

WHO GUARDS THE CONSTITUTION?

The Fragmentation of Decision-Making Power in the Brazilian Supreme Federal Court

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Introduction. The Brazilian Supreme Federal Court Between Its Collegial Design and the Individualized Practice of Power

The 1988 Federal Constitution of Brazil, in Article 102, *caput*, entrusted to the *Supremo Tribunal Federal* (Brazilian Supreme Federal Court, hereinafter STF) the primary mission of safeguarding the constitutional text. A systematic reading of that provision reveals a premise often overlooked in public debate: the protection of the Constitution was placed in the hands of the court as a **collegial body**, and not in each of its eleven justices considered individually. The entire institutional rationality of concentrated judicial review presupposes collective deliberation, plural debate, and shared argumentative construction, precisely because rulings rendered in the field of constitutional adjudication produce effects upon the whole political community (Cf. Brasil, 1988).

This collective design is reinforced by the procedural framework of abstract review. Law n. 9.868/1999, in Article 10, *caput* and §3, provides that **preliminary injunctions** in *ações diretas de inconstitucionalidade* (direct actions of unconstitutionality) shall be granted by the absolute majority of the court's members, except in cases of exceptional urgency or during judicial recess, when the rapporteur may rule **monocratically**, always *ad referendum* of the full court (Cf. Brasil, 1999a). In a similar vein, Law n. 9.882/1999, in Article 5, §1, authorizes the rapporteur to grant an individual injunction in cases of extreme urgency, risk of serious harm, or during recess, equally subject to subsequent confirmation by the collegial body (Cf. Brasil, 1999b). The legislator, therefore, was unequivocal: **monocratic decisions are highly exceptional, precarious, and dependent on collegial endorsement.**

The institutional practice of the court, however, has revealed a quite different scenario. At politically decisive moments over the past decades, the power capable of shaping the fate of governments, redirecting investigations, and blocking legislative reforms emanated not from the court's plenary, but from the pen of a single justice acting in isolation, frequently without any substantive collegial pronouncement and, in some cases, against the very majoritarian inclination of the court itself. Diego Werneck Arguelhes and Leandro Molhano Ribeiro labeled this phenomenon "*ministocracia*" ("ministryocracy"), designating an arrangement in which

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Brazilian constitutional politics becomes hostage to the personal preferences, strategies, and idiosyncrasies of each of the eleven justices (Cf. Arguelhes; Ribeiro, 2018).

This article is organized along three major analytical movements. The first traces the conceptual evolution of the theme, from the notion of "*supremocracia*" ("supremocracy"), formulated by Oscar Vilhena Vieira in 2008, to the later development of the idea of "ministrocracy", and maps paradigmatic episodes of monocratic decisions from the Bolsonaro administration through the 2025-2026 cycle. The second deepens the theoretical analysis through the lens of veto-player theory, the three dimensions of judicial power - to decide, to signal, and to set the agenda - and the modes of internal allocation of power within a constitutional court. The third examines the democratic consequences of this configuration, with emphasis on the paradox of internal counter-majoritarianism, the increase in jurisprudential contingency, and the risk of institutional capture.

The aim of this exposition is to demonstrate that inquiry into the STF can no longer be confined to the court as a collective actor. It is necessary to descend one level of analysis and examine the justices as **autonomous decision-making centers**, endowed with formal and informal powers that, when combined, displace the boundary between the collegial exercise of constitutional adjudication and its personalization. Understanding this reality is a precondition for any consistent reflection on the democratic legitimacy of judicial review in contemporary Brazil and on the institutional reforms capable of rebalancing the tension between individual and collective power in the country's most relevant tribunal.

1. The STF as Guardian of the Constitution and the Collegial Design of Constitutional Adjudication

1.1 The Guardianship Mission Under Article 102 of the 1988 Constitution

The 1988 Federal Constitution, in Article 102, *caput*, entrusted the STF with the primary mission of preserving the integrity of the constitutional text. A systematic reading of that provision reveals a premise frequently forgotten in public debate: constitutional guardianship is vested in the court as a **collegial body**, not in each of its eleven justices viewed in isolation. The institutional rationality of concentrated judicial review presupposes collective deliberation, plural debate, and shared argumentative construction, since rulings in constitutional adjudication produce effects upon the entire political community (Cf. Brasil, 1988).

1.2 Monocratic Decisions in Direct Actions of Unconstitutionality as Exceptional Measures

The centrality of the collegial body is not a mere theoretical guideline, but a structuring rule of the procedural framework for abstract review. Law n. 9.868/1999, governing the *ação direta de inconstitucionalidade* (ADI) and the *ação declaratória de constitucionalidade* (declaratory action of constitutionality), provides in Article 10, *caput* and §3, that the preliminary injunction in an ADI shall be granted by the absolute majority of the tribunal's

members, with the sole exception of cases of exceptional urgency or judicial recess, in which the rapporteur may **monocratically** grant the injunction *ad referendum* of the plenary (Cf. Brasil, 1999a).

1.3 Monocratic Decisions in *Arguições de Descumprimento de Preceito Fundamental* as Equally Exceptional Measures

In analogous fashion, Law n. 9.882/1999, regulating the *arguição de descumprimento de preceito fundamental* (ADPF), authorizes the rapporteur, in Article 5, §1, to issue an individual preliminary ruling in cases of extreme urgency, danger of serious harm, or during judicial recess, always subject to subsequent confirmation by the collegial body (Cf. Brasil, 1999b). In both statutes, the logic is unequivocal: the **monocratic decision is highly exceptional**, justified only in scenarios of imminent risk, and bears a precarious nature, dependent on collegial endorsement to become stabilized.

1.4 The Contrast Between the Normative Model and Institutional Practice

This normative design, however, contrasts strikingly with the practice observed in recent decades. What was supposed to be the exception, reserved for genuinely urgent situations, has become a routine decision-making practice of high political density, with isolated justices redrawing, in a few lines of an injunction, the relations between branches of government, electoral processes, and fundamental rights. It is precisely this distance between the **idealized collegial model** and the **individualized practice of power** that gives rise to the phenomenon theorized below.

2. From "Supremocracy" to "Ministrocracy": The Displacement of Power From the Collegial Body to the Individual Justice

2.1 "Supremocracy" and the Institutional Expansion of the STF

The recent trajectory of the STF reveals a curious inversion. Over the past decades, the court has emerged as an inescapable protagonist of national political life, intervening in matters as sensitive as presidential impeachment, the validity of economic reforms, the definition of electoral rules, and the delimitation of fundamental rights. This institutional strengthening was captured, as early as 2008, by the notion of "*supremocracia*" (supremocracy), proposed by Oscar Vilhena Vieira to portray the concentration of political-legal power in the hands of the tribunal as a **collective body** (Cf. Vieira, 2008).

2.2 "Ministrocracy" and the Internal Fragmentation of Power

The years that followed, however, would bring to light a more subtle and disturbing layer of institutional reality. At various moments of acute political tension, the force capable of shaping the destiny of governments, redirecting criminal investigations, and blocking legislative reforms did not arise from the plenary of the court, but from the pen of a single justice acting alone, often without any substantive pronouncement by the collegial body and, in some cases,

in a direction divergent from the court's own majoritarian inclination (Cf. Arguelhes; Ribeiro, 2018).

This recurring pattern demands a new theoretical framework. It is no longer sufficient to describe the STF as a powerful institution: it is necessary to acknowledge that, within the very tribunal, power is **fragmented and personalized** to the point of authorizing a single judge to act with the same institutional reach as the collegial body. To this phenomenon Arguelhes and Ribeiro applied the expression "*ministrocracia*" (ministrocracy), designating an arrangement in which Brazilian constitutional politics becomes hostage to the personal preferences, strategies, and idiosyncrasies of each of the eleven justices (Cf. Arguelhes; Ribeiro, 2018).

2.3 Paradigmatic Episodes of Individual Decision-Making

Striking episodes illustrate the pattern. Justice Gilmar Mendes, by individual injunction, suspended the appointment of former president Lula as cabinet minister; Justice Luiz Fux ordered the restart of the parliamentary processing of an entire legislative package in the Chamber of Deputies; Justice Marco Aurélio ordered the President of the Chamber to advance an impeachment petition against then-acting president Michel Temer. In each case, the decision was technically fragile, individual, and dependent on collegial endorsement that, in practice, either never arrived in due time or simply never arrived at all (Cf. Falcão; Arguelhes, 2017).

3. The Consolidation of the Monocratic Decision During the Bolsonaro Administration

3.1 Suspension of Ramagem's Appointment to the Federal Police

The same individual decision-making mechanism gained even sharper contours during the administration of Jair Bolsonaro, when monocratic interventions began to anticipate plenary deliberations and produce immediate political effects on the relations among the Executive, Legislative, judicial system, and public opinion. A significant example was the individual decision of Justice Alexandre de Moraes, in April 2020, suspending the appointment of Alexandre Ramagem as director-general of the Federal Police, on the grounds of possible *misuse of administrative purpose*, amid the crisis between Bolsonaro and former minister Sergio Moro.

3.2 Establishment of the COVID Parliamentary Inquiry Committee in the Senate

Another notable milestone was the individual decision of Justice Luís Roberto Barroso, in April 2021, ordering the installation of the *CPI da Covid* (COVID Parliamentary Inquiry Committee) in the Federal Senate. Subsequently endorsed by the plenary by ten votes to one, the monocratic ruling produced an immediate effect by removing from the Senate's president the political discretion over opening the committee, paving the way for a parliamentary investigation that struck directly at the government, its sanitary policy, and its institutional responsibility during the pandemic.

3.3 Annulment of Lula's *Lava Jato* Convictions

Equally significant was the individual decision of Justice Edson Fachin, in March 2021, annulling the criminal convictions of Lula in the context of *Operação Lava Jato* (Operation Car Wash), recognizing the lack of jurisdiction of the 13th Federal Court of Curitiba. The measure restored the former president's eligibility for office and reorganized the landscape of the 2022 elections. Although later confirmed by the plenary, the initial institutional shift came from a monocratic ruling, with immediate and lasting national political consequences.

3.4 Suspension of the Execution of "Rapporteur Amendments"

In the same period, Justice Rosa Weber, in November 2021, granted a preliminary injunction suspending the execution of the so-called *emendas de relator* (rapporteur amendments), popularly known as the "secret budget". The decision struck at one of the principal instruments of governance used by the Executive to sustain a majority in Congress, since it directly interfered in the dynamics of budget allocation. The plenary subsequently upheld the injunction and, in 2022, declared unconstitutional the model of execution of *RP-9* funds, but the initial blocking gesture was monocratic.

3.5 Suspension of the National Nursing Wage Floor

The individual decision of Justice Luís Roberto Barroso, in September 2022, suspended the application of Law n. 14.434/2022, which established the national nursing wage floor. Although the matter did not directly affect the political survival of the government, it concerned a statute approved by Congress and sanctioned by the Executive, whose effectiveness was paralyzed by a single ruling on grounds of financial and federative impacts. The episode reinforces the point that the reach of monocratic intervention transcends the electoral arena, also affecting the engineering of public policies.

4. The Intensification of the Phenomenon in the 2025-2026 Cycle

4.1 Precautionary Measures and House Arrest of Former President Bolsonaro

In the 2025-2026 biennium, the logic of individualized decision-making concentration reached an unprecedented level of political visibility. The most eloquent examples involve Justice Alexandre de Moraes and former president Bolsonaro. In July 2025, Moraes imposed precautionary measures - electronic ankle monitor, home confinement, and contact restrictions - on the grounds of coercion, obstruction, and an attack against national sovereignty, with the measures being confirmed by the First Panel days later. In August of the same year, he ordered the former president's house arrest for alleged non-compliance with the previous precautionary measures.

4.2 The Conflict Over the *IOF* Tax Between the Executive and the Legislative

Still in 2025, Alexandre de Moraes assumed a decisive role in the conflict between the Lula administration and Congress regarding the *IOF* (Tax on Financial Operations). In July, he simultaneously suspended the presidential decree raising the tax and the congressional act

that sought to nullify it, summoning the branches to a conciliation hearing. In the absence of an agreement, the judicial decision itself came to resolve the inter-institutional dispute; subsequently, the plenary of the STF upheld most of the governmental decree, setting aside only a specific portion of the tax incidence.

4.3 Restriction of Standing to Initiate Impeachment Proceedings Against STF Justices

Another noteworthy episode was the individual decision of Justice Gilmar Mendes on the Impeachment Law. In December 2025, the justice suspended portions of Law n. 1.079/1950 and held that only the *Procuradoria-Geral da República* (Office of the Attorney General) would have standing to file charges of *crime de responsabilidade* (impeachable offense) against STF justices, restricting standing previously recognized to any citizen. The decision triggered strong reactions from Congress, precisely because a single justice altered, on a preliminary basis, the regime of political accountability of his peers themselves; days later, the rapporteur himself partially suspended his own decision.

4.4 The Control of Parliamentary Amendments by Justice Flávio Dino

In the same cycle, Justice Flávio Dino assumed a central position in the dispute among the STF, Congress, and the Executive over parliamentary amendments. In February 2025, by a monocratic decision with immediate effect, he approved a working plan aimed at conferring transparency and traceability on the amendments, partially releasing previously suspended payments. In December 2025, a new injunction by the same magistrate suspended a portion of Bill n. 128/2025 that would allow the payment of *restos a pagar* (carryover budgetary obligations) related to rapporteur amendments, with an estimated impact of three billion *reais* by the end of 2026.

In January 2026, Flávio Dino prohibited the allocation of parliamentary amendments to non-governmental organizations linked to family members of members of Congress. The measure, grounded in *administrative morality*, transparency, and the prevention of conflicts of interest, demonstrates how the individual jurisdiction of a single justice came to discipline the very mode of political-budgetary functioning of the National Congress. In February 2026, the same justice suspended *verbas indenizatórias* (indemnity allowances) exceeding the constitutional cap on public salaries, the so-called *penduricalhos* (extra-pay supplements), ordering compliance measures across all three branches and at all federative levels.

4.5 The Banco Master/BRB Case and the Centralization of Rapporteurships

A case of distinct nature, but revealing the same logic of decision-making concentration, is that of Banco Master/BRB. In December 2025, a monocratic decision by Justice Dias Toffoli centralized in the STF the proceedings related to the investigation of the financial institution; in 2026, in light of questions concerning his position, Toffoli stepped down from the rapporteurship, and the case was redistributed. The episode shows that individual decisions on jurisdiction and rapporteurship also shape the fate of politically sensitive cases, even outside the classic mold of abstract review.

4.6 Institutional Synthesis of the Phenomenon

A combined reading of these episodes authorizes a clear conclusion: collegial deliberation, when it occurs, generally comes only after - sometimes long after - the effects already produced by the individual decision, or it merely ratifies measures whose political impact has already consolidated. At decisive moments, the effective power of institutional shaping has emanated not from the plenary of the STF, but from the pen of a single justice transformed into an autonomous decision-making center. The central question is no longer merely the activism of the court as a collegial body, but the isolated action of its members as **parallel decision-making poles** in their own right (Cf. Arguelhes; Ribeiro, 2018).

5. Constitutional Courts as Political Actors: Powers, Strategies, and Internal Distribution of Decision-Making Power

5.1 The Constitutional Court as a Veto Player

Understanding how the STF operates politically requires beginning with a basic premise of *veto-player theory*: a constitutional court only becomes relevant to the decision-making process when its approval - or, at the very least, its non-opposition - is necessary to alter or maintain the legislative *status quo* (Cf. Tsebelis, 2002; Brouard; Hönnige, 2017). Once recognized as such, its preferences become part of the strategic calculation of both the governing majority and the opposition forces, conditioning the very formulation of the rules that will be submitted to its scrutiny.

5.2 The Feedback Effect and Strategic Anticipation

The weight of a constitutional court can operate in two complementary ways: directly and formally, when it invalidates or vetoes a given normative act, or indirectly and diffusely, through what the literature calls the *feedback effect*. Here, the mere credible threat of a future judicial decision leads legislators to adapt their normative output in advance, incorporating into the process the tribunal's likely preferences (Cf. Sweet, 2000; Whittington, 2005; Epstein; Knight, 1998; Taylor, 2008). It is as if every legislative bill silently carried within it the shadow of the ruling it might come to face.

This strategic interaction, however, runs in both directions. Just as legislators anticipate the tribunal's likely posture, justices also moderate their own decisions to avoid institutional retaliation, especially when they perceive that their functional independence is under threat (Cf. Epstein; Jacobi, 2010; Epstein; Knight; Martin, 2001; Ribeiro; Arguelhes, 2013). The practical example is eloquent: facing a constitutional amendment proposal aimed at restricting their prerogatives, it is reasonable to assume that judges will weigh the institutional cost of unpopular decisions in the short term.

5.3 The Three Dimensions of Judicial Power: To Decide, To Signal, and To Set the Agenda

The political force of a court, however, is not reduced to its formally rendered decisions. A more refined analysis requires considering three distinct dimensions of power, which may take very different forms depending on the institutional design adopted in each system (Cf. Arguelhes; Ribeiro, 2018).

The first is the **power to decide**, corresponding to the capacity to produce binding rulings on the validity of laws and governmental acts. This is the most visible and formal expression of judicial activity, although not, as will be shown, the only politically relevant one. Consider, for instance, the declaration of unconstitutionality of a tax statute: a classic and ostensible exercise of this power, with immediate effects on the public treasury and taxpayers.

The second is the **power to signal**, understood as the ability to modulate the expectations of other political actors regarding what the tribunal might decide in the future. Such signaling occurs through official speeches, press interviews, statements at academic events, or informal off-the-record comments. Although non-binding, this dimension exerts an *expressive power*: it alters the expected costs of certain choices even before any decision is rendered, functioning as an advance warning with persuasive force (Cf. Davis, 2011; Arguelhes; Ribeiro, 2015).

The third is the **power to set the agenda** - or *docket-control power* - which consists in the capacity to control whether and when a given matter will actually be heard. This dimension is especially significant because, in the absence of binding deadlines, the tribunal may simply remain silent on inconvenient matters for years, with political effects as concrete as those of any expressly rendered ruling (Cf. Arguelhes; Hartmann, 2017; Fontana, 2011). Imagine a politically sensitive case kept in a rapporteur's drawer for a decade, losing all practical relevance: silence, in this scenario, is the decision itself.

5.4 Modes of Internal Distribution of Power: Collective Allocation, Centralized Individual Allocation, and Decentralized Individual Allocation

These three powers may be distributed within a court in structurally distinct ways, with profound consequences for its functioning. Under **collective allocation**, the exercise of any of these powers depends on a majority vote of the collegial body - this is the configuration normally associated with the traditional idea of a tribunal. Under **centralized individual allocation**, power is concentrated in a specific institutional position, such as the presidency of the court, occupied by only one justice at a time (Cf. Arguelhes; Ribeiro, 2018).

Under **decentralized individual allocation**, in turn, any justice may, in principle, exercise such power autonomously, regardless of holding a specific office, often requiring only the status of rapporteur of the case. It is precisely this latter model that prevails in the Brazilian Supreme Federal Court, with substantial repercussions for the dynamics of the national political system (Cf. Arguelhes; Ribeiro, 2018).

6. Anatomy of "Ministrocracy": The STF as a Tribunal of Institutionally Powerful Individuals

6.1 The Power to Set the Agenda and Individual Control Over the Timing of Adjudication

The setting of the STF's docket proves, in practice, fragmented and exposed to multiple individual veto points. For a case to actually reach judgment, three conditions must converge: the rapporteur must release the records for review, the president of the tribunal must include them on the docket, and no other justice must interrupt the proceedings through a *pedido de vista* (request for additional time to study the records). Each of these mechanisms is, in practice, discretionary and not subject to effective binding deadlines (Cf. Dimoulis; Lunardi, 2008; 2016; Arguelhes; Hartmann, 2017).

The *pedido de vista* is the most expressive manifestation of this fragmentation. Formally conceived to allow more careful examination of complex cases, it has become, in practice, a powerful **individual instrument of agenda control**. The internal regulations set short deadlines for its return - currently around two weeks - but the actual average exceeds one year, with cases held for more than a decade, without any disciplinary consequence for the justice retaining them (Cf. Arguelhes; Hartmann, 2017).

A paradigmatic case occurred at the *Tribunal Superior Eleitoral* (Superior Electoral Court): Justice Gilmar Mendes used a *pedido de vista* to control, for months, the progress of the action seeking the annulment of the Dilma/Temer ticket, at a moment of growing political fragility of the government. On another occasion, Justice Alexandre de Moraes filed a *pedido de vista* in a judgment concerning *foro privilegiado* (special jurisdiction by virtue of office) in the context of the advance of *Operação Lava Jato*; as soon as the case returned to the docket, Justice Dias Toffoli immediately filed a new *pedido de vista*, suspending the proceedings for several more months. The lesson is clear: control over the *timing* of the decision is, in itself, a political decision (Cf. Arguelhes; Ribeiro, 2018; Souza; Brígido, 2017).

The absence of a binding deadline turns silence into power. The *mandados de segurança* (writs of mandamus) filed by then-president Dilma Rousseff against the constitutionality of her impeachment - MS 34.193/2016, MS 34.371/2016, and MS 34.441/2016 - were never released for the docket by their respective rapporteurs, even after the political and legal consolidation of the outcome. What was initially improbable - the annulment of the impeachment - became practically impossible, not through plenary pronouncement, but through the individual silence of the rapporteurs. The **power not to judge** is, in this logic, as real and as political as the power to judge (Cf. Arguelhes; Ribeiro, 2018).

6.2 The Power to Signal: Public Statements as Anticipated Rulings

Brazilian legislation prohibits public statements by judges concerning pending cases, under Article 36, III, of Complementary Law n. 35/1979 - *Lei Orgânica da Magistratura Nacional* (Organic Law of the National Judiciary, "LOMAN"). At the STF, however, this restriction finds extremely rare practical application. Justices speak with the press about pending cases, voice opinions in lectures, openly criticize colleagues' decisions, and anticipate their future positions

naturally, without any accountability mechanism being effectively triggered (Cf. Arguelhes; Ribeiro, 2015).

The political effect of such signaling can equate to that of formal decisions. In 2013, when *Proposta de Emenda à Constituição* (Constitutional Amendment Proposal) n. 33/2011 - which sought to limit the STF's powers in judicial review - returned to be debated in Congress, four justices spoke publicly. Two of them, Marco Aurélio and Gilmar Mendes, went so far as to assert, before any vote, that an amendment of that nature would be unconstitutional - a position they would, of course, have to adjudicate should Congress approve the proposal. The proposal lost momentum shortly thereafter (Cf. Arguelhes; Ribeiro, 2015; Pereira, 2017).

The justices' statements were not the sole cause of the legislative retreat, but they certainly entered the political calculus of legislators concerning the probability and intensity of future judicial reaction. This is a clear example of how an extrajudicial word may produce effects close to those of a ruling, since it discourages initiatives that, even before being submitted to the court, already meet adverse signaling from its members.

The power to signal is not uniformly distributed among the justices. Some accumulate more credibility and public attention; the president of the tribunal, in particular, holds centralized prerogatives of public manifestation - such as the speech opening the judicial year - in addition to symbolic capital that amplifies the weight of his statements. Justice Lewandowski, during the impeachment trial of Dilma Rousseff, declared publicly to the press that it remained open whether the STF would address the merits of the Senate's final decision - signaling that, by itself, redrew the horizon of expectations of the actors involved (Cf. Falcão, M., 2016; Arguelhes; Ribeiro, 2018).

6.3 The Power to Decide Individually: The Monocratic Injunction as Personal Constitutional Review

In several procedural categories, rapporteur justices may grant injunctions monocratically, suspending laws, normative acts, or even decisions of the National Congress itself. Such decisions are technically provisional and, in theory, subject to plenary review. Practice, however, reveals a reality very different from that envisioned in the abstract (Cf. Arguelhes; Ribeiro, 2018).

The first empirical distortion is the loss of relevance of the distinction between a preliminary injunction and a merits ruling. Research by the *Supremo em Números* project revealed that injunctions remained in force, on average, for over two years before any definitive pronouncement, reaching six years in cases of direct actions of unconstitutionality. Injunctions still in force at the end of 2013 had an average duration of more than six years, reaching thirteen years in ADIs (Cf. Falcão; Hartmann; Chaves, 2014). A single ruling that produces effects for thirteen years is not, in practice, provisional - it is the prevailing rule.

The second distortion is the fragility of collegial control over such decisions. Between 2010 and 2017, the STF produced more than 20,830 monocratic rulings on injunctions,

excluding those of the president, with an annual average of 2,603, or about 260 injunctions per justice per year. In the same period, the plenary and panels rendered only 177 collegial preliminary rulings (Cf. Brasil, STF, 2018). In concentrated review, more than ninety percent of injunctions in the past decade were monocratic. The average interval between the granting of the individual injunction and the first collegial pronouncement was 1,278 days - more than three years (Cf. Arguelhes; Ribeiro, 2018; Falcão; Hartmann; Chaves, 2014).

The third distortion, perhaps the most serious, is the **circularity between the agenda-setting power and the decision-making power**. The same rapporteur who grants the injunction individually controls whether and when it will be released for plenary review. A closed cycle is created: the justice decides in isolation, and then decides in isolation whether the collegial body will have the opportunity to review that decision. By keeping the case off the docket, the rapporteur can neutralize any risk of reversal, either by blocking plenary access to the proceedings, or by consolidating factual situations that make any subsequent retreat politically costly (Cf. Arguelhes; Ribeiro, 2018).

This mechanism produced episodes of profound political impact. Justice Luiz Fux, in December 2016, suspended through an individual injunction the entire processing of the *Dez Medidas contra a Corrupção* (Ten Measures Against Corruption) legislative package, ordering Congress to restart the legislative process, on grounds without precedent in jurisprudence concerning *due process of legislation*. After about two months in force - and the bill's return to the Chamber of Deputies - the rapporteur himself dismissed the case, considering the alleged violation cured. The plenary never spoke: a single monocratic decision annulled the legislative trajectory of a proposal already approved in voting in Congress (Cf. Arguelhes; Ribeiro, 2018).

A similar pattern was repeated in the controversial injunction by Gilmar Mendes that suspended Lula's appointment as cabinet minister, in March 2016. In the three weeks between the decision and its release to the collegial body, the political scenario had shifted entirely: Dilma had been provisionally removed from office, and the discussion was rendered moot. The plenary never decided, and the final word on a political act of enormous institutional impact remained, definitively, the individual injunction of a single justice (Cf. Medina; Almeida, 2016; Pereira, 2017).

More recent cases deepen the diagnosis. In 2021 and 2022, monocratic rulings suspended deliberations of *Comissões Parlamentares de Inquérito* (Parliamentary Inquiry Committees, "CPIs") and restricted the lifting of confidentiality protections for those under investigation, in contexts in which the plenary did not pronounce itself in politically relevant time. In 2023, the monocratic discussion on the decriminalization of abortion up to the 12th week of gestation - a matter of the highest constitutional and moral magnitude - was processed for months without consolidated collegial decision, with different justices signaling individual positions that reorganized the horizon of expectations of the actors involved (Cf. Arguelhes; Ribeiro, 2018; Hartmann; Ferreira, 2015).

7. The Democratic Consequences of "Ministrocracy": Counter-majoritarianism, Contingency, and Capture

7.1 The Paradox of Internal Counter-majoritarianism

Democratic constitutional theory justifies the existence of constitutional courts based on two complementary arguments. The first is the **counter-majoritarian argument**, according to which the court protects minorities against possible abuses by transient legislative majorities. The second is the **institutional stability argument**, by which the court preserves the rules of the game, raising the cost of casuistic alterations of the decision-making process (Cf. Schwartzberg, 2013; Pasquino, 2014). In both cases, the assumption is that the tribunal acts as a collective institution, whose authority emerges from the internal deliberation among its members.

Robert Dahl's classic analysis of the United States Supreme Court had already relativized the strength of the counter-majoritarian argument. Since justices are nominated by the President of the Republic and confirmed by the Senate, their preferences tend, in the long run, to converge with those of the dominant political elite. The court would be genuinely counter-majoritarian only in transition windows, when the composition forged by past administrations diverges from the preferences of the current government (Cf. Dahl, 1957; Melo, 2013). The legitimacy of judicial review would thus depend on a certain correspondence between the majoritarian preferences of the tribunal and those of the political system.

"*Ministrocracia*" breaks with this logic in two opposite and equally problematic senses. On one hand, a single justice may prevent the plenary - even when a formal majority is in place - from exercising judicial review, by means of *pedidos de vista* or by withholding the case from the docket: this configures a **false negative**, in which judicial power ceases to be exercised due to individual blocking. On the other hand, a single justice may, through an individual injunction, paralyze a legislative majority without any backing from the majority of the tribunal itself: this is a **false positive**, in which judicial review is exercised without internal majority (Cf. Arguelhes; Ribeiro, 2015). In both scenarios, constitutional politics reflects individual preferences, not the will of the tribunal as a collective actor.

7.2 Contingency, Unpredictability, and the Weakening of Jurisprudential Continuity

The decentralized individual allocation of powers produces a perverse effect on the predictability of the political system. In any court, a certain degree of contingency is to be expected, since composition changes with new appointments, and different internal majorities may yield distinct outcomes. This contingency, however, is usually minimally ordered: each vote weighs equally, each appointment alters only one vote, and the formation of a majority is always required for decision-making (Cf. Arguelhes; Ribeiro, 2018).

At the STF, this minimal stability is systematically eroded by individual action. Legally complex and politically decisive matters may produce radically different outcomes - from absolute silence to a monocratic injunction - depending on the identity of the rapporteur drawn

for the case. The expected correlation between electoral victories, opportunities for justice appointments, and the progressive formation of constitutional jurisprudence is weakened: a single political appointment may generate a permanent individual veto point, exercised by a rapporteur who retains the case for years without allowing the plenary to speak. Constitutional law becomes, in this context, more **erratic and less justifiable** before citizens (Cf. Arguelhes; Ribeiro, 2018).

7.3 The Risk of Capture and the Fragility of Internal Control Mechanisms

All power devoid of effective accountability mechanisms carries the risk of capture by particular interests. This risk is widely recognized in debates on regulatory agencies and independent institutions in Brazil, but is rarely applied to the STF with the same analytical rigor. There is no theoretical or empirical reason to presume that the tribunal's justices are immune to the influence of interest groups orbiting around them (Cf. Arguelhes; Ribeiro, 2018).

On the contrary, decentralized individual allocation makes justices especially attractive targets for capture strategies. A single judge, in the role of rapporteur, holds veto power over the agenda and frequently the power to exercise judicial review without submission to the plenary. Coopting the action of a single rapporteur may suffice to paralyze or redirect political matters of high importance. And since the internal control mechanisms - plenary review, functional discipline - prove inoperative in practice, this risk remains structurally unaccompanied by adequate institutional safeguards (Cf. Arguelhes; Ribeiro, 2018; Falcão; Arguelhes, 2017).

8. Conclusion: The STF Between the Promised Collegiality and the Real Individual Justice

The institutional portrait that emerges from this analysis is disconcerting. Behind the STF's power over the entire set of Brazilian political and judicial institutions - power that is undeniable and widely documented - lies a deep internal fragmentation, whose external consequences we have only begun to map. Isolated justices, when they so wish, may shape outcomes in national politics with the same institutional force as the tribunal as a whole, whether by issuing injunctions that will never reach the plenary, controlling the agenda through strategic *pedidos de vista*, or signaling positions to the press that alter the behavior of legislators, governments, and other actors.

The question that arises is not merely rhetorical: if "*supremocracia*" was measured by the STF's capacity to concentrate power and resolve decisive political conflicts, "*ministocracia*" must be evaluated by the same criteria. When it is, the result proves disturbing. The tribunal, before its own justices, does not appear so supreme after all - its institutional authority, originally collegial, is diluted into eleven personal powers which, although exercised under the robe, operate by their own logic and dynamics (Cf. Arguelhes; Ribeiro, 2018; Falcão; Arguelhes, 2017; Vieira, 2008).

Logic of the Theme - From "Supremocracy" to "Ministrocracy": The Collegial Design of Constitutional Adjudication and Its Personalization in the Institutional Practice of the STF

The general logic of the phenomenon unfolds in four successive layers, each indispensable to understanding the others. The **first layer is normative**: the 1988 Constitution designed the STF as the *collegial guardian* of the constitutional text, and the laws regulating ADI and ADPF reserved an extremely exceptional place for monocratic decisions, restricted to situations of acute urgency or judicial recess, always dependent on subsequent plenary endorsement. The idealized model is deliberative, plural, and argumentatively shared, consistent with the political magnitude of the matters submitted to constitutional adjudication.

The **second layer is historical-institutional**: over the past decades, the tribunal has expanded its political role to the point of becoming a central decision-making actor in Brazilian democracy, a phenomenon described as "*supremocracia*". This strengthening, however, was not channeled exclusively through collegial means. It was accompanied by progressive internal fragmentation of power, in which individual decisions by justices began to anticipate, condition, or replace collective deliberation, giving rise to what doctrine has labeled "*ministrocracia*".

The **third layer is theoretical-explanatory**: "*ministrocracia*" results from the convergence of three dimensions of judicial power - to decide, to signal, and to set the agenda - under a model of decentralized individual allocation, in which each justice may, as rapporteur, exercise powers proper to the court without the mediation of the plenary. This configuration materializes in four converging mechanisms: *pedidos de vista* without effective deadlines, individual rapporteur control over the docket, monocratic injunctions of extremely long duration, and unrestricted informal signaling to the press and at public events.

The **fourth layer concerns democratic consequences**: the result is an erratic constitutional politics, contingent on the person of the justice rather than on the majoritarian preferences of the collegial body, with systematic production of *false negatives* (when judicial review is not exercised, even with a potential majority, because of individual blocking) and *false positives* (when judicial review is exercised by a monocratic injunction without the backing of the internal majority). To these problems are added jurisprudential unpredictability, the weakening of decisional continuity, and the structural risk of capture by interest groups, aggravated by the inoperativeness of internal accountability mechanisms.

The synthesis is the following: there exists a structural asymmetry between the *normative design* of Brazilian constitutional adjudication - collegial, deliberative, plural - and its *effective practice* - personalist, individualized, and politically decisive. Understanding this distance is a precondition for thinking about institutional reforms that bring the court closer to the constitutionally promised model, restoring the centrality of the plenary, restricting the duration of monocratic injunctions, fixing binding deadlines for *pedidos de vista*, disciplining extrajudicial signaling, and strengthening internal mechanisms of collegial review.

Consolidated Synoptic Table

Theme	Explanation of the Institute
Guardianship of the Constitution (Article 102, <i>caput</i>, CF/88)	Vests in the STF, as a collegial body, the primary mission of preserving the integrity of the constitutional text, presupposing plural deliberation rather than isolated decision-making.
Monocratic decision in ADI (Art. 10, §3, Law n. 9.868/1999)	Allows, exceptionally, the rapporteur to grant a preliminary injunction in cases of exceptional urgency or during judicial recess, always <i>ad referendum</i> of the plenary; a precarious and provisional measure.
Monocratic decision in ADPF (Art. 5, §1, Law n. 9.882/1999)	Authorizes the rapporteur to grant an individual injunction in cases of extreme urgency, danger of serious harm, or judicial recess, conditioned on subsequent confirmation by the collegial body.
"Supremocracia" (Vilhena Vieira)	Concept describing the concentration of political-legal power in the STF as an institution, transforming it into a central actor in national political life.
"Ministrocracia" (Arguelhes and Ribeiro)	Phenomenon in which power is fragmented within the very tribunal, allowing each justice, individually, to act with institutional force comparable to that of the collegial body.
Veto player (Tsebelis)	Concept according to which a constitutional court is politically relevant only when its acquiescence is necessary to alter or preserve the legislative <i>status quo</i> .
Feedback effect	Mechanism by which the mere credible threat of a future judicial decision induces legislators to adapt their normative output in advance to the tribunal's likely preferences.
Power to decide	Capacity to produce binding rulings on the validity of laws and governmental acts; the most visible, but not the only politically relevant, face of judicial power.
Power to signal	Ability to modulate the expectations of political actors regarding future decisions, through speeches, interviews, lectures, and informal statements.
Power to set the agenda (docket-control power)	Capacity to control whether and when a given matter will actually be adjudicated, capable of converting silence into political decision.

Collective allocation of power	Model in which the exercise of the court's powers depends on a majority vote of the collegial body; the traditional configuration of the deliberative tribunal.
Centralized individual allocation	Model in which power is concentrated in a specific institutional position, such as the presidency of the court.
Decentralized individual allocation	Model in which any justice may exercise the court's powers autonomously, generally requiring only the status of rapporteur; the structural pattern of the STF.
<i>Pedido de vista</i> (request for additional time)	Procedural mechanism intended for the careful examination of complex cases, but which has become, in practice, an instrument of individual agenda control, with deadlines disregarded without sanction.
Monocratic injunction as personal judicial review	Individual decision, formally provisional, capable of suspending laws, normative acts, or decisions of Congress, with prolonged average duration and effective collegial review often nonexistent.
Circularity between agenda and decision	Configuration in which the same justice who decides individually also controls whether and when the plenary may review the decision, generating a closed cycle of decisional insulation.
Individual decision as political vector	Characterized when the monocratic injunction produces immediate political effects, anticipating or replacing collegial deliberation and shaping the fate of governments, investigations, or reforms.
Monocratic precautionary measures in criminal and electoral matters	Manifested in cases such as the annulment of Lula's convictions (Fachin) and the precautionary measures against Bolsonaro (Moraes), capable of redrawing national electoral and political scenarios.
Intervention in Executive acts	Verified in decisions suspending appointments (Lula, Ramagem) or remuneration policies (<i>penduricalhos</i>), affecting the core of presidential competences.
Intervention in Legislative functioning	Configured in decisions disciplining parliamentary amendments (Rosa Weber, Flávio Dino), standing for impeachment (Gilmar Mendes), installation of CPIs (Barroso), or processing of bills (Fux).

Centralization of high-profile investigations	Appears in individual decisions on jurisdiction and rapporteurship, as in the Banco Master/BRB case (Toffoli), in which the definition of the natural judge becomes the object of political dispute.
False negative in judicial review	Situation in which the tribunal fails to exercise review - even with a potential majority - due to individual blocking by the rapporteur, who keeps the case off the docket.
False positive in judicial review	Situation in which review is exercised through a monocratic injunction without the support of the tribunal's majority, contradicting a legislative majority without collegial deliberation.
Counter-majoritarian argument (Schwartzberg, Pasquino)	Classic justification of judicial review as protection of minorities against transient majorities, premised on the collective action of the tribunal.
Dahl's thesis on transition windows	Theory according to which constitutional courts are genuinely counter-majoritarian only during transition periods between governments, when their composition reflects the preferences of previous regimes.
Risk of institutional capture	Possibility that justices may become targets of influence strategies by interest groups, aggravated by the fragility of internal accountability mechanisms.
Relation between individual injunction and collegial endorsement	Plenary confirmation, when it occurs, often comes after the effects have already been produced, transforming the endorsement into a merely formal act in light of the consummated impact.
Power not to judge	Consequence of the absence of binding deadlines for releasing cases: the prolonged silence of the rapporteur is, in political effect, equivalent to a merits ruling.

Consolidated Table of Precedents (relevant monocratic and collegial STF decisions cited in the text)

Item	Explanation of the Precedent
Lula-as-Minister Case (MS 34.070/DF and MS 34.071/DF)	Court : STF. Rapporteur : Justice Gilmar Mendes. Date of individual injunction: March 18, 2016. <i>Ratio decidendi</i> : monocratic suspension of former president Lula's swearing-in as Chief of Staff, on grounds of misuse of

	administrative purpose aimed at obtaining special jurisdiction by reason of office. The plenary never decided the merits, due to subsequent political alterations.
Mandamus actions against the Dilma Rousseff impeachment (MS 34.193/2016, MS 34.371/2016, and MS 34.441/2016)	Court: STF. Rapporteurs: distinct for each <i>mandamus</i> . Year of filing: 2016. <i>Ratio decidendi</i> : the actions were never released for plenary review, illustrating the <i>power not to judge</i> as an institutional instrument of closure of constitutional adjudication, with political effects equivalent to those of a merits ruling.
Michel Temer Impeachment Case (MS 34.087/DF)	Court : STF. Rapporteur : Justice Marco Aurélio. Date: May 2016. <i>Ratio decidendi</i> : ordered the President of the Chamber of Deputies to advance an impeachment petition against acting president Michel Temer; illustrates the use of the individual injunction as an instrument of direct interference in the Legislative.
“Ten Measures Against Corruption” – Legislative Procedure (MS 34.530/DF)	Court : STF. Rapporteur : Justice Luiz Fux. Date: December 2016. <i>Ratio decidendi</i> : monocratic injunction ordered the restart of the legislative processing of the package in the Chamber of Deputies, on alleged violation of the <i>due process of legislation</i> . After about two months, the rapporteur himself dismissed the case, without plenary pronouncement.
PEC n. 33/2011 Case and Justices’ Public Signaling	Court: STF. Justices: Marco Aurélio and Gilmar Mendes, among others. Year: 2013. <i>Ratio decidendi</i> : public statements anticipating a finding of unconstitutionality of the proposed amendment seeking to restrict STF powers; paradigmatic example of the power to signal as an informal instrument of political influence.
Annulment of the Dilma/Temer Ticket (TSE)	Court: TSE. Justice: Gilmar Mendes. Period: 2016-2017. <i>Ratio decidendi</i> : strategic use of the <i>pedido de vista</i> to individually control the timing of the <i>Ação de Investigação Judicial Eleitoral</i> (Electoral Judicial Investigation Action – AIJE), at a moment of political instability.
Special Jurisdiction by Office and Successive Pedidos de Vista	Court: STF. Justices: Alexandre de Moraes and Dias Toffoli. Year: 2017. <i>Ratio decidendi</i> : successive <i>pedidos de vista</i> in the judgment on the scope of <i>foro rivilegiador</i> , at the height of <i>Operação Lava Jato</i> , suspending the proceedings for months without collegial action.

<p>Ramagem Case – Federal Police (MS 37.097/DF)</p>	<p>Court : STF. Rapporteur : Justice Alexandre de Moraes. Date: April 29, 2020. <i>Ratio decidendi</i>: monocratic suspension of the appointment of Alexandre Ramagem as director-general of the Federal Police, on grounds of possible misuse of purpose, amid the crisis between Bolsonaro and Sergio Moro.</p>
<p>COVID Parliamentary Inquiry Committee Case (MS 37.760/DF)</p>	<p>Court: STF. Rapporteur: Justice Luís Roberto Barroso. Date of injunction: April 8, 2021; plenary endorsement: April 14, 2021 (10-1). <i>Ratio decidendi</i>: ordered the installation of the <i>CPI da Pandemia</i>, reducing the political discretion of the Senate’s president regarding the opening of the committee.</p>
<p>Lava Jato Annulment Case (HC 193.726/PR)</p>	<p>Court: STF. Rapporteur: Justice Edson Fachin. Date of monocratic decision: March 8, 2021; confirmed by plenary on April 15, 2021. <i>Ratio decidendi</i>: recognized the lack of jurisdiction of the 13th Federal Court of Curitiba to try Lula, annulling the convictions; restored the former president’s eligibility and reorganized the 2022 electoral landscape.</p>
<p>Monocratic decisions on CPIs and lifting of confidentiality (2021-2022)</p>	<p>Court: STF. Various rapporteurs. <i>Ratio decidendi</i>: individual injunctions suspended deliberations of <i>Comissões Parlamentares de Inquérito</i> and restricted lifting of confidentiality of investigated persons, without plenary pronouncement in politically relevant time, evidencing the ordinary use of monocratic decisions in matters of high political sensitivity.</p>
<p>“Secret Budget” Case – Rapporteur Amendments (ADPFs 850, 851, 854, and 1.014/DF)</p>	<p>Court: STF. Rapporteur: Justice Rosa Weber. Date of individual injunction: November 5, 2021; plenary endorsement and merits ruling in 2022. <i>Ratio decidendi</i>: declared unconstitutional the model of execution of <i>RP-9</i> funds, for violation of the principles of transparency, publicity, and impersonality.</p>
<p>Nursing Wage Floor Case (ADI 7.222/DF)</p>	<p>Court: STF. Rapporteur: Justice Luís Roberto Barroso. Date of injunction: September 4, 2022. <i>Ratio decidendi</i>: suspended the effectiveness of Law n. 14.434/2022 due to financial and federative impacts on states, municipalities, and the private health sector.</p>

<p align="center">ADPF 442/DF – Decriminalization of Abortion up to the 12th Week</p>	<p>Court: STF. Rapporteur: Justice Rosa Weber (until her retirement). Period: 2018 onwards; monocratic statements in 2023. <i>Ratio decidendi</i>: prolonged processing, with individual statements by different justices, evidencing how isolated signaling in sensitive constitutional matters alters the horizon of expectations of the actors involved, even in the absence of consolidated collegial decision.</p>
<p align="center">Precautionary Measures Against Bolsonaro (PET 12.100/DF and developments)</p>	<p>Court: STF, First Panel. Rapporteur: Justice Alexandre de Moraes. Date: July/August 2025. <i>Ratio decidendi</i>: imposition of precautionary measures (electronic ankle monitor, home confinement, contact restrictions) and decree of house arrest of the former president, on grounds of coercion, obstruction, and attack against national sovereignty.</p>
<p align="center"><i>IOF</i> Case (ADIs filed in 2025 on the presidential decree and the legislative decree)</p>	<p>Court : STF. Rapporteur : Justice Alexandre de Moraes. Date: July 2025. <i>Ratio decidendi</i>: simultaneously suspended the presidential decree raising the <i>IOF</i> and the legislative decree seeking to nullify it, summoning a conciliation hearing; the plenary subsequently upheld most of the governmental decree.</p>
<p align="center">Impeachment Law Case (ADI concerning Law n. 1.079/1950)</p>	<p>Court : STF. Rapporteur : Justice Gilmar Mendes. Date: December 2025. <i>Ratio decidendi</i>: restricted to the Office of the Attorney General the standing to file charges of <i>crime de responsabilidade</i> against STF justices, in a decision later partially suspended by the rapporteur himself.</p>
<p align="center">Parliamentary Amendments Case – Working Plan (ADPFs 854 and 1.014/DF)</p>	<p>Court: STF. Rapporteur: Justice Flávio Dino. Date: February 2025. <i>Ratio decidendi</i>: approved the working plan of the branches to confer transparency and traceability on the amendments, partially releasing suspended payments.</p>
<p align="center">Bill n. 128/2025 Case – Carryover Obligations of Amendments</p>	<p>Court: STF. Rapporteur: Justice Flávio Dino. Date: December 2025. <i>Ratio decidendi</i>: suspended the portion allowing the payment of carryover obligations from rapporteur amendments, with an estimated impact of R\$ 3 billion by the end of 2026.</p>

Amendments to NGOs Linked to Family Members of Members of Congress	Court: STF. Rapporteur: Justice Flávio Dino. Date: January 2026. <i>Ratio decidendi</i> : prohibited the allocation of parliamentary amendments to entities linked to family members of members of Congress, on the basis of administrative morality and prevention of conflicts of interest.
“Penduricalhos” Case – Constitutional Salary Cap (Article 37, XI, of CF/88)	Court: STF. Rapporteur: Justice Flávio Dino. Date: February 2026. <i>Ratio decidendi</i> : suspended <i>verbas indenizatórias</i> (indemnity allowances) exceeding the constitutional remuneration cap, ordering compliance measures across all branches and federative levels.
Banco Master/BRB Case – Centralization and Rapporteurship	Court: STF. Initial rapporteur: Justice Dias Toffoli. Date: December 2025; redistribution in 2026. <i>Ratio decidendi</i> : centralized in the STF the proceedings related to the bank’s investigation; exemplifies the use of individual decisions on jurisdiction and rapporteurship as vectors of institutional impact.

Glossary of Brazilian Legal Terms (for non-Brazilian readers)²

Term	Explanation
<i>Supremo Tribunal Federal</i> (STF)	The Brazilian Supreme Federal Court; eleven justices appointed by the President of the Republic and confirmed by the Federal Senate. It is simultaneously a constitutional court (concentrated review), the highest appellate court in constitutional matters (diffuse review), and an original jurisdiction court for high officials.
<i>Constituição Federal</i> (CF/88)	The Federal Constitution of 1988, the current Brazilian constitutional charter, enacted following the country's redemocratization.
<i>Plenário</i>	The full court, composed of all eleven justices of the STF. Decisions on the most relevant constitutional matters are formally entrusted to it.

² To facilitate the comprehension of foreign readers, the following glossary explains the central concepts, institutions, and procedural categories of the Brazilian legal system referenced throughout the article.

<i>Turma (Panel)</i>	Each STF panel is composed of five justices (the president of the STF does not sit on panels). The court has two panels (First and Second), which adjudicate matters of lesser collegial relevance.
<i>Ministro (Justice)</i>	The proper title of an STF judge; literally "minister", reflecting Portuguese legal tradition. Translated as "justice" throughout this text.
<i>Relator (Rapporteur)</i>	The justice randomly assigned to lead a case. The rapporteur drafts the lead opinion, controls procedural steps, decides on monocratic injunctions, and largely determines when (and whether) the case will be brought before the panel or plenary.
<i>Decisão monocrática (Monocratic decision)</i>	A decision rendered by a single justice rather than by a collegial body. Such decisions are formally exceptional but, as discussed in this article, became routine in politically sensitive cases.
<i>Liminar (Preliminary injunction)</i>	A provisional ruling, issued before a final judgment on the merits, intended to preserve rights or prevent imminent harm. <i>Liminares monocráticas</i> (monocratic injunctions) are issued by a single justice.
<i>Ad referendum</i>	Latin expression meaning "subject to confirmation". Monocratic decisions by the rapporteur are issued <i>ad referendum</i> of the plenary, meaning they require subsequent collegial endorsement.
<i>Ação Direta de Inconstitucionalidade (ADI)</i>	"Direct Action of Unconstitutionality"; a procedural instrument of <i>concentrated abstract review</i> used to challenge the constitutionality of federal or state laws. Provided for in Article 102, I, "a", of CF/88, and regulated by Law n. 9.868/1999.
<i>Ação Declaratória de Constitucionalidade (ADC)</i>	"Declaratory Action of Constitutionality"; the mirror image of the ADI, seeking confirmation that a given statute is consistent with the Constitution.
<i>Arguição de Descumprimento de Preceito Fundamental (ADPF)</i>	"Claim of Non-Compliance with a Fundamental Precept"; a residual procedural instrument used when other forms of judicial review are unavailable. Regulated by Law n. 9.882/1999.

Mandado de Segurança (MS)	Constitutional remedy ("writ of mandamus" in a broad sense) protecting a clear and uncontested individual right against illegality or abuse of power by a public authority. Filed under specific procedural rules.
Habeas Corpus (HC)	Latin remedy protecting freedom of movement against illegal coercion. Frequently used in Brazil to challenge criminal proceedings or convictions.
Foro privilegiado / Foro por prerrogativa de função	"Special jurisdiction by reason of office"; a constitutional rule under which certain officials (the President, ministers, members of Congress, etc.) are tried only by specific high courts (the STF, the <i>Superior Tribunal de Justiça</i> , etc.) for crimes committed in the exercise of their functions.
Crime de responsabilidade	A category of "impeachable offenses" applicable to high officials, distinct from ordinary criminal offenses. Regulated by Law n. 1.079/1950. <i>Impeachment</i> in Brazil follows a political-judicial procedure involving the Chamber of Deputies (admission) and the Senate (trial).
Comissão Parlamentar de Inquérito (CPI)	"Parliamentary Inquiry Committee"; a temporary congressional committee with broad investigative powers, similar to those of judicial authorities, created by Congress (or by one of its houses) to examine specific matters of public interest.
Pedido de vista	"Request for additional time to examine the records"; a procedural instrument allowing a justice, during a collective judgment, to interrupt the proceedings in order to study the case more carefully. Regimentally limited in time, but in practice often extended for months or years, becoming a tool for individual agenda control.
Procuradoria-Geral da República (PGR)	The Office of the Attorney General; head of the Federal Public Prosecution Service (<i>Ministério Público da União</i>). The Attorney General has standing to file ADIs, ADPFs, and criminal charges against authorities holding <i>foro privilegiado</i> .
Ministério Público	The Public Prosecution Service; an autonomous institution charged with defending the legal order, the democratic regime, and social and individual interests. Independent of the three branches of government.

<i>Lei Complementar</i>	"Complementary Law"; a category of statute with constitutional rank lower than the Constitution but higher than ordinary laws, requiring an absolute majority for approval and reserved by the Constitution for specific matters.
<i>LOMAN (Lei Orgânica da Magistratura Nacional)</i>	The Organic Law of the National Judiciary; Complementary Law n. 35/1979. Regulates the rights, duties, and disciplinary regime of Brazilian judges.
<i>Tribunal Superior Eleitoral (TSE)</i>	The Superior Electoral Court; the highest court in electoral matters, composed of seven justices, including STF and <i>Superior Tribunal de Justiça</i> members.
<i>Operação Lava Jato</i>	"Operation Car Wash"; a sweeping anti-corruption investigation initiated in 2014, focused on the state-owned oil company Petrobras and political party financing schemes. It led to the conviction of numerous politicians and businesspeople, later partially annulled by the STF on jurisdictional grounds.
<i>Emendas parlamentares</i>	Parliamentary budget amendments; allocations of federal funds to specific projects, made by individual legislators or committees during the budget process. Their use as political bargaining tools - especially the <i>emendas de relator</i> (rapporteur amendments) - has been the subject of extensive STF litigation.
<i>Emendas de relator / RP-9</i>	"Rapporteur amendments"; a specific category of budget amendments introduced by the budget rapporteur, popularly known as the "secret budget" (<i>orçamento secreto</i>) due to their lack of transparency. Declared unconstitutional in 2022.
<i>Restos a pagar</i>	"Carryover obligations"; budgetary commitments authorized in one fiscal year but not yet paid, which may be transferred to subsequent years under specific rules.
<i>IOF (Imposto sobre Operações Financeiras)</i>	Federal tax on financial transactions, including credit, foreign exchange, insurance, and securities operations. The Executive may modify its rates by decree, within statutory limits.
<i>Penduricalhos</i>	Informal term for "extra-pay supplements" - additional benefits, allowances, and <i>verbas indenizatórias</i> (indemnity allowances) paid to public officials beyond their base salary,

	frequently exceeding the constitutional cap on public remuneration set by Article 37, XI, of CF/88.
<i>Devido processo legislativo</i>	"Due process of legislation"; the principle that legislative procedures must comply with constitutional and regimental rules. Violations may, in principle, be challenged before the STF, although the doctrine traditionally limits judicial intervention in <i>interna corporis</i> matters.
<i>Controle de constitucionalidade concentrado</i>	"Concentrated judicial review"; performed exclusively by the STF in the abstract, with general binding effects (<i>erga omnes</i>). Distinguished from <i>controle difuso</i> (diffuse review), exercised by any judge or court in concrete cases, with effects limited to the parties.
<i>Ratio decidendi</i>	Latin expression for "the reason for deciding"; the legal grounds that constitute the binding core of a judicial decision.
<i>Erga omnes</i>	Latin expression meaning "against all"; refers to decisions whose effects bind all persons, not only the parties to the proceedings.
<i>Status quo</i>	Latin expression for the existing state of affairs; in <i>veto-player theory</i> , the prevailing legal-political situation that a veto player can preserve by withholding consent to its alteration.
<i>Interna corporis</i>	Latin expression denoting matters internal to a parliamentary body, traditionally regarded as immune from judicial review except for clear constitutional violations.

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