prepared their census elections and the popular organizations of modern democracy.

The real political parties emerged just over a century ago, consolidating in the mid-nineteenth century. Originating from the West, resulting from the institution of suffrage, representative democracy, the expression "political party" designated, in principle, groups formed to contest elections and exercise or participate in coalition power. They embrace different positions, but somehow always related to the exercise of State power. (RABELLO FILHO, 2001)

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The first political groupings begin to emerge

from the moment when the different social segments begin to assume their autonomy and awareness of corporate aggregation, in a sense of self-defense in the face of some type of exploitation. Thus, the first forms of political organizations aimed, above all, to defend the immediate practical interests of their members, without major concerns, at least initially, about the implementation of a more lasting government policy.

It was only with the passage of time that parties ceased to be instruments of dispute between dominant social castes, opening themselves to the presence of other sectors of society. With urbanization, they began to orient themselves according to more general interests, but always from the perspective of social segments, influencing the types of parties and their respective programs (RABELLO FILHO, 2001).

The Theory of Parties tries to explain the emergence of the first political organizations through two parallel theoretical processes: internally and externally to the emergence and consolidation of Parliament. For the external theory, the birth of the party is not conditioned to the existence of the Parliament, being able to constitute itself, in some cases, before the Parliament itself, as well as to claim it or to propose its creation. The Party presents itself as a form of ideological aggregation to defend a human condition, to remove certain historical circumstances that deform it (MEZZAROBA, 2003). For the internal theory, which limits its investigation to the birth of clubs and electoral committees, the Party appears as a simple mechanism for organizing forces endowed with some unity in the propaganda of a certain program and in the struggle for the conquest of power (MEZZAROBA, 2003).

Nowadays, the development of parties seems to be associated with that of democracy. The more times evolve, the greater the tendency of men to group themselves by affinities with the objective of acting in common accord in

the achievement of a goal (RABELLO FILHO, 2001).

Sartori apud Mezzaroba (2003), considering the practice and historical evolution of the party, considers three basic premises to characterize a party: 1) parties are not factions; 2) a party is part of a whole; and 3) parties are channels of expression.

The first premise considers that the Party is not a faction, since this is not a necessity, it simply exists. The Party is an instrument that seeks collective advantage; the faction, on the other hand, focuses on serving exclusively individual interests, of a few. That is a functional system, which seeks to stimulate different interests within the political system, never expressing particular conflicts (MEZZAROBA, 2003).

The second considers that the Party will always be part of a whole that pursues the interests of that whole, a pluralist whole. Even though any party is representing only one part, the actions of that part must always take a non-partial approach to the whole. It is essential that every victorious party is impartial, that it governs for everyone and not just for itself, directing society without having the monopolized power of the State. (MEZZAROBA, 2003).

The last premise considers that parties are channels of expression, instruments of representation of citizens, who seek to express their claims through them. In addition, they play the role of channelers, organizers of the individual will of citizens (MEZZAROBA, 2003).

Pinto (2003, p. 94) defines political parties as follows:

These are associations of people united by common ideals, who seek to achieve power to conduct society's interests according to certain principles or manage the State according to priorities that they deem appropriate for a given moment.

Jellinek apud Silva (2003) understands that political parties, in essence, are groups that, united by common convictions, aimed at certain state purposes, seek to achieve these ends.

For Silva (2000), the political party is a form of association of a social group that proposes to organize, coordinate and implement the popular will, in order to assume power, to carry out its government program.

In summary, political parties are social groups of great amplitude, with the purpose of conquering, disputing and exercising power in the various governmental instances, through their theses and ideologies. They maintain a deep structural and functional distinction with the economic classes and are not exclusively composed of isolated individuals, appearing, for the most part, composed of social groups and become indispensable to the exercise of democracy.

CONSTITUTIONALIZING ASSUMPTIONS OF POLITICAL PARTIES

After its constitutional insertion, the Party was endowed with certain guarantees and subject to certain commitments, which regulated its structure and, mainly, its form of political action (which occurred in a particular way in each country). Garcya-Pelayo apud Mezzaroba (2003), when dealing with this subject, the following aspects to be taken into consideration: external freedom – rights and duties of the Party; internal freedom – rights and duties in the Party; and the right to State benefits.

Through external freedom, it is sought to delimit the sphere of freedom of the Parties vis-à-vis the State, in their formation, existence and activity, as well as in the competitive relations that are established between party organizations. By this status, the necessary assumptions are established so that the parties

fulfill their objectives, in the structural and functional context of the constitutional democratic system (MEZZAROBA, 2003).

As for internal freedom, the Party undertakes the ideological control of its programs, the control of its actions, the minimum rules of organization, to attend, to recognize and to guarantee the application of the Fundamental Rights within its own interior. Intra-Party Democracy is an essential requirement for parties to be able to fulfill their function of being a means of access for individuals to the State, being possible only if the leadership and members of the organization remain linked to their social bases. Finally, the Party must submit to a regulation that neutralizes the concentration of powers around a small number of leaders (MEZZAROBA, 2003).

Finally, with regard to the right to State benefits, there is the right of the Parties to receive public funding, such as for contesting elections and using the means of communication for electoral propaganda. Such aid is justified by its condition of exercising public functions without which the existence and updating of the pluralistic and constitutional State would be impossible (MEZZAROBA, 2003).

As García-Pelayo states:

State funding is justified as it seeks to neutralize any type of dependence or linkage of the party organization to personal interests or those of groups outside its purposes. As for the right of access and use of the media, in particular radio and television, these instruments represent the best form of political propaganda and the best channels through which parties can inform public opinion and thus fulfill the functions assigned to them. correspond to the democratic political system, thus justifying their need. (MEZZAROBA, 2003, p. 149)

The same author, when highlighting the

reception of Political Parties by Constitutional Law, considers three important reasons for this fact:

a) the legal recognition of parties confirms the statement that true democracy, pluralist democracy, is only viable due to the existence of a plurality of parties that, in competitive relations for the exercise or influence in the exercise of power in the State, offer the electorate different options policy;

b) Parties are now conceived as an integral and fundamental part of the political-democratic legal system, whose function is to compete in the development of the democratic process or to collaborate in forming the political will of the people.

c) the formalization in the constitutional discourse of the guarantee of the right of political association for a certain purpose [...]. That is, effectively participate in the democratic process; and, due to the characteristics of its nature and purposes, that of submitting to certain constraints regarding its objectives and internal structure (MEZZAROBA, 2003, p. 157).

Such perspectives enabled the transformation of parties into juridical-political institutions of extreme relevance in fulfilling the duty to represent the political will of citizens, referring to new political-constitutional paradigms and new concepts such as Party Democracy (or Party State).

THE STATE OF PARTIES AND THE “NEW” DEMOCRACY

The Party State Theory underlies a contemporary reality, in which Democracy becomes the object of construction as a political space for the masses. A reconfiguration and broadening of political representation, which bring to light an emerging theme in modern political theory, enabling a debate around the performance and functions of Political Parties (MEZZAROBA, 2003).

Such a theory is based on the construction

of a new dynamic of State functioning, placing itself as an alternative model to that of liberal political representation, since it is the problematic aspects of the latter model that form the basis for the development of the democratic-party understanding of the State – a model that demonstrated its inability to guarantee real representativeness. This new paradigm would be the result of articulation and interaction between the party system and the structure of the State, and its goal is to establish a political system that guarantees the effective representation of the collective subject (MEZZAROBA, 2003).

From this perspective, the general state will would be elaborated within the Parties – the center of political decisions –, with the representative body relegated to the background. Public policies would become a consequence of the action and will of the Political Parties as collective subjects, always taking into account the will of their support base. The will of individuals would be previously determined and harmonized in its internal structure and party organizations would thus be transformed into catalysts for public policies. (MEZZAROBA, 2003).

According to Mezzaroba (2003, p.157-158):

The basic principle of the State of Parties is to ensure, as far as possible, that each Party is concerned with making its ideas and conception of the world hegemonic, always based, in turn, on the principles of Democracy and intra-Party discipline.

In this sense, Rodriguez states:

In representative democracy, the electoral process cannot and must not be restricted to a simple relationship between two people, representative and represented. Political representation needs to keep correspondence with the idea of representativeness, which will be articulated with Political Parties “as institutional guarantors of the democratic system.” The election, above all, must be a

manifestation of trust by those represented in that collective subject that is the Party, formally and politically recognized for its functions. The voter’s choice, obviously, must always fall on a party program with which he most identifies. On the other hand, as a result of collective construction, this program can only be modified through a broad and democratic intra-party political process, which allows the effective participation of all its authors. (MEZZAROBA, 2003, p. 15).

Thus, a new discussion arises regarding the purposes of representative democracy, putting into debate a reconfiguration of representation, leading to an expansion of democracy and an effective symbolic representation of the values that emerge daily in society.

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