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Brazil Under Bolsonaro. How Endangered is Democracy?

Peter Birle / Bruno Speck (eds.)



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Contents

Peter Birle	
Introduction	5
Bruno Speck	
The 2020 Local Elections Under Bolsonaro – Finally a Sign of Party Fragmentation in Decline?	10
Danilo Medeiros, Andréa Freitas, Fernando Limongi and Joyce Luz	
Government and Congress	30
Luciano Da Ros and Matthew M. Taylor	
Bolsonaro and the Judiciary: Between Accommodation and Confrontation	44
Brigitte Weiffen	
Foreign Policy and International Relations: Taking Stock after Two Years of the Bolsonaro Administration	55

Introduction

Peter Birle (Ibero-Amerikanisches Institut)

The contributions to the present publication were originally prepared in the context of a virtual lecture series conducted by Ibero-Amerikanisches Institut (Ibero-American Institut, IAI) in collaboration with Universidade de São Paulo (USP) between February and April 2021. In six panels, we discussed winners and losers of the fall 2020 local elections; the development of the party system; the situation of social movements; relations between the Bolsonaro administration and Congress and between the Executive and the judiciary; and Brazil's foreign policy and international relations. Some of the participants have revised their contributions in recent months and made them available for this publication. *Bruno Speck* asks how the 2017 electoral reforms affected party competition in the 2020 local elections and what the consequences might be for the 2022 presidential elections. One of his conclusions is that, despite their rather technical nature, the electoral law changes had an enormous impact on the local elections in 2020. The fragmentation of the party system has decreased significantly. Speck expects similar effects at the national level for the 2022 elections, given what is known about the dynamics of party competition in Brazil. *Fernando Limongi*, *Andréa Freitas*, *Danilo Medeiros*, and *Joyce Luz* analyze the relationship between President Bolsonaro and Congress. They conclude that the incumbent president is primarily concerned with reversing a large number of reforms implemented since the country's redemocratization, particularly by the Cardoso, Lula, and Rousseff administrations. *Luciano Da Ros* and *Matthew M. Taylor* examine the relationship between the Bolsonaro administration and the judiciary. They show that the judiciary has not shied away from open confrontations with the President in order to defend Brazil's constitutional order. On the other hand, the judiciary has reacted less forcefully to Bolsonaro's efforts to scale back relevant investigations into corruption. *Brigitte Weiffen* presents an overview of the realignment of Brazilian foreign policy under Bolsonaro. She shows the extent to which central principles of Brazilian foreign policy that have been in place for many decades have been called into question during this period and replaced by a confrontational, ideological approach; how the professionalism and much-vaunted pragmatism of the Ministry of Foreign Affairs and Brazilian diplomacy have suffered; how much Brazil's regional and international presence has declined; and the extent that the country's credibility at the global level has suffered.

While the contributions to this publication focus largely on an analysis of developments after Bolsonaro's election as president in 2018, in the following pages I would like to take a look at a number of new books published in the last three years that have attempted to analyze the Bolsonaro phenomenon from a longer-term perspective. Bolsonaro's election and the associated fears about a fundamental threat to Brazilian democracy have led to a large number of articles

in academic journals (see the overview in the introduction to the book by Hatzikidi and Dullo 2021). In terms of book publications, it is first worth mentioning a number of journalistic works that deal with developments in Brazil with dense descriptions and reportage, but usually without a theoretical basis. These include *Tormenta. O governo Bolsonaro: crises, intrigas e segredos* [Storm. The Bolsonaro Government: Crises, Intrigues, and Secrets] by Thaís Oyama (2021). The book is devoted to Bolsonaro's first year in office, addressing, for example, the President's difficult relationship with Justice Minister Sérgio Moro, Bolsonaro's family environment, and, last but not least, Bolsonaro's psyche. The chapter heading "Paranoias, ideias fixas, medos e outros tormentos" [Paranoia, fixed ideas, fears, and other torments] already hints at the personality traits she attributes to Bolsonaro. Despite all the criticism, among other things for his mixing of the public and private spheres and the instrumentalization of state institutions for personal issues, for example, the protection of his son Flávio from prosecution, Oyama also shows that Bolsonaro is a fairly popular personality with whom many people identify.

Two journalistic works dealing with the developments under Bolsonaro were written by Cesar Calejon Ibrahim. In *A ascensão do Bolsonarismo no Brasil do século XXI* [The Rise of Bolsonarism in 21st Century Brazil] (Calejon Ibrahim 2021a), Calejon addresses five aspects that he believes can explain Bolsonaro's victory in the 2018 presidential election: anti-PT sentiments, historical elitism, religious dogmatism, anti-system sentiments, and the spread of fake news or hate and fear speech through the use of platforms such as WhatsApp and Facebook. Calejon's second book, *Tempestade Perfeita: o bolsonarismo e a sindemia covid-19 no Brasil* [Perfect Storm: Bolsonarism and the COVID-19 Syndemic in Brazil] (Calejon Ibrahim 2021b), is a detailed analysis of how the President, through his inappropriate pandemic policy, has worsened the consequences of COVID-19 in Brazil. Following US medical anthropologist Merrill Singer, Calejon speaks of a *syndemic* [synergistic epidemic]. The concept accounts for different and multiple crises that add up to create a single great calamity. The intersection between Bolsonarism and COVID-19 created a "perfect storm": Brazil not only had to deal with a health crisis, but also with a social, political, and economic crisis – that is, different crises interacting simultaneously. According to Calejon, this crisis started with the 2013 protest movements, passed through the media collusion that formed around the major corruption scandals of the following years, the subversion of the democratic game that led to the ousting of President Dilma without criminal responsibility in 2016, and the impeding of former President Lula's candidacy in 2018 (Calejon Ibrahim 2021b, 25s.).

A journalistic examination of Bolsonaro in English comes from Richard Lapper in his book *Beef, Bible and Bullets: Brazil in the Age of Bolsonaro* (Lapper 2021). The book presents an assessment of recent Brazilian political developments and many of the underlying political and socio-economic developments that enabled Bolsonaro's electoral victory in 2018. Similar to Thaís Oyama, Lapper begins by describing Bolsonaro's personal and political career. After going back to the boom years under President Lula (2003–2010), he then looks at the social protests that began to increase in 2013. He shows how the growing social fear of crime and violence in the years that followed prepared the ground for a personality like Bolsonaro, who likes to present himself as a security policy hardliner. Lapper also analyzes the increasing importance of paramilitary militias and the spread of Pentecostal churches in Brazil. A chapter on the internal

conflicts within the governing coalition during its first year and a half in office offers additional interesting insights.

A first scholarly analysis of the developments that led to Bolsonaro's rise was already provided in 2019 by the anthology *Brasil em colapso* [Brazil in collapse] edited by Esther Solano Gallego. The book includes contributions on the role of the judiciary in imposing a neoliberal logic in Brazil; the importance of the media system in the construction of anti-PT sentiments and the new right; the use of targeted disinformation in social networks as a political weapon; the longstanding participation of the armed forces in Brazilian politics; and Brazilian social conservatism, among others. In the introduction, the editor characterizes the contributions as politicized critical thinking, because in times when the prevailing policy refuses to adopt sustainable strategies, a policy constructed by all is the only alternative.

The slim volume *Brasil em Transe: Bolsonarismo, Nova Direita e Desdemocratização* [Brazil in a Trance: Bolsonaroism, New Right and De-democratization] (Pinheiro-Machado and de Freixo 2019) shows a similar basic outlook. Bolsonaroism is understood here as a political phenomenon that goes beyond the figure of Jair Bolsonaro himself and is characterized by an ultra-conservative worldview that preaches a return to "traditional values" and adopts a nationalist and "patriotic" rhetoric that deeply criticizes anything even remotely identified with the left and progressivism.

The book *Bolsonarismo. Teoria e prática* [Bolsonarism. Theory and practice], edited by Geraldo Monteiro and Carlos Teixeira, was born at the Centro Brasileiro de Estudos e Pesquisas sobre a Democracia located at the Universidade do Estado do Rio de Janeiro (Monteiro and Teixeira 2020). This book, too, analyzes Bolsonaroism as a socio-political movement from various perspectives, but it also addresses the structure, composition and functioning of the Bolsonaro administration. This includes analyses of the relations between the different powers as well as of a number of policy areas, especially health and culture. It also deals with the political principles, rules, and practices of the Bolsonaro government from a fundamental perspective, questioning its rationality, legitimacy and institutionality. In almost all policy areas (economy, education, health, environment, foreign policy), the book finds that the Bolsonaro government has a centralizing, authoritarian understanding of politics without clear objectives, and that its main goal is to roll back the political reforms of the past 20 years.

A comprehensive panorama of recent developments in Brazil is offered by the 16 contributions to the anthology *Democracy and Brazil. Collapse and Regression* (Bianchi et al. 2021). With the concept of de-democratization, the editors aim to distance themselves from a formalistic understanding of democracy. They point out that democracies are never something given or completed once and for all, but can always be confronted with authoritarian regressions. They see the beginning of the process of de-democratization in Brazil in 2015 with the questioning of the results of the 2014 presidential elections and the instrumentalization of the impeachment process to force then-President Dilma Rousseff out of office. Parallel to the process of de-democratization, in their view, is the establishment of a new order of legitimation, which involves guaranteeing economic policies that conform to the market, through which the state attempts to decouple popular democracy from the management of the national economy. The volume is divided into two parts. The first more theoretically oriented part focuses on processes

of de-democratization, neo-golpism, and the rise of right-wing forces in Brazil. The second part then presents case studies on several policy areas: gender and ethnic equality, urban policy, education, the role of the media, and the relationship between religion and politics.

The contributions to the volume *A Horizon of (Im)possibilities. A Chronicle of Brazil's Conservative Turn* (Hatzikidi and Dullo 2021) are based on a symposium organized in London in 2019. They focus both on processes before the 2018 elections (“How did we get here?”) and on developments since then (“Where are we going?”). The look back points to continuities and discontinuities in Brazilian history and the paradoxical situation of a country that has long been characterized by the self-image of a tolerant, open, and diverse society, with simultaneous high levels of inequality in numerous social spheres, widespread violence, and entrenched hierarchies. In their conclusions, the editors emphasize the far-reaching effects that Jair Bolsonaro’s government has had not only on Brazilian politics but also on the daily lives of Brazilians. There have been deteriorations in almost all areas of society. Like most of the other volumes, this one is characterized by a multi-disciplinary approach, incorporating ethnographic, political science, sociological, and historiographical perspectives.

An important contribution to understanding contemporary Brazil is the comprehensive, theoretically informed analysis of Bolsonaro’s rise offered by the book *The Bolsonaro Paradox: The Public Sphere and Right-wing Counterpublicity in Contemporary Brazil* (Rocha, Solano, and Medeiros 2021). One core message of the book is that Bolsonaro and his supporters turn their criticism and attacks primarily against the political arrangement that came into effect with the 1988 constitution after the end of the last military dictatorship. The constitution set the stage for greater integration of subaltern groups in many areas of Brazilian society (Rocha, Solano, and Medeiros 2021, 1). It took up many demands that had long been formulated by workers, indigenous peoples, environmentalists, and women’s rights activists, and made possible the expansion of the public sphere. It was precisely against this public sphere, described by the authors as “post-bourgeois,” that Brazil’s new right turned. The authors explain the multiple dimensions of this process, which includes technological developments such as the massive emergence of the new social media as well as processes of political and cultural change (4s.). To this end, they make use of the concept of *counterpublics*: “With the explicit aim of attacking the state and the established order, they try to circulate discourses that oppose a cultural horizon perceived as dominant and that stands out for its performative character, causing shock and disturbance in the social order” (6). Many of those who belonged to this counterpublic ended up in important government positions after Bolsonaro’s 2018 election victory. The central goal of this group, according to the authors, is:

to destroy the cultural and institutional foundations of the public debate and of the political system associated with the democratic pact of 1988 and, in order to do this, actively seek to refuse consensus, naturalize extremism, and signal a future authoritarian political regime for radicalized groups, which could also be individually abandoned along the way if their actions threaten Bolsonaroism’s continuation in power (145).

The good news, according to the authors, is that – contrary to the diagnoses given by some other approaches – the Brazilian public sphere has so far neither collapsed nor is it on the verge of collapse. Despite Bolsonaro’s rise to power, it continues to exist and is characterized by dynamic

and complex processes “of institutional construction, questioning, and attempts at deepening, contesting, and de-institutionalization” (143).

Brazilian democracy has so far survived the stress test triggered by President Bolsonaro’s assumption of power, but the quality of democracy has deteriorated enormously in many areas. Even though the rehabilitation of former President Lula now provides a candidate who could jeopardize Bolsonaro’s re-election in the 2022 presidential elections, the country’s prospects are anything but clear. After the November 2020 midterm elections, the President increasingly used the very negotiating tactics toward Congress that he had so vehemently rejected as tantamount to corruption before taking office. He may not have consolidated majorities in Congress, but he has succeeded in helping people to victory in both the House of Representatives and the Senate in the elections in spring 2021 who, while not close political confidants, are at least politicians who are close to him. As a result, it is unlikely that any of the numerous impeachment proceedings initiated against Bolsonaro will be successful. In the meantime, Bolsonaro’s political goals have not changed. He continues to pursue the destruction of those social and societal gains that were made possible by the 1988 constitution and enforced by the Cardoso, Lula, and Rousseff governments. It can only be hoped that the checks and balances of Brazilian democracy are strong enough to prevent this from happening.

References

- Bianchi, Bernardo, Jorge Chaloub, Patricia Rangel, and Frieder Otto Wolf, eds. 2021. *Democracy and Brazil. Collapse and Regression*. New York: Routledge.
- Calejon Ibrahim, Cesar Antonio. 2021a. *A ascensão do Bolsonarismo no Brasil do século XXI*. Curitiba: Kotter.
- Calejon Ibrahim, Cesar Antonio. 2021b. *Tempestade Perfeita: o bolsonarismo e a sindemia covid-19 no Brasil*. Contracorrente.
- Cannon, Barry. 2021. “Democratization and De-democratization in Left-Led Brazil. From ‘Low-Conflict Progressivism’ to ‘Hyper-Reactionary Neoliberalism?’” In *Democracy and Brazil. Collapse and Regression*, edited by Bianchi, Bernardo et al., 41–60. New York: Routledge.
- Hatzikidi, Katerina, and Eduardo Dullo, eds. 2021. *A Horizon of (Im)possibilities. A Chronicle of Brazil’s Conservative Turn*. London: University of London Press.
- Lapper, Richard. 2021. *Beef, Bible and Bullets. Brazil in the Age of Bolsonaro*. Manchester: Manchester University Press.
- Monteiro, Geraldo, and Carlos Teixeira. 2020. *Bolsonarismo. Teoria e prática*. Rio de Janeiro: Gramma.
- Oyama, Thaís. 2020. *Tormenta. O governo Bolsonaro: crises, intrigas e segredos*. São Paulo: Schwarcz.
- Pinheiro-Machado, Rosana, and Adriano de Freixo, orgs. 2019. *Brasil em Transe: Bolsonarismo, Nova Direita e Desdemocratização*. Rio de Janeiro: Oficina Raquel.
- Rocha, Camila, Esther Solano, and Jonas Medeiros. 2021. *The Bolsonaro Paradox: The Public Sphere and Right-wing Counterpublicity in Contemporary Brazil*. Cham: Springer.
- Solano Gallego, Esther, org. 2019. *Brasil em colapso*. São Paulo: Unifesp.

The 2020 Local Elections Under Bolsonaro – Finally a Sign of Party Fragmentation in Decline?

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Introduction

Political observers use to read local elections in Brazil as midterm elections. Placed between the general elections in 2018, which Bolsonaro won, and the upcoming 2022 elections, which already overshadow Brazilian politics, the 2020 polls electing mayors and local councilors in all Brazilian municipalities were a thermometer for the extent to which the new government was able to gain muscle at the local level and prepare for a possible 2022 reelection campaign. Local elections are seen as necessary groundwork for national elections (Ames 1994; Avelino, Biderman, and Barone 2012). Commentators agree that Bolsonaro's success at this front was meager since the President did not throw his weight decidedly behind a large number of candidates – and where he did, they performed poorly (Amparo 2020; Bradlow 2020; Phillips 2020). We will not delve further into this question, but rather shift our focus to another long-term topic. While the local election might not be of much use in predicting the strength of specific parties and potential candidates in 2022, it has provided an opportunity to test the waters for the impact of an electoral reform approved in 2017. In this, the 2020 elections might represent the turning point for an underlying structural change of political competition in Brazil. Under the new electoral rules, party fragmentation, a major characteristic of political competition in Brazil, seems to have been significantly reduced. If confirmed, this would be a change that influences party competition more profoundly than short-term voter realignments between parties. This article focuses on how the reform impacted the party system at the local level in 2020, and what can be expected for the 2022 elections.

In four decades, the political party system in Brazil went from two parties represented in Congress (in 1979) to thirty parties (in 2019). Correspondingly, explaining party fragmentation became an essential tool for political scientists. Also, in the debate on reforms of Brazil's political system, party fragmentation is an important topic.

This text recaptures the process of increasing party fragmentation in Brazil over the last four decades. It then describes how parties learned to structure political competition under such conditions, and examines reforms made in 2017, which reverted the trend at the municipal elections in 2020. The concluding section explores to what extent the results from the local polls allow extrapolation to the national level, where elections for the Lower House will take place in 2022.

To start off, why does the number of parties in a political system matter? Political representation is a two-step process where the electoral system first translates votes into seats, and then

the future government rules based on the majorities in Congress. Political parties play a crucial role in structuring the process of representation at both stages. While there is no agreement on an optimal number of parties, most experts suggest that highly fragmented party systems make voting more demanding for citizens. The same applies to negotiating majorities in a highly fragmented Congress. In a nutshell, the number of parties indicates the extent to which the party system narrows the decision-making process in a representative democracy to just a few alternatives (Chhibber and Nooruddin 2004; Sartori 1976; Stokes 1999).

What causes the concentration or fragmentation of a party system? Political scientists hold characteristics of the social fabric and institutional settings responsible (Geys 2006; Golosov 2015; Ordeshook and Shvetsova 1994). Brazil's social and economic structure is highly complex, with cleavages along several dimensions, including a gap between rich and poor, urban and rural areas, a strong public and private sector, not to mention diverse religions. In addition, a tradition of individualistic political behavior and the wish to overcome the restrictions of the military regime have characterized Brazilian political culture since 1980. These structural, ideological, and cultural characteristics drive the demand for more parties in Brazil (Tavares 1997).

The political institutions that enabled party fragmentation are the federal political system and proportional representation. Federalism allows regional elites to consolidate their power in the party system, and proportional representation enables parties to elect representatives based on small pockets of voters (Nicolau 1995). However, as Brazil shares these features with many other countries, these alone do not explain why party fragmentation in Brazil peaked to record levels. In the following, after a brief history of party fragmentation, we show how recent institutional fine-tuning of the electoral system significantly impacted party fragmentation at the local level, starting with the 2020 election. We then evaluate to what extent these changes will also influence the next general elections in 2022 by reverting the trend of party system fragmentation at the national level.

The dynamics of Brazilian party fragmentation over four decades

After reintroducing a multiparty system in 1979, the number of parties running for the national Legislature in the three consecutive elections 1982, 1986, and 1990 went from 5 to 29, and then to 33. Having many parties running for election is a common phenomenon in contemporary democracies. Both in Germany and the UK, roughly 50 parties were on the ballot in the last elections. But voter support – or rather the lack of it – typically reduces the number of parties in the national Legislature to less than 10. In the case of Brazil, however, as a result of the proportional system of representation and the fragmentation of voter support, most of the parties running for election managed to elect representatives to the Lower House (5, 12, and 19 for the three elections mentioned above). To adequately describe the fragmentation of voter support, we must break down the results of elections into the vote shares of individual parties. A careful examination of Table 1 shows how the support for large parties dwindled over time. The top five parties, responsible for 100 % of the vote in 1982 and in 1986 still covering 91 % of the vote share, dropped to 66 % in 1990. Nearly three decades later, in 2018, the same five parties represent less than a third of the voters. But is there a better way to summarize the data in Table 1 to grasp the Brazilian phenomenon of party fragmentation?

Table 1: Vote share of political parties at elections for Federal Deputy (1978–2018)

Past names	Current name	1978	1982	1986	1990	1994	1998	2002	2006	2010	2014	2018
PDS/PPR/PPB/PP	PP	50.4	43.2	7.9	8.9	9.2	11.3	7.8	7.1	7.3	6.6	5.6
MDB/PMDB/MDB	MDB	49.6	43.0	47.8	19.3	20.3	15.2	13.4	14.6	12.9	11.1	5.5
PDT	PDT		5.8	6.5	10.0	7.1	5.7	5.1	5.2	4.9	3.6	4.6
PTB	PTB		4.4	4.5	5.6	5.2	5.7	4.6	4.7	4.2	4.0	2.1
PT	PT		3.5	6.9	10.2	13.1	13.2	18.4	15.0	16.8	13.9	10.3
PFL/DEM	DEM			17.7	12.4	12.8	17.3	13.4	10.9	7.4	4.2	4.7
PL/PR/REP	REP			2.8	4.3	3.5	2.5	4.3	4.4	7.5	5.8	5.3
PSB	PSB			1.0	1.9	2.1	3.4	5.3	6.1	7.0	6.4	5.5
PCB/PPS/CID	CIDA			0.9	1.0	0.6	1.3	3.1	3.9	2.6	2.0	1.6
PC do B	PCdoB			0.6	0.9	1.2	1.3	2.2	2.1	2.8	2.0	1.4
PSC	PSC			0.4	0.8	0.5	0.7	0.6	1.9	3.1	2.6	1.8
PMN	PMN			0.1	0.6	0.6	0.5	0.3	0.9	1.1	0.5	0.6
PJ/PRN/PTC	PTC			0.0	8.3	0.4	0.1	0.1	0.9	0.6	0.3	0.6
PTR/PP>PPB				0.1	1.1	6.8						
PDC>PPR				1.2	3.0							
PSDB	PSDB				8.7	14.0	17.5	14.3	13.6	11.7	11.4	6.0
PTdoB	AVANTE				0.2	0.0	0.3	0.2	0.3	0.7	0.8	1.9
PRONA>PTB					0.0	0.8	0.9	2.1	1.0			
PSD (1)>PTB					0.5	1.0	0.8	0.5				
PV	PV					0.2	0.4	1.4	3.6	3.8	2.1	1.6
PTN/PODE	PODE						0.1	0.1	0.2	0.2	0.7	2.3
PSL	PSL						0.3	0.5	0.3	0.5	0.8	11.7
PSN/PHS	PHS						0.2	0.3	0.5	0.8	1.0	1.5
PSOL	PSOL								1.2	1.2	1.8	2.8
PRB	PRB								0.3	1.8	4.5	5.1
PSD (2)	PSD										6.1	5.8
SD	SOLI										2.8	2.0
PROS	PROS										2.0	2.1
PEN/PARTI	PATRI										0.7	1.5
NOVO	NOVO											2.8
OTHER PARTIES*		0.0	0.1	1.6	2.3	0.6	1.3	2.0	1.3	1.0	2.2	3.5

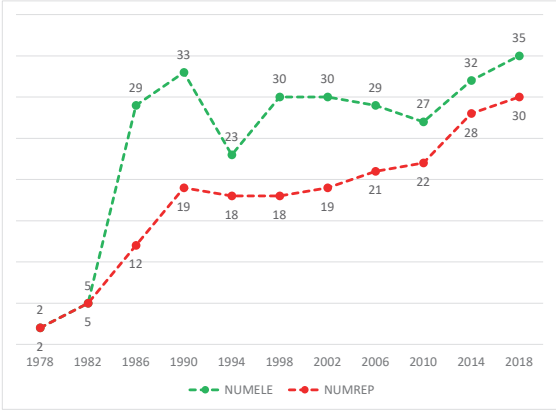
* All parties listed above reached a vote share of >1% in at least one election. The category “other parties” includes the vote share of the remaining parties. Authors’ calculation based on data from the TSE, Lamounier (1988), and Nicolau (2021).

Political science uses two methods to count the number of parties: first, by calculating the raw number of parties (NUM), and second, by counting the effective number of parties (NEP), taking into account the relative strength of the parties.¹ Both indicators can apply either to elections

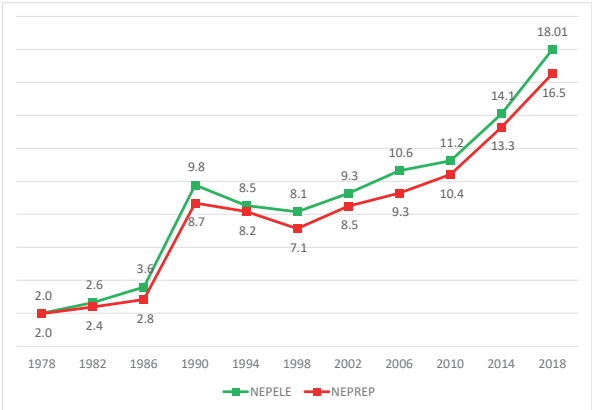
1 The calculation of the effective number of parties, based on the Herfindahl-Index, has been widely used since Laakso and Taagepera (1979). $ENP=1/(\text{sum of squared vote shares})$.

(ELE) or legislative bodies (REP). Combining the measurement of two phenomena (votes and seats) with two measures (raw and effective number) leaves us with four indicators to evaluate party fragmentation. These are the number of parties running for election (NUMELE), the effective number of parties based on their share of votes (NEPELE), the number of parties represented in the Legislature (NUMREP), and the effective number of parties based on the seat share (NEPREP). These indicators will help us describe the evolution of the party system in Brazil. Each indicator helps understanding specific aspects of political competition. Figure 1 shows the evolution of the Brazilian party system from 1978 to 2018, measuring patterns of both voting behavior and political representation for the national Legislature. The number of parties running for the national parliament (NUMELE) rose from 5 to 35. The number of parties electing at least one Legislator to office (NUMREP) increased from 5 to 30. While the left graph in Figure 1 represents the raw number of parties running and holding seats, the graph to the right reports the effective number of parties at both stages. Here, Brazil's party system diverges from most contemporary democracies. The current dispersion of votes and seats, measured by the Effective Number of Parties at the polls (NEPELE: 18) and represented in the Lower House (NEPREP: 16.5), places Brazil among the countries with the most party fragmentation of all contemporary democracies. We will now describe the evolution of the party system in Brazil, delving into the history of some of the significant developments.

Figure 1: Indicators of party fragmentation over four decades (federal deputy)



Number of parties running and holding seats for national Legislator (Deputado Federal)



Effective number of parties running and holding seats for national Legislator (Deputado Federal)

Source: Authors' calculation based on data from TSE.

The military dictatorship in Brazil (1964 to 1985) introduced a forced bipartisan party system, brutally persecuting political opponents, limiting the scope of political ideologies allowed to organize as parties, manipulating the electoral process, and frequently closing the National Legislature. But unlike other dictatorships in the 1970s, the system of political representation was not discontinued entirely, and parties were not banned (Desposato 2001; Kinzo 1988; Sarles 1982; Skidmore 1990). When returning to a multiparty system in 1979, still under the auspices of the

military government, the rulers expected the opposition party MDB to split, possibly building a new alliance with the ruling ARENA, to support another government backed by the military. However, during the decade, both ARENA and MDB suffered significant defections, which resulted in a new party system emerging. It could not be more dissimilar to the bipartisan regime before 1979.

During the first election under the multiparty regime in 1982, ARENA, now rebranded PDS, managed to keep its vote share covering roughly half of the electorate. The new president was elected indirectly in 1985 by an electoral college composed of national and state lawmakers. Replacing the general elections of presidents and governors by indirect elections via lawmakers to guarantee a majority for the candidate backed by the regime was one of the main characteristics of the military regime. The year before the 1985 election, the opposition failed to pass a constitutional amendment to reintroduce the direct election of the president. The (still) military government won the battle over the election rules but lost the war over the election itself. The ruling party PDS suffered a significant breakaway with the dissidents founding a new party, PFL, which became an ally of the opposition PMDB to elect the new president. This game-changing moment of political elites realigning with political parties led to the defeat of the PDS (former ARENA) candidate Maluf and the victory of Tancredo Neves from PMDB (former MDB) as president.

Former opposition party PMDB increased its vote share as the ruling party and reached its highest share of electoral support in 1986 when 260 out of 487 Federal Deputies, 38 out of 49 Senators, and 22 out of 23 governors elected were PMDB affiliates. The party now controlled nearly half of the electorate, while its former opponent was elected by fewer than one out of ten voters. Brazil was on track to a dominant party system. However, history changed course. The ruling party PMDB rapidly lost popular support in the following years due to economic and political crises. In addition, similar to PDS a decade earlier, PMDB suffered a significant breakaway in 1988. During the constitutional assembly debates, the PMDB party split on disagreements over the type of government (presidential or parliamentary) Brazil should have as well as the term of the current president (four or five years). Again, the breakaway group formed a new party, PSDB. The vote share of PMDB, in turn, collapsed to less than half between 1986 and 1990, though still less devastating than the loss of PDS years before (see Table 1). After the collapse of the PDS and PMDB, both once holding half of the electorate, no other party would be able to come close to having a similarly dominant position. No party managed to garner the support of even 20% of the voters in the next three decades. Today, the largest parties hold around 10% of the voters. In addition to the parties mentioned above, which emerged from the former two-party system, one of the new parties, the Workers Party (PT), managed to increase its vote share significantly from 3.5% to 10.2%. By the end of the decade, the two-party system of the military regime was highly fragmented, with an Effective Number of Parties of 9.8 (based on the share of votes) and 8.7 (based on the share of seats).

While the two breakaway movements and the surge of the PT explain part of the fragmentation of the party system in the first decade, they do not tell the whole story. The absolute number of parties running candidates for the Lower House increased from 2 to 33 between 1980 and 1990. These party foundations by the dozens were the result of both demand and supply

forces. On the supply side, Brazil lacked regulations that restricted both the creation and the representation of new parties. As mentioned above, political pluralism had been suppressed for two decades. One of the first measures (via constitutional amendment) of the new post-military government was the deregulation of party formation and the end of restrictions of political pluralism (Constitutional Amendment 25, 1985). The once bipartisan system rapidly fractured into ever-smaller political groups.

Two overlapping trends characterized the next decade from 1990 to 2000. First, the number of newly created parties slowed down, from 24 (1986) and 15 (1990) to 4 (1994) and 6 (1998). More significantly, the number of parties closing their activities counterbalanced the trend of new party labels. Between 1986 and 1990, 11 parties ceased to run for election, and between 1990 and 1994, the same number of parties ended their activities. The absolute number of parties running candidates for the Lower House stabilized at around 30, and the number of election representatives stagnated at 20. The indicators of effective parties by vote and seat continued rising, but at a lower rate. Between 1990 and 2010, the NEPELE for vote share slightly increased from 9.8 to 11.2. This rise also occurred in the NEPREP of seat share, which rose from 8.7 and 10.4.

One of the reasons for the reversed trend was the new institutional environment for party creation. The new party law in 1995 demanded a high threshold for the registration of new parties. Parties were now required to prove popular support by collecting signatures from 0.5% of voters covering several states. Parties that had reached temporary registration before were now looking for consolidation, fusion, or dissolution. As we saw above, a large number of parties decided to end their activities. More importantly, the new party law also introduced a threshold for parties to access public resources and enjoy certain privileges in Congress. The new rule included a period of adaptation of more than a decade, so it would only come into effect after the 2006 election. As a result, some party mergers took place during this period in anticipation of the impact of the reform. However, in 2006, shortly before finally coming into effect, the Supreme Court (STF) declared the rule unconstitutional.

In 2007, the courts (this time the Electoral Court, TSE) introduced another rule that influenced the behavior of political leaders which is part of a trend of increasing the judicial review of politics. The Court ruled that elected officeholders changing party affiliation during their term in office would lose their party seat in the Lower House. The next candidate in line, according to the election results, would replace the floor-crossing lawmaker. The new rule was meant to strengthen party loyalty, but a loophole had unintended consequences. Officeholders switching to newly created parties were exempt from the loss of their seats. Consequently, instead of switching to an existing party, discontent representatives gathered in freshly formed parties, further contributing to the fragmentation of the party system. The new parties PSD, SOLI, and PROS pooled discontent lawmakers and started with large shares of votes, further boosting party fragmentation.

We have seen the two waves of the evolution of the party system here. During an initial period of fragmentation based on lax rules and an unleashed demand for political pluralism, the party system rapidly fragmented (1980 to 1990). The second period of increased fragmentation followed after 2010, now driven by a mix of institutional incentives and increased discontent with traditional parties.

Structured competition in a highly fragmented system

According to political scientists, Brazilian parties have learned to coordinate electoral competition hierarchically (Limongi 2006; Limongi and Cortez 2010; Limongi and Vasselai 2018; Melo 2010; Melo and Câmara 2012). First, parties define their position concerning the election for the presidency. Typically, two or three parties put forth strong candidates for presidential elections while the remaining parties group around these leading contenders. The average raw number of parties running presidential candidates (NUMELE) between 1989 and 2018 was 11.1. But the effective number of parties in a presidential election (NEPELE) was 3.1, illustrating the concentration of votes around two contenders and a third outsider candidate. All but two general elections for president since 1989 saw strong candidates from just two parties win: PT and PSDB. Table 2 illustrates the final position of the candidate of each party in the presidential race. Candidates in third place were from PDT (1989, 2018), PRONA (1994), PPS (1998), PSB (2002, 2014), PSOL (2006), or PV (2010). Additional candidates from several small parties entered the race for different reasons, but they rarely stood a chance to win. The two exceptions to the rule were the first presidential election in 1989, when the outsider Collor won the runoff against Lula from PT, and the presidential race in 2018, when Bolsonaro came in first, again against a PT candidate. In other words, despite the increasing number of political parties, the “first order election” for the presidency was structured by a small number of parties.

The next step for parties to organize the electoral process consists of structuring the gubernatorial races, a kind of “second-order election” at the subnational level. Like the presidential election, the gubernatorial elections are organized around two to three viable candidates in each state. But the candidates are not always from PT and PSDB. While these parties are strong enough to control the presidential race, they need to cooperate with other influential parties at the subnational level. According to the literature, there is a division of spheres of influence between parties focusing on the presidency and parties running gubernatorial candidates. This arrangement creates mutual alliances of national parties withdrawing from state races and supporting candidates from other parties; these alliances render mutual support from these parties for the presidential and the gubernatorial race. Rather than a system of hierarchical congruence of electoral alliances around the same main parties at all federal levels, characteristic of highly nationalized party systems, the fragmented system of electoral strongholds at the state level allows only pragmatic strategies of electoral alliances. Instead of challenging parties with strongholds in state politics, PT and PSDB have opted to cooperate with local parties and build electoral partnerships.

Congruence of coalitions between the national and the subnational level is hard to achieve when 30+ parties are at work, but there is a minimum of coordination in place. The following figure shows that PT and PSDB have launched strong candidatures in roughly half of the states at the subnational level. Where the two parties could not run their own candidature, they supported the ticket of one of their allies at the national level. They opted to support their main coalition partners: PMDB, PDT and PT do B (for PT) and DEM (for PSDB). Where neither of the two leading parties nor their allies could present a strong candidate, the third option was to form an alliance with any locally influential party, provided the main adversary at the national level did not support the same gubernatorial candidate.

Table 2: Parties contending in presidential elections and their position in the race

Party	1989	1994	1998	2002	2006	2010	2014
PT	2	2	2	1	1	1	1
PSDB	4+	1	1	2	2	2	2
PDT	3	4+			4+		
PRN	1	4+					
PRONA	4+	3	4+				
PPS			3	4+			
PSB				3			3
PSOL					3	4+	4+
PV	4+		4+			3	4+
PSL					4+		
PMDB	4+	4+					
PMN	4+		4+				
PCB	4+					4+	4+
PCN	4+						
PTB2	4+						
PN	4+						
PPB	4+						
PDCdoB	4+						
PSP	4+						
PDS	4+						
PFL	4+						
PP	4+						
PSD	4+						
PL	4+						
PLP	4+						
PSC		4+	4+				4+
PPR		4+					
PSTU			4+	4+		4+	4+
PSDC			4+		4+	4+	4+
PTN			4+				
PSN			4+				
PTdoB			4+				
PCO				4+	4+	4+	4+
PRP					4+		
PRTB						4+	4+
REDE							
PPL							
MDB							
DC							
NOVO							
PODE							
PATRI							
Number of parties	21	8	12	6	8	9	11
Effective Number of parties	5.7	2.7	2.5	3.2	2.4	2.7	3

Note: The numbers stand for the position of the parties' candidates in the race for the presidential office. Data collected from the TSE website, organized by the author.

Table 3: Parties contending in gubernatorial elections (subnational executive)

	1982	1986	1990	1994	1998	2002	2006	2010	2014	2018
MDB+	22	23	15	16	17	14	15	13	18	12
PT	13	12	14	14	14	21	16	10	14	9
PSDB			8	9	14	10	14	15	11	11
DEM+		10	8	6	12	7	6	4	2	6
PSB		2	1	3	7	8	7	8	11	9
PDT	5	7	8	9	5	6	6	4	2	4
PDS	22	8	9							
PTB	3	2	3	4	2	3	1	3	1	1
PSOL							5	4	5	3
PP				4			2	3	3	3
PSD				3					4	5
PSL					2	1				8
PR+		1		1				4	3	1
CIDA+						4	4	2		
PPR				8						
PPB					4	4				
PSC			1		1		1	1	2	2
PV				1				4		1
PCDOB			1				1	1	1	1
PTC+			5							
PMN			1	2				1		
PTR			3							
PDC		1	2							
PROS									2	1
PMB		2								
PHS+								1		1
PRTB						1		1		
PRONA			1		1					
PSTU					1		1			
PRB							1		1	
REDE										1
DC+								1		
SOLI										1
PDSB							1			
PRP					1					
NOVO										1
SD									1	
PODE+						1				
PRS			1							
PGT						1				
Number of Parties	4.0	4.3	4.8	5.0	5.5	7.2	7.3	5.5	6.0	6.9
Effective Number of Parties	2.1	2.2	2.8	3.1	2.5	2.8	2.4	2.4	2.6	3.0

Note: The numbers indicate the number of states where each party launched a candidate for governor. A total of 27 governors were elected in each subnational election. Data collected from the TSE website, organized by the author.

The third coordination step extends electoral alliances for the presidency and governor to the “third order” legislative elections at the national and subnational levels.² The basis for the coordination between the executive and legislative election alliances is a division of labor with mutual benefits. Parties running candidates for president or governor need support from smaller parties because they provide essential resources. One of the key benefits of this system is the share of free airtime on TV and radio stations. Brazilian legislation entitles parties to access a

2 There is some dispute among political scientists concerning the extent to which elections for the presidency or state governments play a dominant role. But there is overall agreement that the political blocks that support different candidates for the executive office also influence elections for the Legislature.

share of this valuable resource, depending on electoral success in the past.³ Electoral alliances can pool these resources. Free airtime is a crucial resource in gubernatorial and presidential races, especially because parties cannot buy additional airtime. These are good reasons for the big players at the national and subnational levels to maximize the number of small parties supporting their candidates for president and governor.

Inversely, small parties depend on electoral alliances to run their candidates for legislative elections. The proportional representation system in Brazil favors the representation of minor parties, which partly explains why party fragmentation occurred in the first place. While electoral alliances for executive office benefit the candidates from large parties, the same alliances at legislative elections help small parties to increase the odds of electing representatives. For this reason, big parties even transfer campaign resources to their small partners in legislative campaigns.

Overall, parties have learned to organize electoral competition even in a highly fragmented party system. The polarized presidential and gubernatorial races are controlled by a small group of main parties, while smaller parties play the lead role in the league of legislative elections. As long as this division of labor was respected, there was room for small and big players in competitive electoral party alliances which structure the races at each state and at the national level.

The 2017 reforms banning electoral alliances and introducing electoral thresholds

There have been numerous changes in the rules of political representation in the decades since the return to multiparty elections. Congress introduced most of the reforms, eventually resorting to constitutional amendments. Decisions made by the judiciary (either the Electoral Court TSE or the STF) had an important influence on the reform process. The 2017 reform, introduced as a constitutional amendment, ended electoral alliances for legislative elections and introduced a threshold for parties to access public resources. The municipal elections in 2020 were the first to take place under the new rules. We will first explain the context of both reform features and then evaluate their impact on party system fragmentation so far.

Threshold to access public resources

Many features of electoral systems, like majority as opposed to proportional representation, or district magnitude, impact party fragmentation. Threshold rules banning small parties from gaining seats are a straightforward way to reduce party fragmentation. They are frequently adopted, since they do not require a complete overhaul and can be added to any electoral system. The Brazilian version (both 1995 and 2017) of the threshold tool does not prevent parties from representation, as in most countries. What it does do is cut access to public resources, including free airtime and public election funding, both essential resources for political competition. As mentioned above, Brazilian lawmakers had previously introduced a threshold of political representation in 1995 which was to enter into force a decade later, but before it became effective, the STF decided to overturn the rule in 2006. The reform initiative in 2017 followed the same principle, cutting off small parties from access to public resources rather

3 This contentious issue is detailed in Speck and Campos (2014).

than banning parties from representation. Since the previous attempt to introduce a threshold had been rejected by the Constitutional Court, in 2017 the lawmakers passed the reform via constitutional amendment.

The end of electoral alliances

The second reform feature included in the 2017 constitutional amendment was the end of electoral alliances (*coligações*) for legislative office. The background for this was the fact that electoral alliances long suffered criticism in Brazil for two reasons. The first is that electoral alliances mechanically allow minor parties to gain access to representation by joining forces. Individually they would fail, but collectively they stand a chance to elect representatives. For the same purpose, small parties also join electoral alliances with large parties. As a result, the fragmentation of the party system increases. The second argument against electoral alliances criticizes the misrepresentation of the will of the voter. Since small parties join forces across ideological boundaries, casting a vote for one candidate may help elect a candidate with opposing views. For the previous two decades negative views on electoral alliances for promoting very small parties and undermining electoral accountability began to accumulate in public opinion. Responding to this criticism, lawmakers included the end of the system of formal electoral alliances in the 2017 reform package. There was no significant protest by minor parties against the new rule, which is surprising given the negative impact the reform would have on them.⁴ The change would come into effect immediately, starting with the elections in 2020, and applies to proportional elections at all levels: for local councilors, subnational, and national representatives.

The impact of the new rules on the 2020 municipal election

Congress passed the constitutional amendment in 2017, but the new rules were scheduled to enter into force stepwise to allow parties to adapt to the new setting. The end of electoral alliances, applying to all proportional elections at the local, subnational and national level, would enter into force at the municipal election in 2020, and then at the general elections for state and national lawmakers in 2022. The threshold banning small parties from receiving public funding applies step by step over more than a decade. Figure 2 shows the schedule for the stepwise introduction of the new rule. It applies to both the funding and airtime support of political parties in the nonelection years as well as the financing of election campaigns. As a result of the new rules, the annual public funding of political parties, which in 2018 was split among 35 parties, from 2019 onwards benefitted only 23 parties. Since party organizations typically cover the bulk of their expenses from public funding, this loss of funding put pressure on 12 parties (identified in Table 4).⁵ The denial of access to public resources also applied to the 2020 municipal elections. As a reaction, three out of 12 parties without public funding merged with larger parties, and the

4 One minor compromise to soften the impact of the reform was that small parties that do not make the threshold of the share of votes for one seat (following d'Hondt's formula) would now take part in the distribution of the remaining seats. Before the reform, they were excluded from the distribution of the remaining seats.

5 As we can deduce from Table 1, if the new rules were applied to the full extent immediately, only 11 parties would have had access to public funding of parties and elections.

remaining nine decided to run in the 2020 municipal elections even without public funding. At first sight, this signals a reduced impact of the new package of rules on party fragmentation.

Figure 2: Gradual introduction of the new threshold to access public funding and free airtime

	Public party funding Free airtime	Public election funding Free airtime
Threshold 1.5% of national vote share in 2018 Lower House election and 1% of vote share in 9 states; Or 9 seats in 9 states	2019–2022	2020 municipal election 2022 subnational and national election
2% national and 1% in 9 states; Or 11 seats in 9 states.	2023–2026	2024 municipal election 2026 subnational and national election
2.5% national and 1.5% in 9 states; Or 13 seats in 9 states.	2027–2030	2028 municipal election 2030 subnational and national election
3% national and 2% in 9 states; Or 15 seats in 9 states.	2031–2034 and onwards	2032 municipal election 2034 subnational and national election

Source: Organized by the author, based on Constitutional Amendment 97, 2017.

While the decision to run in elections despite being cut off from public funding shows the resilience of small parties against the new rules, the question is how the party system as a whole reacted to the new context. Since the 2020 municipal election was the first test for the new rules, comparing the 2020 elections to the previous 2016 elections allows us to assess to what extent the reform really did influence party fragmentation.

To be sure, we are assessing the combined effect of the end of electoral alliances and the first stage of the electoral threshold to access public funding. The minor parties suffered pressure from both rules. The threshold required small parties to perform without resources, and the ban of electoral alliances made it harder for fringe parties to achieve representation. It would be hard to separate the impact of both reforms since they acted together. But we can identify how parties (running candidates), political leaders (running on party tickets), and voters (choosing one of the options) reacted to the new set of rules. All actors involved decided on a course that was in part principled, in part strategic. The latter includes the possibility of abandoning small parties with a limited chance of electing representatives.

Gauging the impact of new electoral rules on political competition is a classical topic for political scientists. Since Duverger’s seminal distinction, political scientists separate the mechanical from the psychological effects of electoral systems (Duverger 1951). The *mechanical effect* refers to the way the electoral system translates votes into seats. Any electoral system has a built-in threshold excluding small parties from representation – this is the mechanical effect

of the system. In this case, the end of electoral alliances has increased the effectiveness of that threshold.⁶ Under the new rule, it would be harder for parties with few votes to get a seat.⁷

However, parties, candidates, and voters also act strategically, taking into account the odds of electoral success. When parties see their chances of electing candidates reduced, they may opt out of running or focus on just a few races. Similarly, when candidates see their parties have lost access to public funding, they are tempted to run for other parties. Finally, voters who want to influence the election outcome may vote strategically rather than ideologically, placing their vote with one of the leading parties rather than on a small party that will probably not win a seat. These different forms of strategic behavior influence elections long before election day. Duverger called them the *psychological effect* of electoral systems. The first dimension is the psychological effect on parties that must decide whether to launch candidates. Secondly, candidates will have to settle on which party to run for. And finally, this is the third dimension of the psychological effect, voters will determine to what extent they condition their vote based on the odds of the party winning a seat.⁸

Comparing elections before and after the reform allows us to evaluate the impact of the new rules on different stages of the electoral process. It also allows us to identify and separate the various causal mechanisms responsible for the effects of the reform on party fragmentation. How did parties react, anticipating the impact of the new rules?

Looking at the aggregate number of municipal elections parties engaged in in 2020, compared to the previous elections in 2016 (Table 4), we can see a trend toward concentrating resources on fewer races. With a few exceptions, parties decided to launch candidatures in fewer municipalities than in the previous election. The third column shows the difference in the number of municipalities where parties launched candidatures, illustrating the loss of regional coverage for nearly all parties. The last column, again comparing both election cycles, shows ratios of retreat between 0.3 and 0.7. On average, parties abandoned the races for councilors in half the municipalities. The numbers also confirm the resilience of those parties affected by the threshold, but who chose to run anyway (marked *). Interestingly, their shrinking ratio is not substantially different from other parties with uninterrupted access to public funding and airtime.

6 Under the system in place until 2016 that allowed for electoral alliances, two small parties which would individually fail the threshold could form an election alliance and, together, elect at least one representative. Another strategy to the same end would be to form an electoral alliance with larger parties. Thus, electoral alliances de facto allowed parties to avoid the mechanical effect of the electoral system. The electoral threshold, the second feature of the 2017 reform, had no mechanical impact, since it did not change the way votes were translated into seats.

7 The impact of the new rule ending electoral alliances was smoothed by an additional change in the electoral formula which translates votes into seats. Brazil uses the d'Hondt system. Party votes are divided by 1, 2, 3, etc., and seats are distributed rank ordered among parties with the highest means. Until 2016, only parties reaching the threshold necessary to gain at least one seat (calculated by dividing the number of valid votes by the number of seats available) would participate in the distribution of any seat. With the new rule introduced in 2017, all parties would participate in the distribution of seats following the d'Hondt system. While the end of electoral alliances put pressure on small parties, this change in the electoral formula eased the representation of parties with a small vote share.

8 Duverger originally had voters in mind when defining this dimension, but political science has expanded the meaning of the psychological effect to other actors involved.

Table 4: Coverage of parties running in municipal elections

Councilor election
(number of municipalities where parties run)

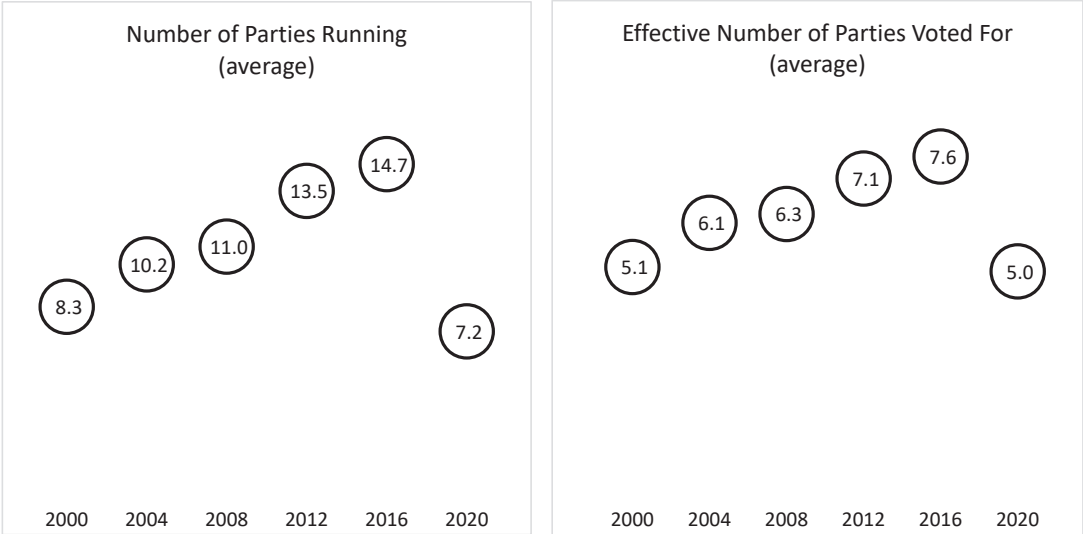
Parties	2016	2020	difference	ratio
DEM	4619	2785	-1834	0.6
NOVO	193	332	139	1.7
PC do B	3080	1203	-1877	0.4
PCB*	364	217	-147	0.6
PCO*	235	135	-100	0.6
PDT	4765	2528	-2237	0.5
PEN	2474	1397	-1077	0.6
PHS**	2817	0	-2817	-
PMB*	1658	434	-1224	0.3
PMDB	5871	3759	-2112	0.6
PMN*	1896	618	-1278	0.3
PP	5077	3247	-1830	0.6
PPL**	1173	0	-1173	-
PPS	3788	1615	-2173	0.4
PR	4532	2456	-2076	0.5
PRB	3879	2402	-1477	0.6
PROS	2924	1136	-1788	0.4
PRP**	2182	0	-2182	-
PRTB*	1873	893	-980	0.5
PSB	4880	2400	-2480	0.5
PSC	3660	1612	-2048	0.4
PSD	5144	3260	-1884	0.6
PSDB	5498	2855	-2643	0.5
PSDC*	1934	617	-1317	0.3
PSL	2688	2020	-668	0.8
PSOL	1177	970	-207	0.8
PSTU*	464	287	-177	0.6
PT	5042	3328	-1714	0.7
PT do B	2073	1408	-665	0.7
PTB	4483	2179	-2304	0.5
PTC*	2174	758	-1416	0.3
PTN	2537	1836	-701	0.7
PV	3389	1255	-2134	0.4
REDE*	1345	688	-657	0.5
SD	3319	1574	-1745	0.5
UP		259	259	

Note: Threshold affected parties running (*) and merged (**).
Data collected from the TSE website, organized by the author.

We will now shift the focus to the municipalities where parties ran for election. How did the phenomenon of parties concentrating on fewer municipalities reflect the level of competition in each municipality? The indicator of the raw number of parties running for election (NUMELE) answers that question. Figure 3 (left graph) shows how the average number of parties running candidates for councilors in the municipalities dropped dramatically from 14.7 in 2016, the last municipal election before the reform, to 7.2 in 2020. This drop reflects the psychological impact of the new rules on parties. The dramatic reduction of parties running candidates indicates parties anticipated the possible consequences of the new regulations on their chances of getting candidates elected and withdrew from certain races.

How did voters react? We evaluate the impact of the reform on voting behavior by analyzing the share of votes received by different parties. If voters changed their voting behavior after the reform, the party system should be more concentrated than before. The appropriate indicator to measure the fragmentation of votes is the effective number of parties (NEPELE). Figure 3 (right graph) shows that the effective number of parties was in fact reduced from 7.6 before the reform to 5.0 in 2020.⁹

Figure 3: Number of parties and effective number of parties in municipal elections



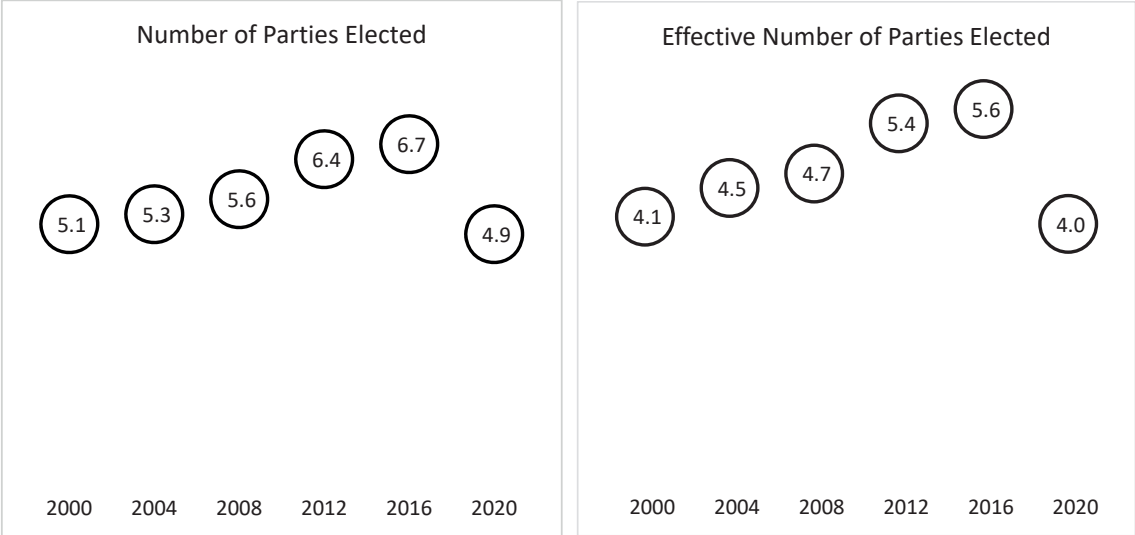
Source: Data collected from the TSE website, organized by the author.

Finally, the electoral system translating votes into seats, which causes parties and voters to change their behavior in anticipation of the impact of the rule, affects the number of parties represented. We have two indicators to measure the fragmentation of the party system within the municipal councils. Figure 4 shows the evolution of both indicators for the past two decades and identifies the impact of the 2017 reform. The average absolute number of parties in city councils (NUM-REP) dropped from 6.7 in 2016 to 4.9 in 2020. When we look at the effective number of parties

⁹ Since the behavior of voters is conditional on the behavior of parties running candidates, the number of effective parties aggregates both the psychological impact on parties and on voters.

in city councils (NEPREP), which considers the relative share of seats, the indicator dropped from 5.6 in 2016 to 4.0 in 2020.¹⁰

Figure 4: Number of parties and effective number of parties represented in municipal councils



Source: Data collected from the TSE website, organized by the author.

To estimate the extent to which the reform had an effect on the party system, we have included the historical record of party fragmentation for all indicators at the municipal level. The figures above show a trend of growing party fragmentation for all four indicators throughout the five elections preceding the reform. The figures also clearly show that the reform’s impact between 2016 and 2020 exceeds the accumulated growth of party system fragmentation in the previous years. All four indicators in 2020 are below the level they had reached two decades earlier, meaning that the two reforms introduced in 2017 significantly reduced party fragmentation in the 2020 elections.

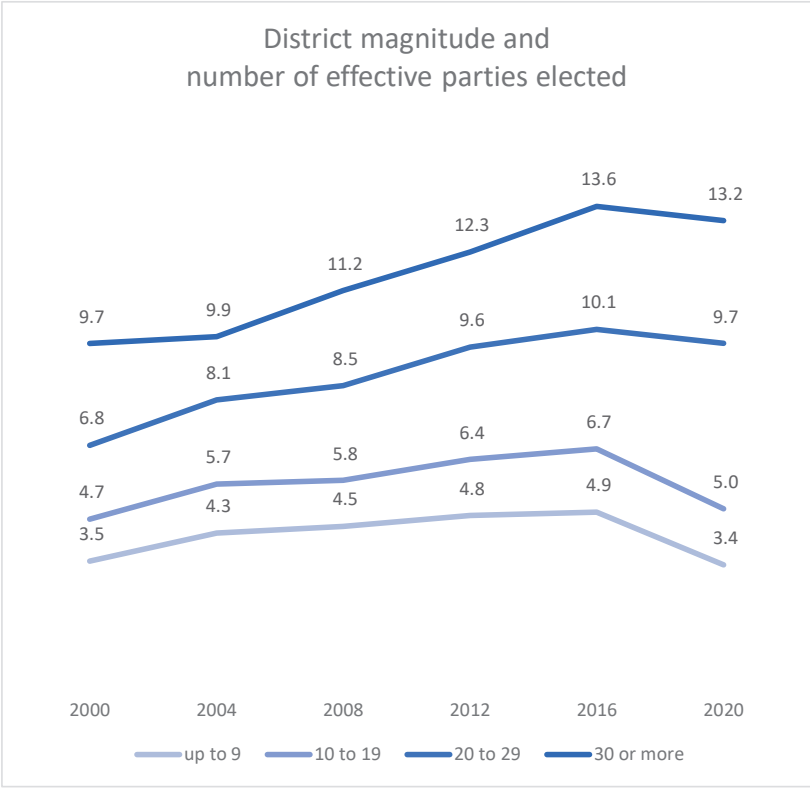
Prospects for the general election in 2022

There is little doubt that the 2017 reforms profoundly impacted party competition in the 2020 local elections by significantly reducing party fragmentation at the municipal level. And the effect of the second reform, the threshold for accessing funds, will still come into full force over the next elections. Is it reasonable to expect a similar impact on party fragmentation at the national level, starting with the 2022 elections? Based on the idea that the same dynamic of pressure on parties, candidates, and voters will apply in national elections, the answer seems to be yes. As an additional mechanism, we can add the role elected officeholders at the local level play in general elections. According to many scholars, support from incumbent mayors and councilors is essential to run successfully for state or national office. Since parties have withdrawn from many municipalities, this will indirectly drain the basis for the 2022 elections in many regions.

¹⁰ Again, the mechanical effect of the electoral formula is conditional on the previous two effects: The drop from 4.9 to 4 reflects the cumulated impact of the psychological effects on parties and voters and the mechanical effect of the electoral formula.

However, there are some caveats we should have in mind which might attenuate this effect. First, district magnitude has a moderating effect on the new rules' impact on the party system. District magnitude refers to the number of seats each district elects, which in the case of municipalities with just one district corresponds to the number of local councilors. The impact of district magnitude on party system fragmentation is well known in the political science literature. Breaking down the effects of the reform by district magnitude (Figure 5), the results show that the impact of the new rules is substantial for municipalities with low district magnitude (up to 19), but less so for municipalities above a district magnitude of 20.¹¹ This implies that a straightforward transposition of the results from the municipal to the subnational or national level cannot be expected as we must take into account the number of seats each municipality elects (district magnitude).

Figure 5: The effective number of parties elected by district magnitude



Source: Data collected from the TSE website, organized by the author.

Suppose we transfer this metric of district magnitude from local to general elections. Figure 6 compares electoral district size for elections at all three levels of government, using the same tiers as in Figure 5. No district for subnational elections falls into the first two categories (electing up to 20 representatives). All states fall into the upper tiers of district size, where the expected impact of the reforms on party fragmentation is less substantial. For national elections, most districts have less than 20 seats; based on the results from municipal elections, these are the ones that should expect a more substantial impact from the new rules.

¹¹ The mass of municipalities is in the first two categories (98%), which explains why the average indicators in Figures 1, 3 and 4 are closer to these numbers.

Figure 6: Number of districts according to magnitude for local, state and national elections

District magnitude	Number of districts in local elections	State elections	National elections
0 to 9	3,641	0	12 AC, AM, AP, DF, MS, MT, RN, RO, RR, SE, TO (8), AL (9)
10 to 19	1,825	0	7 ES, PI (10), PB (12), SC (16), GO, PA (17), MA (18)
20 to 30	80	12 AC, AM, AP, DF, MS, MT, RN, RO, RR, SE, TO (24), AL (27)	2 CE (22), PE (25)
Above 30	14	15 ES, PI (30), PB (36), SC (40), GO, PA (41), MA (42), CE (46), PE (49), PR (54), RS (5), BA (63), RJ (70), MG (77), SP (94)	6 PR (30), RS (31), BA (39), RJ (46), MG (53), SP (70)

Source: Data collected from the TSE website, organized by the author.

Second, the election of federal deputies plays a unique role in the Brazilian system of representation, which makes comparison with both the state and the local level difficult. The election of national lawmakers decides the access to and distribution of state resources. The distribution of free airtime and federal funding of parties and elections depends to a large extent on the number of votes and seats in the Lower House elections. With fewer votes for Lower House elections, parties will have fewer resources and airtime for any election during the next election cycle. Winning votes in this race is essential for political survival at all levels. In addition, the newly introduced threshold also uses elections for Federal Deputy as a benchmark. If parties want to secure future access to public resources, they must focus on their performance for this specific election. We expect parties to be especially reluctant to withdraw from the race for Federal Deputy in 2022. Thus, the resilience of small parties running for the Lower House may keep party system fragmentation high for this specific office.

Third, party system fragmentation is only partially a product of intradistrict dynamics. When it comes to the election of the national Legislature, the impact of Brazil's federal system kicks in. Fragmentation may also be the result of the lack of coordination of parties between states (or districts). Even if the reduction of party system fragmentation prevails at the subnational level, a lack of coordination between states can inflate the number of political parties electing national representatives. Again, the phenomenon has drawn the attention of political science (Chhibber and Kollman 1998; Cox 1999). Suppose for example that two effective parties dominated all the races in states, but the two parties differed in all states; the national level's expected effective number of parties would be 54. However, if two parties could dominate this bipartisan structure in all states, the effective number of parties at the national level would be two. This illustrates the extent to which coordinating across districts affects the number of parties at the national

level. While the mechanics of the new rules tend to reduce party system fragmentation within electoral districts, it is still unclear to what extent parties will run in all states or focus on just a few. As a result of this, a more heterogeneous party structure might emerge, combining reduced fragmentation in states with high fragmentation at the national level.

Fourth and final, the 2017 reform hurt the vital interests of party elites who prefer to control a minor party over fighting for political influence in larger party organizations with many contenders. At first sight, parties affected by the reform are a minority in Congress, which makes the success of blocking or reverting the reforms improbable. However, a package of electoral reforms approved by the Lower House in 2021 included the reintroduction of electoral alliances. The Senate blocked the proposal, but another constitutional amendment allowing federations of parties to run for election introduced electoral alliances under a new framing.¹² This episode demonstrated the power of fringe parties to influence electoral reform against all odds. In the context of support for different reform proposals (log rolling), minority positions with small salience for other parties have a chance of getting approved.

Conclusion

The growing fragmentation of Brazilian parties has been a constant throughout the four decades since the return to a multiparty system. Political scientists have demonstrated how parties have adapted to the new reality, structuring the electoral process hierarchically and helping governments to build majorities. Lawmakers passed two minor electoral reforms in 2017, shielding them against reversals via a constitutional amendment and allowing parties to adapt to the new rules over more than a decade. Despite the rather technical nature of the changes, avoiding a complete overhaul of the electoral system in place since 1945, the impact of the new rules on the first election in 2020 showed impressive results as it reduced party fragmentation substantially. Based on these findings and our knowledge on the dynamics of party competition in Brazil, for the 2022 elections, we would expect the same effect at the national level. The trend of ever-increasing fragmentation is likely to be reversed, but the impact size depends on collateral factors. It remains to be seen to what extent the new version of electoral alliances will undermine the reduction of party fragmentation in 2022. Brazil's party system might have passed a crucial turning point in 2020, heading towards a model of moderate party fragmentation – or not.

References

- Ames, Barry. 1994. "The Reverse Coattails Effect: Local Party Organization in the 1989 Brazilian Presidential Election." *The American Political Science Review* 88, no. 1: 95–111.
- Amparo, Thiago. 2020. "Bolsonaro's Rough Day: What Does It Mean?" *Americas Quarterly*. <https://americasquarterly.org/article/bolsonaros-rough-day-what-does-it-mean/> (11 October 2021).
- Avelino, George, Ciro Biderman, and Leonardo S. Barone. 2012. "Articulações intrapartidárias e desempenho eleitoral no Brasil." *Dados* 55, no. 4: 987–1013.

¹² Law 14.208, 2021 allows for federations of parties to run for election. Different from electoral alliances, such federations apply at the national level, are valid for a period of four years, and apply to all elections within this time frame.

- Bradlow, Benjamin H. 2020. "Brazilians Firmly Rejected Many Local Candidates Their President Had Backed." *Washington Post*. <https://www.washingtonpost.com/politics/2020/12/09/brazilians-firmly-rejected-many-local-candidates-their-president-had-backed/> (11 October 2021).
- Chhibber, Pradeep, and Ken Kollman. 1998. "Party Aggregation and the Number of Parties in India and the United States." *The American Political Science Review* 92, no. 2: 329–42.
- Chhibber, Pradeep, and Irfan Nooruddin. 2004. "Do Party Systems Count?: The Number of Parties and Government Performance in the Indian States." *Comparative Political Studies* 37, no. 2: 152–87.
- Cox, Gary W. 1999. "Electoral Rules and Electoral Coordination." *Annual Review of Political Science* 2, no. 1: 145–61.
- Desposato, Scott W. 2001. "Legislative Politics in Authoritarian Brazil." *Legislative Studies Quarterly* 26, no. 2: 287.
- Duverger, Maurice. 1951. *Political Parties: Their Organization and Activity in the Modern State*. London: Methuen.
- Geys, Benny. 2006. "District magnitude, social heterogeneity and local party system fragmentation." *Party Politics* 12, no. 2: 281–97.
- Golosov, Grigorii V. 2015. "Factors of party system fragmentation: A cross-national study." *Australian Journal of Political Science* 50, no. 1: 42–60.
- Kinzo, Maria D'Alva Gil. 1988. *Oposição e autoritarismo. Gênese e trajetória do MDB: 1966-1979*. São Paulo: Vértice.
- Laakso, Markku, and Rein Taagepera. 1979. "'Effective' Number of Parties: A Measure with Application to West Europe." *Comparative Political Studies* 12, no. 1: 3–27.
- Lamounier, Bolívar. 1988. "O Brasil autoritário revisitado: o impacto das eleições sobre a abertura." In *Democratizando o Brasil*, organized by Alfred C. Stepan, 83–134. Rio de Janeiro: Paz e Terra.
- Limongi, Fernando. 2006. "A democracia no Brasil: presidencialismo, coalizão partidária e processo decisório." *Novos Estudos CEBRAP* 76: 17–41.
- Limongi, Fernando, and Rafael Cortez. 2010. "As eleições de 2010 e o quadro partidário." *Novos estudos CEBRAP* 88: 21–37.
- Limongi, Fernando, e Fabricio Vasselai. 2018. "Entries and Withdrawals: Electoral Coordination across Different Offices and the Brazilian Party Systems." *Brazilian Political Science Review* 12, no. 3: n.p.
- Melo, Carlos Ranulfo. 2010. "Eleições presidenciais, jogos aninhados e sistema partidário no Brasil." *Revista Brasileira de Ciência Política* 4: 13–41.
- Melo, Carlos Ranulfo, and Rafael Câmara. 2012. "Estrutura da competição pela Presidência e consolidação do sistema partidário no Brasil." *Dados* 55, no. 1: 71–117.
- Nicolau, Jairo. 1995. "O sistema partidário brasileiro (1985-1994): um estudo sobre as razões da fragmentação." Tese de Doutorado. IUPERJ.
- Nicolau, Jairo. 2021. "Textos e Dados Sobre Política." <http://jaironicolau.github.io/> (11 October 2021).
- Ordeshook, Peter C., and Olga V. Shvetsova. 1994. "Ethnic Heterogeneity, District Magnitude, and the Number of Parties." *American Journal of Political Science* 38, no. 1: 100–123.
- Phillips, Tom. 2020. "Setback for Bolsonaro after Poor Results in Brazil Local Elections." *The Guardian*. <https://www.theguardian.com/world/2020/nov/16/setback-for-bolsonaro-after-poor-results-in-brazil-local-elections> (11 October 2021).
- Sarles, Margaret J. 1982. "Maintaining Political Control Through Parties: The Brazilian Strategy." *Comparative Politics* 15, no. 1: 41–72.
- Sartori, Giovanni. 1976. *Parties and Party Systems: A Framework for Analysis*. Colchester: ECPR Press.
- Skidmore, Thomas E. 1990. *The Politics of Military Rule in Brazil, 1964–1985*. Oxford: Oxford University Press.
- Speck, Bruno Wilhelm, and Campos, Mauro Macedo. 2014. "Incentivos para a fragmentação e a nacionalização do sistema partidário a partir do horário eleitoral gratuito no Brasil." *Teoria & Pesquisa. Revista de Ciência Política* 23, no. 2: 12–40.
- Stokes, Susan C. 1999. "Political parties and democracy." *Annual Review of Political Science* 2, no. 1: 243–67.
- Tavares, José Antônio Giusti. 1997. "Significado e causas da fragmentação e da volatilidade no sistema partidário parlamentar brasileiro." *Estudos Eleitorais* 1, no. 1: 81–96.

Government and Congress

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Introduction

How can one explain the Bolsonaro administration to someone who has not lived in Brazil for the last three years? It is not an easy task. In addition to being an authoritarian and extremely conservative presidency, the Bolsonaro government is led by someone who does not behave in a way a president would normally be expected to. It is doubtful that he understands what being the President of a country means and asks.

Jair Bolsonaro, a backbencher for almost three decades and a grotesque political figure, was elected president in 2018 when political parties and coalitional presidentialism – and any kind of political bargaining – were highly discredited and equated by pundits with corruption and wrongdoings. Bolsonaro campaigned on an anti-party platform and promised to distance himself from parties if elected (Rennó 2020; Borges, Casalecchi, and Rennó 2020). Yet he presented no clear policy agenda to voters. At most, he made a few vague promises to privatize public companies, dismantle social rights, reduce environmental control mechanisms, and facilitate access to firearms.

The President misses no opportunity to manifest his nostalgia for the military regime. His authoritarian inclinations and despise of democratic regimes are beyond doubt. He does not try to hide his preference for the military dictatorship. He even goes as far as denying the positive advances made on health care, education, and poverty alleviation after the return to democracy. In his misconceived view, these reforms and policies are but manifestations of the advances made by the left after the return to democracy. President Bolsonaro's top political priority is to reverse these trends – to undo what democracy has done. In this sense, his platform can be defined as a negative one.

This negative stance has suited the neoliberal agenda. For Paulo Guedes, Bolsonaro's Minister of Economy and the one responsible for connecting the ex-soldier with so-called market

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forces, to dismantle the gigantic and highly inefficient Brazilian state is the priority. Guedes' mantra is to privatize, cut expenditures and liberate market forces. In his view, the market, not the state, should provide health care, education, and pensions.

Since the return to democracy, Brazilian presidents have relied on coalitions to govern. In other words, to secure the support of the majority in the legislature, the president distributes ministerial posts (Figueiredo 2007; Santos 1997; Figueiredo and Limong 1999; Power 2010). In Brazilian parlance, this practice leads to “coalitional presidentialism”, a term that has a pejorative, negative tone. Since Brazilian parties tend to be weak, non-ideological, and pragmatic (Mainwaring 1992; 1999; Mainwaring and Pérez-Liñán 1997), the bargain entailed in the government formation process is usually associated with illicit practices. In this view, parties join the government to gain access to patronage and to appropriate public resources (Bersch, Praça, and Taylor 2017). In a nutshell, relying on a coalition to govern has become associated with corruption. Bolsonaro holds this view as well, and promised in his campaign to distribute posts without consulting the parties. He asserted that he would select his team according to their capacity, technical knowledge, and merit.

During the first two years of President Bolsonaro's administration, he repeatedly stated that he would not engage in political deals as his predecessors did, that in doing so he would avoid engaging in illicit exchanges⁵ (UOL 2021). The presidential stand was hailed by pundits as a positive break with coalitional presidentialism, as a way to circumvent the pragmatic and illegal dealings that had allegedly prevailed since re-democratization. The consequence was a president who had no qualms in asserting his lack of knowledge of technical and specific issues, claiming that he would use knowledge and capacity as criteria in choosing his assistants.

The ministerial posts were divided among military officers, a few ultraliberal economists, and individuals called *ideológicos* (ideologues) by Brazilian pundits – anti-vaxxers, climate change skeptics, and science deniers in general.⁶ Yet the main criterion seems to have been detachment from previous administrations. Anyone with ties to PT governments was vetoed. It is not clear that the President shared a common agenda with most of the ministers he nominated. Other than his flagrant reactionary insistence on moral and gender issues, little was known of Bolsonaro's ideas before the election. Notably, the President hand-picked individuals who had never held political positions or been elected to office, without any experience in public administration or policy matters. To put it bluntly, the ministers were all outsiders without connections to the political or expert community. While it is the president's prerogative to nominate his ministers, these choices have consequences. In this case, the lack of a partisan majority in Congress and a government of right-wing extremist amateurs.

For the President, this basic political fact was of no consequence. Bolsonaro asserted that he did not intend to interfere in the Legislative Branch. His role, he repeatedly affirmed, was only to introduce bills. Whether these bills became law or not was not his business. The legislature, as an

5 Illicit here indicates only the negative stance Bolsonaro gives to any form of negotiation that leads to coalition formation.

6 Some of the ministers appointed to form the first Bolsonaro cabinet were followers – or perhaps even disciples – of Olavo de Carvalho, a self-proclaimed philosopher and astrologer who is known for his extreme right-wing views and capacity to produce and spread conspiracy theories.

independent body, should deliberate and pass policies completely on its own. Bolsonaro once said: “I don’t own the agenda. I am not the owner of the laws. I can’t interfere” (Estadão Conteúdo 2019).

This is a strange conceptualization of the Chief Executive role in a presidential or any other type of political system. While this is not the place to delve into debates over the *Separation of Powers* doctrine and its evolution since it was first formulated, suffice it to say that Bolsonaro’s conceptualization does not square with the text of the 1988 Constitution. The Constitution places the President at the center of the legislature, vesting in him or her the right and duty to define the agenda of the Legislative Branch. In short, the role of the President is to lead, to take the political responsibility to define what, when, and how the legal status quo is changed. This is clearly not the case of the current administration. Since Bolsonaro’s inauguration, Brazil has been governed by a politically irresponsible leader, a president who states that his role is not to govern.

To appease certain political forces that supported him, the President and his ministers publicly stated that reforming the state would be a top priority. Despite this promise, the government has not been able to formulate and introduce the promised structural, neoliberal reforms. Its record is slim and inherited from the previous administration, like the public pension reform.⁷ Even with this reform, it should be noted, the government avoided any action to get it approved. Rodrigo Maia (Democratas, DEM), the chamber speaker, was the main one responsible for the negotiations and for striking the deals to gather support for it. President Bolsonaro refused to participate, to use his political power, both institutional and non-institutional, to help the reform pass the Congress. His public speeches and general behavior, often contradicting the Minister of Economy, made negotiations harder rather than easier.

The role of Rodrigo Maia in this matter left observers with the impression that the legislature would assume a leading role vis-à-vis the Executive, relegating the President to a secondary role. In other words, it would place Bolsonaro in the same grotesque role that he had been in as a congressman. During Maia’s speakership, the Lower House checked the authoritarian impulses of the President, often undoing actions of dismantling public policies such as gun control and the public health care system.

Instead of governing, the President seems to have opted to extend his electoral campaign. In his speeches, he made no effort to hide his authoritarian, anti-democratic inclination. Instead, he elevated the tone and the threats whenever reports of corruption and wrongdoings involving him or his family surfaced. Invariably, these attacks were followed by setbacks and promises of moderation.

It is said that no matter how bad things are, they can always be worse. As the second year of the Bolsonaro administration started, the SARS-CoV-2 pandemic hit the country. The President reacted with his usual hands-off approach, refusing to take any initiative to combat the spread of the virus. As with all policy issues in his government, the reaction to the pandemic was driven by his ideological lenses. Initially, he blamed the Chinese communist regime for creating the threat, adopting a conspiratorial stance. Like Trump in the US, Bolsonaro minimized the public health crisis, asserting that it was nothing but a small flu and that it would disappear in no time

7 A constitutional amendment was required in this case. In Brazil, the president can initiate proposals to amend the constitution.

and with a small number of casualties. Denying the facts, Bolsonaro took issue with social distancing recommendations, the use of masks, and vaccination policies. He termed these policies threats to individual liberty. His do-nothing approach during the pandemic, and his attempt to blame governors and mayors for all the problems, his behavior during the pandemic once again confirmed his irresponsibility and his refusal to act as the President of Brazil.

While it is true that fighting the pandemic in the Global South was already difficult, it became even harder given the lack of technical training and capacity of the top government personnel hand-picked by Bolsonaro. The Brazilian government simply refused to set policies in response to the public health emergency. The government publicly announced that the response was to sit and wait, to let “nature” act. The President opposed measures as simple as social distancing and the use of masks and refused to buy vaccines for a long time. For instance, the pharmaceutical company Pfizer contacted the Brazilian government multiple times proposing a deal to sell their vaccine, but they were all left unanswered. The Butantã Institute, a public research center, struck a deal with the Chinese drugmaker Sinovac to produce a vaccine in Brazil, but Bolsonaro and his entourage insisted this vaccine was no good because it was Chinese – a xenophobic statement that led to a diplomatic crisis, which, in turn, delayed the production and delivery of the vaccine (Gadelha and Arbex 2021; Oliveira 2021).

Policies to deal with the pandemic were taken by state governors and mayors under heavy criticism of the Bolsonaro government, who more than once went to court to prevent local administrators from imposing mask mandates and lockdowns. Bolsonaro also started a campaign to incentivize early treatment with chloroquine, azithromycin, and ivermectin.

At the beginning of 2021, the pandemic escalated to the point that the health system collapsed. The government’s lack of leadership in dealing with the crisis was one of the main reasons why almost 600,000 people in Brazil died from COVID-19 by the end of September. The striking scenes of patients dying from the lack of supplemental oxygen in crowded public hospitals motivated the creation of the Parliamentary Committee of Inquiry (Comissão Parlamentar de Inquérito, CPI) in the Federal Senate to investigate Brazil’s response to COVID-19 and the President’s liability for one of the worst death rates in the world. The relationship between the Executive and the other branches, which was already less than civil, quickly deteriorated.

Bolsonaro realized that his misconduct might lead him to an impeachment process – and/or ultimately to jail. To avoid this, he decided to break his promise of non-intervention in legislative affairs in the election of the Speakers of the Lower and Upper House.⁸ The President used and abused the resources at his disposal to elect Arthur Lira (Partido Progressista, PP) and Rodrigo Pacheco (DEM) respectively as the House and the Senate’s speakers. Lira has no qualms about stating his alignment with the President and up to now has shelved all the impeachment requests presented. As repayment, Lira’s political group has gained free access to pork barrel and patronage.

Bolsonaro’s “coalition” does not resemble the previous government coalitions set up by the post-re-democratization presidents. Yet, ironically, his coalition appears to be sustained by the type of deals he had previously criticized and asserted he would break with. Lira and Pacheco are

8 The Chamber of Deputies’ speaker has the right to open impeachment proceedings.

supported by pragmatic parties, formed by politicians that depend on patronage and pork barrel policies to survive. For Bolsonaro, all that matters is that they block any attempts to prosecute him. The deal is simple: you protect me and I let you run the Country and extract rents from it as you wish. For Bolsonaro, this is a small price to pay. The outcome, however, is a chaotic government composed of right-wing zealots and rent-seeking politicians. There is no coordination, no common purpose, no leadership.

In our study, we rely on data concerning legislative activity to characterize this negative, irresponsible government. To shed light on the relationship between the Executive and the legislature in the last two and a half years, we analyze what happened with the legal initiatives Bolsonaro did propose and compare them with the performance of those put forth by previous presidents. The data speaks for itself. Bolsonaro has not been able to advance his agenda.

In our analysis, we devote special attention to the “Medidas Provisórias” (MPV), or provisional decrees. The 1988 Constitution endows the president with the right to issue provisional decrees. While “Medidas Provisórias” are supposed to tackle urgent issues that require immediate action, all previous presidents have used them to deal with a myriad of cases. Yet whatever its purposes, it is important to highlight that once a provisional decree is issued, it has the status of law for sixty days. If Congress does not consider its passage into law in this period, the President may reissue the decree for an extra period of sixty days. After 120 days of its introduction, if Congress has not approved the provisional decree, the decree is considered void, that is, it is considered repealed. That being said, a provisional decree is a powerful tool in the hands of presidents, allowing the Chief Executive to unilaterally alter the status quo. Yet, since its validity beyond 120 days depends upon the explicit manifestation of the majority, it cannot be used without the anticipation of congressional behavior. It is only reasonable to suppose that when the president issues a provisional decree, he will take action to ensure that it is converted into law.

Bolsonaro issued as many or more provisional decrees as his predecessors. Yet, his rate of conversion into law fares well below any of them. This provides direct evidence of Bolsonaro’s political irresponsibility. The roll call data we collected show that this failure to pass legislation is not the result of the existence of strong opposition. On the contrary, most legislators in Congress support his views. In other words, if he were to negotiate his agenda and seek support for it, most probably, a great deal of his agenda could have been transformed into law or policies. Bolsonaro does not lead the process; instead, he leaves public policy adrift.

Lawmaking under Bolsonaro

In this section, we present descriptive data relative to the lawmaking process and legislative behavior. We focus on executive-legislative relations to give an overview of the two and a half years of Bolsonaro’s administration in comparison with his predecessors. We show that Bolsonaro does not face a belligerent legislature. The right controls the majority of seats and shares the government’s main political inclination. Yet the approval rate of the executive bills sent to Congress is low compared to that of other presidents. The only reason we find to explain his performance is his resistance to form a government and to rely on deals and bargains with parties to have his agenda approved.

Before reviewing our data, it is necessary to note that we compare the two and a half years of the Bolsonaro government with the same period of the previous governments, starting with the first president elected after the promulgation of the 1988 Constitution. For completeness, we provide data for all elected presidents (we do not provide data for Itamar Franco and Michel Temer, who took office after the impeachment of the elected presidents), but we do stress that the appropriate comparisons should be circumscribed to the first term of each one of them. This comparison allows us to take presidents at the same moment of their electoral cycles. Note also, that Dilma Rousseff was ousted in the middle of the second year of her second term.

Table 1: Administrations analyzed

President	Inauguration	Conclusion	Months in office	Months considered in the analysis
Collor	1990-03-15	1992-09-30*	30.5	30
Cardoso	1995-01-01	1998-12-31	48	30
Cardoso II	1999-01-01	2002-12-31	48	30
Lula	2003-01-01	2006-12-31	48	30
Lula II	2007-01-01	2010-12-31	48	30
Rousseff	2011-01-01	2014-12-31	48	30
Rousseff II	2015-01-01	2016-05-11*	16.3	16.3
Bolsonaro	2019-01-01	2021-12-31 (expected)	48 (expected)	30

Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).

Note: *Date the president was removed from office due to the impeachment process.

Table 2 depicts the legislative initiative of the presidents. One first notices that President Bolsonaro sent fewer bills to Congress than his predecessors. Moreover, provisional decrees (MPV, “Medidas Provisórias”) and budget proposals (PLN, “Projetos de Lei Orçamentária do Congresso Nacional”) dominated his agenda. These two types of legislation can only be initiated by the Executive. Provisional decrees, as we stated before, must be explicitly approved by Congress within 120 days. If they are not, they are considered rejected. Whereas his predecessors balanced those initiatives, proposing on average one bill for each provisional decree, the ratio for Bolsonaro is more than three provisional decrees for each ordinary bill.

Table 2: Bills initiated by the Executive

President	PEC	PLP	MPV	PL	PLN	Total
Cardoso	22	8	84	140	248	502
Cardoso II	9	14	84	130	255	492
Lula	8	6	157	121	228	520
Lula II	8	10	125	131	191	465
Rousseff	2	4	102	60	116	284
Rousseff II	4	1	58	31	35	129
Bolsonaro	3	9	190	54	107	363

Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021)

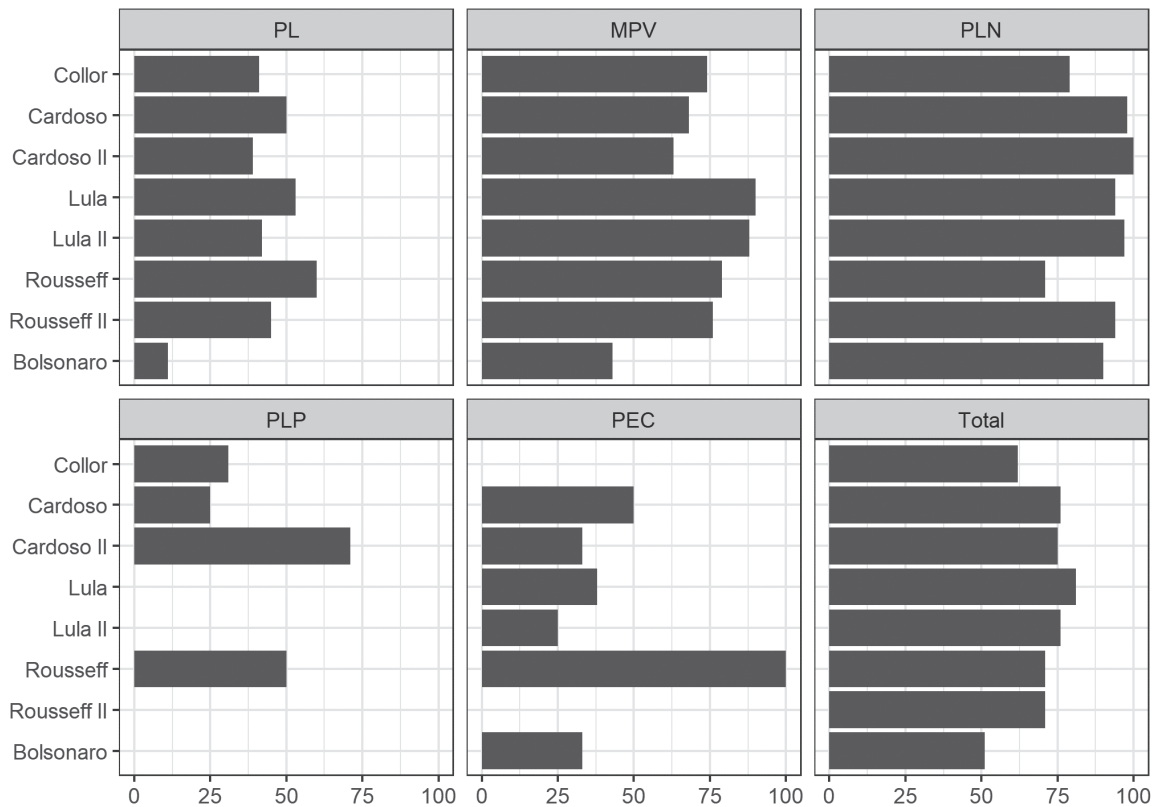
Note: PEC: “Proposta de Emenda à Constituição” (Constitutional Amendment Bill). PLP: “Projeto de Lei Complementar” (Bill of Supplementary Law). MPV: “Medidas Provisórias” (Provisional Presidential Decree).

PLN: “Projeto de Lei do Congresso Nacional” (Budgetary Bill of the National Congress). PL: “Projeto de Lei Ordinária” (Bill of Law).

Turning now to the approval rates, as Figure 1 shows, the contrast between Bolsonaro and previous administrations is even stronger and telling. His performance, measured by his rate of success, is well below the average. Overall, of all his initiatives, only about 50 % of them were approved, a percentage even lower than in Dilma Rousseff’s troubled second term. His performance is even worse than it appears. If we ignore the budgetary bills (PLNs), rarely rejected given that they are necessary to keep the government running, Bolsonaro’s approval rate drops to 34 %, meaning that he has been able to convert into law one out of every three propositions. In sum, he proposes fewer bills and approves a lower proportion of them than any president since re-democratization.

Provisional decrees’ (MPVs) approval rates present an even worse scenario. The burden of letting a decree lapse is considerable since it has already changed the status quo. Congress and the President incur costs if the decree is rejected. Therefore, provisional decrees tend to be converted into law. Both actors want to avoid being accused of causing legal instability. A responsible president would resort to this tool when he anticipates that Congress will go along and convert the decree into a standing statute. This, however, does not seem to be the case with Bolsonaro. He issues decrees as his predecessors did, but, in contrast to them, fewer of them have been approved. 41 % of the decrees Bolsonaro issued have expired without any congressional action. For the other administrations, this lapsing and or rejecting rate did not exceed 10 %.

Figure 1: Approval rates of bills introduced by the Executive



Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).

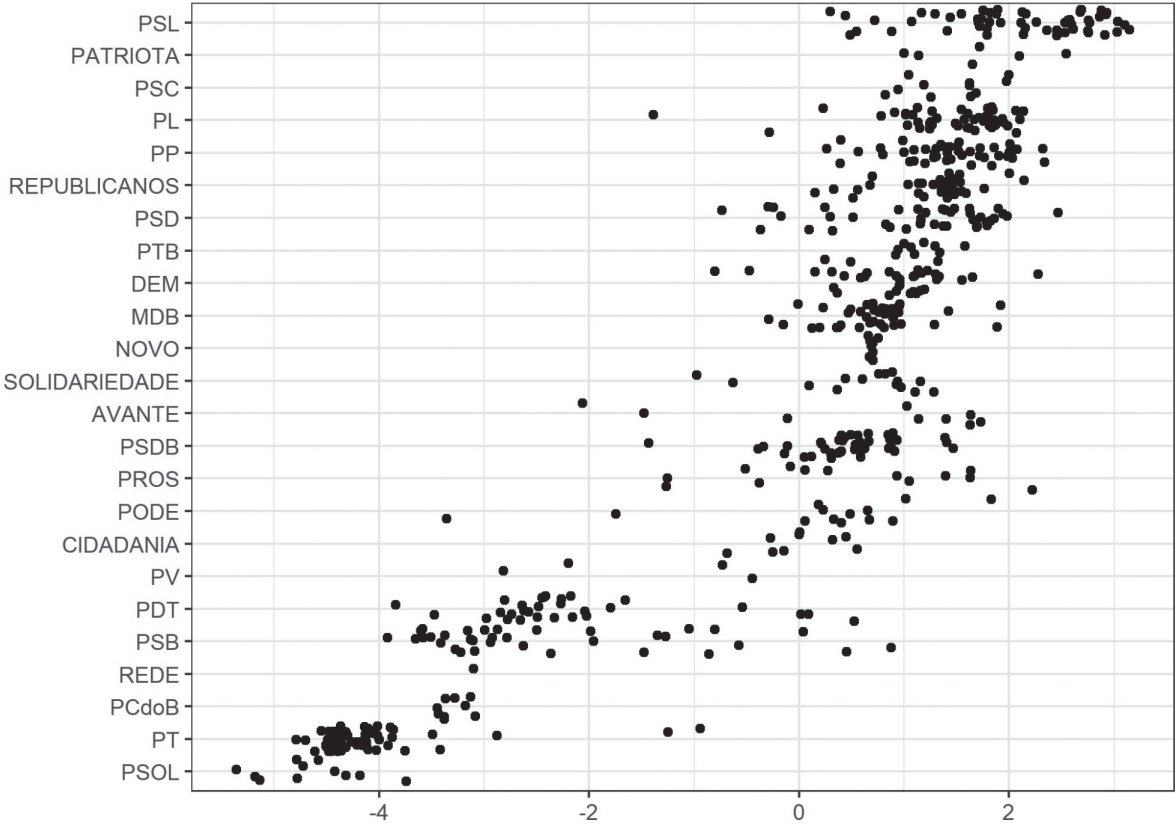
Before concluding, we will consider an alternative explanation, namely, that congressional obstruction explains Bolsonaro’s failure. The Brazilian National Congress is one of the most fragmented parliaments in the world. As a result of the 2018 election, marked by rising polarization, the number of effective parties (NEP) in the lower house increased from 13.4 to 16.5. In the Senate, the NEP reached 14.1, an increase of six points. Building a majority in this scenario, one may argue, may be next to impossible. Yet, this is not the case for three reasons. First, congressional procedures favor party leaders and the Chief Executive. Second, the Partido Social Liberal (PSL), Bolsonaro’s party at the time of the election, is the largest in the Lower House. Third, according to the *Brazilian Legislative Survey* (Zucco and Power 2019), 55% of the house seats are controlled by extreme right-wing and right-wing parties, many of them elected on the anti-party Bolsonaro platform.

To assess the relationship between Bolsonaro and the current legislature we can analyze legislative behavior based on roll call data. We adopted three strategies. First, we estimated legislators’ ideal points – a measure for federal deputies’ policy preferences – using item response theory models (Imai, Lo, and Olmsted 2016; Martin and Quinn 2002; Poole 2005). This enables us to analyze individual behavior during the Bolsonaro administration. Second, we calculated partisan support for the government position. Here we relied on the government’s public statement to their followers as to whether they were supposed to vote YES or NO at each given roll

call.⁹ With this information, we can assess whether the Bolsonaro administration was or was not able to gather support on the floor. Third, we created an indicator of whether the position of the government leader in roll calls is backed by the majority of (voting) deputies.

Figure 2 depicts the representatives' ideal points grouped by party in the first two and a half years of Bolsonaro's presidency. Remarkably, about 70 % of the chamber is located at the center or on the right of the continuum.

Figure 2: Federal Deputies' ideal points during the Bolsonaro administration by party



Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).

One should note that right-wing parties associated with *Centrão*, including PSL, the party that elected Bolsonaro, were at the center of the first corruption scandals of his administration. After that episode, Bolsonaro left the party and some members of PSL publicly split with the President. Nevertheless, the party stands out as being far-right and is accompanied by a block of medium-sized parties (like PP) that seems very loyal to the President's policy positions. Then there is an intermediate cluster (Movimento Democrático Brasileiro, MDB; Partido da Social Democracia Brasileira, PSDB; and other smaller parties) that tends to the center-right and flirts with government support. To the left, there is a small declared opposition group (Partido dos

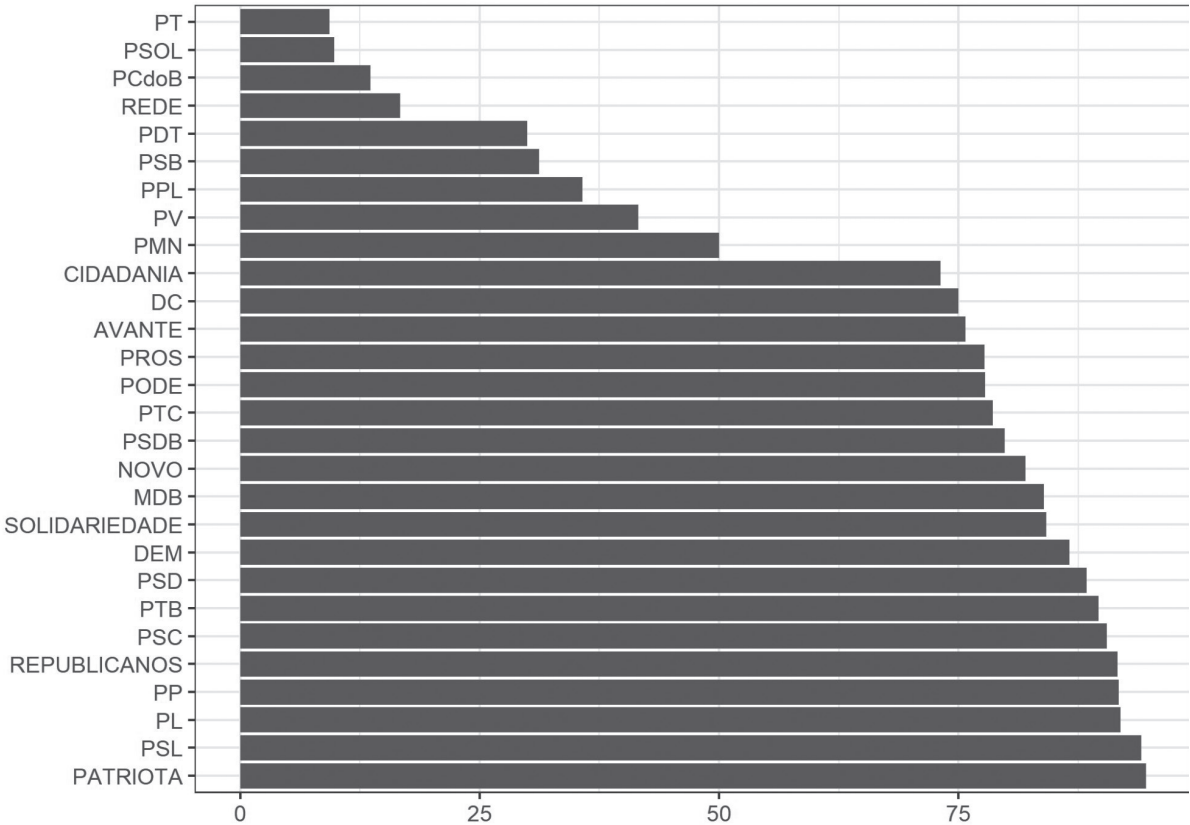
⁹ Party and government leaders can indicate the party (or the government) preference for each roll call. They can vote yea or nay. By doing so, they let the rank-and-file know what the party (or the government) line is on all issues that reach the floor. It is a strategy to facilitate keeping tabs on rank-and-file discipline. Leaders might also allow their partisans to vote freely or also indicate a vote to obstruct the roll call.

Trabalhadores, PT; Partido Socialismo e Liberdade, PSOL; Rede Sustentabilidade, REDE; Partido Socialista Brasileiro, PSB; Partido Comunista do Brasil, PCdoB; and a faction of Partido Democrata Trabalhista, PDT).

In sum, the government seems to have majority support in the lower chamber, which should be enough to pass its agenda. Yet, Bolsonaro has not taken advantage of this support. The analysis of Bolsonaro’s MPV shows that having most of the legislators’ policy positions aligned with the Executive’s ideology does not guarantee that the presidential agenda will pass easily in Congress. The Executive must use its muscles. Figure 2 demonstrates that President Bolsonaro – if he wanted to – would find considerable support for most of his policy preferences.

To gain a better understanding of which parties have supported Bolsonaro’s positions, we compare the vote indications of the government leader in roll calls with the actual votes of federal deputies. As shown in Figure 3, by grouping them by party, we have a measure for the mean support for the government. Again, Bolsonaro hasn’t faced an angry opposition. Most parties have offered, on average, more than 50 % of the votes in support of the orientation of the government leader.

Figure 3: Percentage of mean support for the government in roll calls in the Chamber of Deputies by party



Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).
 Note: The measure includes only roll calls that were valid and not unanimous. The point of reference for the government position in each roll call was the vote indication of the government leader in the Chamber of Deputies (when one was expressed).

However, to come back to Figure 1, Bolsonaro has been the least successful president in passing his legislation since re-democratization. Bolsonaro refuses to assume his role in coordinating the lawmaking process. Table 3 backs this. The second column indicates the percentage of roll calls in which a majority of deputies (50 %+1 of the recorded votes) follows the recommendation of the government leader. The third column follows the same logic, but presents the percentage of roll calls in which the Executive fell on the minority side. Finally, the fourth column indicates the percentage of roll calls in which the government leader left the deputies free to cast their vote or simply refused to recommend any action. The data, again, show that Bolsonaro has no problem finding majority support. Indeed, his government leader cast votes on the majoritarian side of 76.1 % of roll calls, an outcome similar to the performances of Presidents Cardoso and Lula.

Table 3: Position of the government leader on roll calls regarding the majority, by presidency

President	% Majority	% Minority	% in which leader allowed members to cast their own vote or remained silent on
Collor	42.1	14.3	43.6
Cardoso	70.4	2.9	26.7
Cardoso II	79.2	1.4	19.4
Lula	89.3	3.8	6.9
Lula II	77.0	8.0	15
Rousseff	61.9	14.4	23.7
Rousseff II	48.5	21.1	30.4
Bolsonaro	76.1	6.6	17.3

Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).
 Note: This measure includes only roll calls that were valid and not unanimous. The point of reference for the government position in each roll call was the vote indication of the government leader in the Chamber of Deputies (when one was expressed).

Why does a far-right president who promised to make everything different from his precursors simply refuse to govern? The most obvious answer is that he does not have anything to propose. One might say that this is a simplistic answer, but to show that it is reasonable, we resort to a text analysis of the thematic classification¹⁰ of the bills introduced by the President.

Most of Bolsonaro’s agenda focuses on employment and work, about 40 bills. These deal with labor market regulation, as his main concern is to protect jobs and income for the poor. Bolsonaro never lied about this. During his campaign and after his inauguration, Bolsonaro stated that it is better to have fewer rights and more jobs than fewer jobs and more rights. This emphasis on working as a right was reinforced during the pandemic.

¹⁰ We rely on a thematic categorization of bills offered by the Chamber of Deputies.

Figure 4: Word cloud of the thematic classification of Bolsonaro's bills



Source: Brazilian Legislative Dataset – CEBRAP, <https://bancodedadoslegislativos.com.br/> (8 December 2021).

The words “procedure”, “law”, “civil” and “criminal” point to his “law and order” agenda, represented by Sergio Moro, his first Minister of Justice. Sergio Moro was the judge in charge of “Operation Car-Wash” and a symbol of the anti-corruption agenda. As a minister, Moro connected his fierce stance on corruption to combating crime in general. For Bolsonaro’s followers, this meant reducing (eliminating it altogether if possible) gun control.

The reference to education is entirely due to bills that intended to introduce permission for homeschooling and to increase government control over the universities (specifically, granting the Executive greater leeway to appoint rectors). Finally, transport and mobility refer to the reduction of penalties related to traffic violations and the withdrawal of the mandatory use of a safety seat for transporting children in vehicles. That is the crux of Bolsonaro’s agenda – a meager and negative agenda in which the dismantling of state policies is presented as enhancing freedom and liberty. For Bolsonaro, to order children to be educated is to infringe on parents’ liberty, to provide the state too much power over their education/upbringing. To impose speed limits is also a threat to drivers’ freedom. And above all, the poor’s income should exclusively come from their own work.

Perhaps the absent terms, those that do not appear in the word cloud, are more important and revealing of Bolsonaro’s agenda. The terms that have dominated the agenda since re-democratization – poverty, inequality, environmental protection, and many others – that point toward the extension of citizenship are conspicuously absent.

Conclusion: A Grotesque Government

The word grotesque derives from grotto. In art and literature, it denotes figures who are uncomfortable, bizarre or invoke pity. The *Oxford English Dictionary* defines the word as “strange in a way that is unpleasant or offensive” or as “extremely ugly in a strange way that is often frightening or funny”. Grotesque is the best word for the two and half years of Bolsonaro’s administration.

To put it bluntly: Bolsonaro has not governed, he does not care to take responsibility for decisions. He avoids supporting the approval of positive policies, engaging in defining priorities and setting the agenda. His most important political goal is the dismantling of the policies adopted after re-democratization, all that he identifies as the leftist agenda of the PSDB and PT governments. This is a negative political agenda in the sense that he does not propose an alternative. For Guedes and staunch neo-liberals, however, this is a positive agenda since they see the state’s excessive intervention in the economy as the problem. Their agenda is also a negative one. For all their talk of structural, market-oriented reform, they have nothing to offer. At least, so far, the Guedes team of neoliberal-minded reformers has failed to do so. They see the state as the problem, but they have to run the state, and they do not know what to do. The pandemic has aggravated this problem. When the state proved indispensable, a band of state haters had to run it.

References

- Bersch, Katherine, Sérgio Praça, and Matthew M. Taylor. 2017. “Bureaucratic Capacity and Political Autonomy within National States: Mapping the Archipelago of Excellence in Brazil.” In *States in the Developing World*, by Miguel A. Centeno, Atul Kohli, Deborah J. Yashar, and Dinsha Mistree., 157–183 Cambridge/New York: Cambridge University Press.
- Borges, André, Gabriel Avila Casalecchi, and Lúcio Rennó. 2020. “Generalized Anti-Partisans, Conservative and Moderate Antipetistas: Unpacking Bolsonaro’s Vote in Brazil’s 2018 Elections.” [Conference presentation]. 12º Encontro da ABCP, Universidade Federal da Paraíba, João Pessoa, PB, Brazil.
- Estadão Conteúdo. 2019. “Bolsonaro diz que ‘não tem como interferir’ no valor do fundo eleitoral.” *ISTOÉ Independente*, December 11, 2019. <https://istoe.com.br/bolsonaro-diz-que-nao-tem-como-interferir-no-valor-do-fundo-eleitoral/> (8 December 2021).
- Figueiredo, Argelina. 2007. “Government Coalitions in Brazilian Democracy.” *Brazilian Political Science Review* 1, no. 2: 182–206.
- Figueiredo, Argelina, and Fernando de Magalhaes Papaterra Limong. 1999. *Executivo e legislativo na nova ordem constitucional*. Rio de Janeiro: Editora FGV.
- Gadelha, Igor, and Thais Arbex. 2021. “Governo admite que ataques à China travam chegada de insumos para vacina.” *CNN Brasil*, January 19, 2021. <https://www.cnnbrasil.com.br/politica/governo-admite-que-ataques-a-china-travam-chegada-de-insumos-para-vacina/> (8 December 2021).
- Imai, Kosuke, James Lo, and Jonathan Olmsted. 2016. “Fast Estimation of Ideal Points with Massive Data.” *American Political Science Review* 110, no. 4: 631–656. <https://doi.org/10.1017/S000305541600037X> (8 December 2021).
- Mainwaring, Scott. 1992. “Brazilian Party Underdevelopment in Comparative Perspective.” *Political Science Quarterly* 107, no. 4: 677–707. <https://doi.org/10.2307/2152290> (8 December 2021).
- Mainwaring, Scott. 1999. *Rethinking Party Systems in the Third Wave of Democratization: The Case of Brazil*. Stanford: Stanford University Press.

- Mainwaring, Scott, and Aníbal Pérez-Liñán. 1997. "Party Discipline in the Brazilian Constitutional Congress." *Legislative Studies Quarterly* 22, 4: 453–483.
- Martin, Andrew D., and Kevin M. Quinn. 2002. "Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953–1999." *Political Analysis* 10, no. 2: 134–153. <https://doi.org/10.1093/pan/10.2.134> (8 December 2021).
- Oliveira, Joana. 2021. "Butantan afirma que ataques de Governo Bolsonaro à China já atrapalham vacinação." *El País Brasil*, May 6, 2021. <https://brasil.elpais.com/brasil/2021-05-06/butantan-afirma-que-ataques-de-governo-bolsonaro-a-china-ja-atrapalham-vacinacao.html> (8 December 2021).
- Poole, Keith T. 2005. *Spatial Models of Parliamentary Voting*. Cambridge: Cambridge University Press.
- Power, Timothy J. 2010. "Optimism, Pessimism, and Coalitional Presidentialism: Debating the Institutional Design of Brazilian Democracy." *Bulletin of Latin American Research* 29, no. 1: 18–33. <https://doi.org/10.1111/j.1470-9856.2009.00304.x> (8 December 2021).
- Rennó, Lucio R. 2020. "The Bolsonaro Voter: Issue Positions and Vote Choice in the 2018 Brazilian Presidential Elections." *Latin American Politics and Society* 62, no. 4: 1–23. <https://doi.org/10.1017/lap.2020.13> (8 December 2021).
- Santos, Fabiano. 1997. "Patronagem e Poder de Agenda Na Política Brasileira." *Dados - Revista Brasileira de Ciências Sociais* 40: 465–491.
- UOL. 2021. *Em 2018, Bolsonaro Criticou Troca de Ministérios Para Interferir No Legislativo*. <https://www.youtube.com/watch?v=NyaR-i443Zo> (8 December 2021).
- Zucco, Cesar, and Timothy J. Power. 2019. "Brazilian Legislative Surveys (Waves 1-8, 1990-2017)." <https://doi.org/10.7910/DVN/ARYBJI>, Harvard Dataverse, V2, UNF:6:OZ4b3ybYKksC255DkruPxxg== [fileUNF].

Bolsonaro and the Judiciary: Between Accommodation and Confrontation

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Introduction

It has been difficult to keep up with the fast-evolving developments within Brazil's judiciary. From the “Mensalão” trial in the early 2010s to the massive “Lava Jato” investigations launched in 2014, a huge volume of noteworthy judicial decisions has accumulated over the past decade. The election of far-right maverick Jair Bolsonaro to the presidency in late 2018 increased the salience of court decisions, leading to unprecedented jousting between the executive and judicial branches that has added a new layer of complexity to Brazil's already thorny judicial politics.

This chapter reviews the most relevant trends affecting Brazil's judicial institutions during the Bolsonaro presidency, which has brought important changes to a judicial system that was already in turmoil before Bolsonaro took office. The task is difficult for a variety of reasons. First, Bolsonaro's presidency is not over, so in some ways it is a moving analytical target. Second, some of the most salient dynamics currently at work in Brazil's judiciary began to emerge earlier, during the presidency of Michel Temer (2016–2018), making it difficult to draw hard and fast lines. Third, given Brazil's vast judicial system, any review must contend with a wide gamut of judicial, legislative and administrative decisions that have influenced the dynamics of judicial politics.

In the pages ahead, we have sought to use a broad lens to capture these issues, hoping to not miss the forest for the trees. We have skipped over the minute details of recent events and instead present a broader perspective on the period, focusing on patterns of continuity and change in the interactions between the judicial branch and the elected branches since Bolsonaro's inauguration. Although much of our essay revolves around the Brazilian Supreme Court (Supremo Tribunal Federal, or STF), we also consider the lower courts and related institutions, such as the Federal Prosecutors' Office (Ministério Público Federal, MPF) and the Federal Police (Polícia Federal, PF).

We highlight two particular patterns in the relationship between the courts and the elected branches since the election of Jair Bolsonaro in late 2018: accommodation in anticorruption efforts and confrontation in constitutionalism. In the first section, we provide a few basic definitions to set the argument. The following sections discuss the patterns of accommodation in anti-corruption and confrontation in constitutionalism. The final section concludes by highlighting

1 Luciano Da Ros thanks the National Council for Scientific and Technological Development (CNPq) for the financial support.

how the combination of these two patterns seems to have produced a qualitative transformation in the role played by legal actors and institutions within the political system over the last few years, altering not just its current performance, but also Brazilian democracy's future prospects.

Emerging patterns of judicial-elected branch interaction under Bolsonaro

This essay focuses specifically on two issue arenas: anticorruption and constitutionalism. Although this choice may appear somewhat arbitrary, it is not hard to see why these two issues are among the most relevant in contemporary Brazil. First, especially since the rise of the “Lava Jato” investigation, anticorruption has become a central theme in any discussion about the role played by judicial institutions in Brazil. Second, the election to the highest office of a former military officer who voices nostalgia for the most repressive years of Brazil's military regime and appears to have only passing commitment to democratic norms has highlighted the prominent role of the judicial system in establishing constitutional boundaries against illiberalism (Hunter and Power 2019; Meyer and Bustamante 2020).

Before we proceed, a few definitions are in order. *Anticorruption* refers to the accountability of political elites for alleged self-serving abuses in office. *Constitutionalism* refers to basic issues of separation of powers and the rule of law that define both the “soft” and the “hard” guardrails of liberal democracy (Levitsky and Ziblatt 2018). These issues may become intertwined as, for instance, when those accused of corruption by judicial authorities are subjected to violations of due process. But we find it analytically useful for the purposes of this essay to keep them separate, at least initially, because the two issue arenas have led to different patterns of interaction between the courts and the elected branches since Bolsonaro's inauguration in early 2019.

The two arenas involve both the president and other elected officials, on the one hand, and judicial institutions, on the other. The resulting politics are neither solely of the President's or the courts' making, but instead are products of an interplay that also involves the broader political and judicial systems. In order to comprehend these dynamics, we follow the arguments advanced by Kapiszewski (2013) in her comparative study of the interplay between the high courts and the elected branches in Brazil and Argentina, which suggested that the high court's relations with the elected branches in Brazil were marked by accommodation, while the Argentine court's relations were marked by confrontation. *Accommodation* occurs when the revealed preferences of most judicial and political actors are aligned, so that court rulings are largely supportive of, or at least find middle ground with, the administration's agenda, and political leaders largely comply with court rulings. In turn, *confrontation* is characterized by open disagreements between elected and judicial officials, expressed in the form of belligerent rhetoric and challenging decisions, often associated with interbranch conflict (Kapiszewski 2013, 49–50).

Despite our reliance on Kapiszewski's arguments, we diverge slightly from her approach in two ways. First, while she ascribes patterns of accommodation and confrontation to each national high court as a whole, we find that the same Brazilian judicial system actually shows two distinct patterns: accommodation in anticorruption issues and confrontation in constitutional issues.² Second, whereas Kapiszewski describes these patterns as relatively stable, we find that

2 The issue at hand did not vary significantly for Kapiszewski, who focused solely on cases analyzing economic policy issues.

they fluctuate significantly over time, perhaps because much of Brazilian politics, including judicial politics, has been in uneasy flux for most of the turbulent past decade.

Accommodation in anticorruption in Brazil emerged as the political system gradually reached a consensus to shut down “Lava Jato”, as well as to roll back other corruption investigations and restrain accountability agencies. This broad consensus included Bolsonaro, most parties in Congress, most justices on the STF, and key personnel within the MPF and the PF. Confrontation in constitutionalism has been seen in various decisions – especially those taken by the STF – that challenge Bolsonaro’s most extreme and illiberal moves, as well as those of many of his core supporters in far-right social movements, a vocal group of legislators who were elected in 2018, and relevant portions of the armed forces, all of whom have been extremely active in threatening the Court.

Accommodation in anticorruption

It is hard to disentangle the presidency of Jair Bolsonaro from the rise of corruption on the public agenda in the years leading up to his election in 2018 (Rennó 2020; Nicolau 2020). The “Lava Jato” investigation, possibly “the largest corruption scandal ever to beset a democratic nation” (Fisman and Golden 2017, 13), significantly increased the public salience of anticorruption. Launched in March 2014 in the southern city of Curitiba as a federal investigation into money laundering and corruption at Petrobras, Brazil’s vast state-controlled oil company, “Lava Jato” expanded in subsequent years to various segments of the Brazilian state and economy, targeting a multitude of once untouchable political and economic elites. As it proceeded, “Lava Jato” became intertwined with a complex and interlocking set of crises, including a deep economic recession, massive street protests, political gridlock and polarization, and a controversial presidential impeachment.³

“Lava Jato” helped to obliterate much of the electorate’s trust in the once-dominant parties PT, PSDB and MDB (Duque and Smith 2019; Fuks et al. 2021). One consequence, unintentional as it may have been, was the election of Bolsonaro. For decades considered an eccentric and peripheral far-right member of Congress, Bolsonaro’s victory was made possible in part because “Lava Jato” helped to clear alternate candidates from the field. Ironically, however, the election of Bolsonaro was also a major turning point that would eventually lead to the definitive demise of “Lava Jato”. By February 2021, all of the “Lava Jato” task forces within the MPF had been closed down at the behest of Prosecutor General Augusto Aras, who was hand-picked by Bolsonaro to lead the prosecutorial body against the vocal opposition of much of the MPF’s rank-and-file (Kerche 2021).

The shutting down of the task forces, however, was only the final chapter of a much longer and convoluted process that began even before Bolsonaro’s election. In fact, the political backlash against the investigation began to take shape during the presidency of Michel Temer (2016–2018), who came to office as a result of Dilma Rousseff’s impeachment on fiscal grounds unrelated to corruption. This pushback against “Lava Jato” intensified over the course of the Temer presidency and became more effective after Bolsonaro’s inauguration. By 2019, the inves-

3 This section draws on Chapter 5 of Da Ros and Taylor (2022).

tigation was no longer the sacred cow it once had been, and increasingly credible allegations of abuse and bias paved the way for the President, Congress and STF to curtail “Lava Jato”, as well as various other anticorruption initiatives.

Shortly after Bolsonaro’s election, he invited the most prominent of the judges involved in “Lava Jato”, Sérgio Moro, to become Justice Minister. This move was a double win for Bolsonaro, who was able to make good on the anticorruption rhetoric he had employed during his campaign, even while he simultaneously placed under his control the relentless judge who had terrified the Brazilian political elite for several years by removing him from the courts. If it was a double win for Bolsonaro, it was a double loss for “Lava Jato”, in that Moro’s nomination gave credence to allegations of bias in the investigation, while his removal from the court helped to slow down the progress of cases in Curitiba.

Unsurprisingly, Moro’s record as Justice Minister paled in comparison to his record as judge, and he would accomplish far less with Bolsonaro and Congress than he had achieved from the bench. During his sixteen months in office, Moro suffered numerous legislative defeats, many of which came as a consequence of Bolsonaro’s implicit opposition to his proposed reforms. Not only did the reform proposals fail to prosper; in several cases, they were actually replaced by counter-reforms that significantly weakened anticorruption efforts. New laws were approved that established abuse of authority provisions that could be used to cow law enforcement; introduced the *juiz de garantias* (literally, “judge of guarantees”) to oversee criminal cases, theoretically as a way to better protect defendants’ rights; and removed from Moro’s ministerial purview the financial intelligence unit COAF (Conselho de Controle de Atividades Financeiras), among others. In turn, as corruption scandals erupted within the President’s inner circle, Bolsonaro doubled down to protect his cronies, and he began a series of moves to push the once popular judge out of his cabinet. Ultimately, Moro resigned from office in April 2020, accusing the President of interfering with the Federal Police in cases involving Bolsonaro’s close acquaintances (Da Ros and Taylor 2021).

With hindsight, one might say that Sérgio Moro was a victim of phagocytosis: He was caught and absorbed by the political system, digested and then excreted, allowing the old forces that “Lava Jato” had sought to curb to regain the upper hand. Moro’s departure permitted an alliance to emerge between the Bolsonaro administration and the Centrão, the large group of transactional political parties that has historically been associated with patronage in Brazil. Predictably, as this alliance took root, the backlash to anticorruption intensified: A new law was approved to broaden the scope of the crime of *denúncia caluniosa* (roughly, “libelous charges”) as a way to curb prosecutions, and there are various bills proceeding in Congress that narrow the reach of laws on administrative improbity, money laundering, and electoral governance. Bolsonaro, in turn, established firm control over the Federal Police, including by changing the Director General more often than any president since the country’s re-democratization in 1985. Similar processes took place simultaneously in other anticorruption agencies, such as COAF and the Internal Revenue Service. One consequence, not at all coincidental, has been a dramatic decline in both investigations and arrests for corruption.

The backlash to anticorruption was not limited solely to the executive and legislative branches. Within the judiciary itself, a similar retrenchment was also underway, making it clear that

the reaction to the massive anticorruption drive represented by “Lava Jato” was a much broader process of accommodation between the courts and the political system. As the investigations slowed down, the STF issued various decisions that helped to further water down “Lava Jato” and the anticorruption agenda more broadly within the courts. Again, even though STF rulings in this direction started before the election of Bolsonaro (e.g., in June 2018, the STF declared most instances of coercive questioning unconstitutional), they intensified greatly once he took office.

The list of decisions that set back anticorruption efforts is lengthy, but four of the most prominent offer a sense of the overall pattern. In March 2019, the STF decided that money laundering cases related to campaign finance would no longer fall under the jurisdiction of the specialized federal anti-money laundering courts, and would henceforth be transferred to the much weaker electoral courts. In July 2019, the STF’s chief justice temporarily suspended more than 700 criminal investigations nationwide that relied on data from the financial intelligence unit COAF in response to a request from the President’s sons, Senator Flávio Bolsonaro, who was under investigation after a COAF report revealed suspicious transactions between him and a former aide. Although this decision was annulled by the STF later that year, the Court then defined new burdensome protocols on how data by COAF and other agencies could be shared in criminal investigations. In November 2019, the STF ruled that criminal defendants could only be jailed after all appeals had been exhausted in all applicable courts, reversing a decision taken only three years earlier that had allowed jailing after conviction on appeal (Rodrigues and Arantes 2020). Finally, between March and June 2021, the STF not only removed the jurisdiction of an important parcel of “Lava Jato’s” cases from Curitiba, but also declared that Moro had been biased in his decision to convict former President Lula, ensuring that these cases will have to restart from scratch in other courts.

These final court decisions coincided with the Prosecutor General’s decision to close down all “Lava Jato” task forces, dealing a final one-two punch to the once unstoppable investigation. Seven years into the spectacular “Lava Jato”, which once offered the promise of ridding Brazilian politics of deeply embedded grand corruption, it looked as though the case was going to “end up in pizza,” as Brazilians say when allegations of impropriety by public officials lead nowhere. The accommodation between the courts and the elected branches in anticorruption, however, was only possible because it benefitted a wide swathe of the political system, ranging from the President’s own sons to his rival, former President Lula, as well as the Centrão parties that are so often the linchpin of executive-legislative relations.

This is not to say that all of the pushback against “Lava Jato” was unreasonable, or that justices and judges were necessarily in bed with their corrupt peers in the executive and legislative branches. Indeed, many court rulings and laws that were passed in response to “Lava Jato” are not, on the face of it, unreasonable: Many simply aim to reduce the abuse of power and better protect defendants’ rights. Yet their net effect was to significantly curtail the autonomy and capacity of legal accountability agencies and reset much anticorruption policy. Corruption investigations are still taking place, and even “Lava Jato” cases are still being heard in the courts, but the overall direction of recent court decisions has greatly extended the time horizons of most

political actors, who no longer need to fear imminent jailtime, as they once would have in the heyday of “Lava Jato”.

Declining oversight and investigation went hand in hand with a series of new scandals within the Bolsonaro administration. Coinciding with the administration’s gradual approximation to the Centrão, these scandals are exemplified by the “secret budget” scandal of early 2021, in which the Ministries of Regional Development, Defense, Agriculture and Justice disbursed funds to allied politicians through a series of opaque procedures that violated long-established budgetary rules. Further, as the Health Ministry began to negotiate much-delayed contracts to acquire Covid-19 vaccines, it too became accused of corruption, with numerous allegations of overpricing involving both military officers and Centrão appointees within the Ministry.

Confrontation in constitutionalism

Illiberal ideologies and institutional instability had been on the rise in Brazil before the Bolsonaro presidency. Demonstrators have been calling for “military intervention” in street protests at least since 2013, and with increasing stridency beginning in 2015 (Tatagiba and Galvão 2019). In 2017, General Hamilton Mourão, later Bolsonaro’s vice-president, said in a speech in which he claimed to represent the prevailing sentiment within the Army High Command that, “either the institutions solve the political problem [of corruption], by action of the judiciary, [...] or [...] we [the military] will have to impose this” (Valente 2017). A year later, Army Commander Eduardo Villas-Bôas posted a veiled threat against the STF on social media, just as the Court was about to hear a *habeas corpus* petition from former President Lula, saying that the army shared with “all good citizens” (*cidadãos de bem*) the “repudiation of impunity.” In a tight 6-5 vote, the Court decided against Lula, meaning that he remained in jail and was prevented from running in the 2018 elections from which Bolsonaro eventually emerged victorious (Gugliano and Monteiro 2021).

Bolsonaro’s unprecedentedly combative relationship with the courts has to be understood within this increasingly contentious context. His words and deeds as president, however, set him apart from any of his predecessors since the late 1960s, the most repressive years of military rule, when the STF was packed with loyalists of the new regime and purged of its most independent members. Bolsonaro’s antagonistic posture was already apparent before he took office. His populist rhetoric placing “the people” he claims to represent against an overly “corrupt elite,” regularly cited the STF as part and parcel of that same corrupt elite. In June 2018, for example, he called for an increase in the number of STF justices from 11 to 21 as a way to place more “impartial” (*isentos*) members on the court, since its decisions have “embarrassed all of us these last years” (Felício 2018; Valente 2018). During the campaign, his son Eduardo Bolsonaro famously said that “if one wanted to close down the STF,” all that was needed was to “send a corporal and a soldier” (Vazquez and Graner 2018).

Once elected, Bolsonaro and his associates doubled down on these long-held positions. The President attended numerous street demonstrations in which protestors asked for military intervention, which would include closing down the STF, removing its justices, and shutting down Congress. On one of these occasions, in Brasília in April 2020, Bolsonaro rode a horse at the head of the protestors and later flew over the crowd in a military helicopter, alongside Defense

Minister Fernando Azevedo (Resende et al. 2020). In a cabinet meeting in April 2020, a recording of which later became public, the Education Minister, Abraham Weintraub was heard saying, “I myself [would] put all these bums in jail, starting with the STF” (Lindner et al. 2020).

Congress has seen similar escalation. Legislators elected to the PSL (Partido Social Liberal; the right-wing party as whose presidential candidate Bolsonaro ran) in 2018, professing the same ethos as the President, have been particularly vehement. The President’s son, Congressman Eduardo Bolsonaro, noted in September 2020 that it was not a question of “whether” but instead “when” “a moment of rupture” would take place (Istoé 2020). Congressman Daniel Silveira used social media to post a video praising the military dictatorship’s decree (Institutional Act 5) that suspended three justices in 1968, and then threatened members of the current court (Pontes 2021). In some cases, the increasing pressure on the STF has been more than just rhetorical. The pace of impeachment requests filed against STF justices in Congress has exploded: Impeachment petitions skyrocketed from a total of 6 between 1988 and 2014, to 33 between 2015 and 2018, and then to 52 between 2019 and 2021 (Bogéa and Da Ros 2021). A number of legislators have also called for a congressional committee of inquiry to investigate STF justices (“CPI Lava Toga”) (Passarelli 2019).

Yet, as these tensions rose, the STF did not give in quietly. Rather, as Bolsonaro and his allies raised tensions with the STF, the Court gave them precisely the conflict they seemed to desire (Marona and Magalhães 2021). Part of the STF response was self-protection: It rejected impeachment proceedings against its own members; jailed Congressman Silveira for violations of national security law after he posted his video threatening the STF; and launched its own inquiry into “fake news” after social media attacks on justices, in the process implicating two of the President’s sons and a variety of other Bolsonaro supporters (Netto 2021). The STF also did little to avoid new conflicts with the Bolsonaro administration. The Court has been particularly active in the pandemic response, deciding against executive measures limiting data transparency in 2020, ordering the Senate to launch a special congressional investigation in 2021, and siding with state governors against the federal government numerous times (Madeira and Oliveira 2021).

In tit-for-tat style, every time the Court responded, Bolsonaro and his acolytes ratcheted up the pressure. In May 2020, possibly responding to the STF’s blocking one of his nominees for the Federal Police, Bolsonaro led a demonstration against the high court (Machado and Fabrini 2020). Bolsonaro declared, “[...] we want the true independence of the three branches of government [...] we won’t accept more interference, our patience has been exhausted. We will take this country forward” (G1 2020a, n. p.). Two weeks later, Justice Alexandre de Moraes opened investigations of cabinet members after bombastic recordings of a cabinet meeting were released in which, as noted above, various cabinet members were heard voicing antidemocratic sentiments. The day before the recordings’ release, Bolsonaro’s Minister of Institutional Security, an army general, put out a public statement calling for judicial restraint, warning of “institutional instability,” and seeming to threaten an “auto-golpe” (Brasil Wire 2020, n. p.). The next day, Bolsonaro angrily exclaimed to a crowd, “It’s over, dammit!” and “there need to be limits” (G1 2020b, n. p.). In June 2020, as the STF announced an investigation into “fake news,” far-right protestors wearing masks and carrying torches protested the “criminals on the court,” shooting

fireworks at the Court building in a simulation of how they planned to “bombard” the high court (*Folha de S. Paulo* 2020). New videos emerged threatening individual justices, leading to a new round of arrests and investigations into extremists.

There is not enough space to catalog each of these attacks and counter-attacks in detail. Suffice it to say that with every new judicial decision that set back the President’s interests, a new threat emerged from Bolsonaro, his cabinet, his supporters or members of his coalition in Congress. It is not always possible to identify the triggers for each of these outbursts, but several themes became the central bones of contention: The STF’s investigation into “fake news” released by the Bolsonaro campaign and its supporters in the run-up to the 2018 election (Della Coletta 2021); online attacks against the STF and individual justices throughout 2019 and 2020; the Bolsonaro camp’s increasingly strident discrediting of the electoral system and their demand for an “auditable, printed ballot,” which led to sharp rebukes from the STF and the electoral courts (Mazui 2021); and STF investigations into Bolsonaro, including inquiries into whether he interfered with the Federal Police in the episode that led to Justice Minister Moro’s resignation (Macedo 2021b), engaged in malfeasance in the Covaxin scandal, and participated in the dissemination of “fake news” (Falcão and Vivas 2021). The repertoire of Bolsonaro responses included online rants by his supporters, public statements by his ministers and generals (Brant 2021), public statements by the President threatening STF justices (Behnke 2021), accusations against STF justices (including accusations that one justice was a defender of pedophilia) (Turrollo Jr. and Lellis 2021), leadership of public protests targeting the court, police investigations into individual justices (Macedo 2021a), and even a military march scheduled for the day before Congress voted on a bill that would introduce the “auditable, printed ballot” (Schuch 2021).

The President’s antagonistic stance toward the STF is perhaps best understood through the lens of the broader political calculations of a populist. Attacking the Court is a relatively cheap way to build support among a parcel of the population, while building the President’s bonds with his “people.” The court’s support was seemingly not essential to the Bolsonaro reform agenda, unlike that of Congress, nor electorally very relevant, unlike that of state and local governments. Also, not only is the judiciary the weakest branch in most countries, lacking authority and a clear means of enforcing compliance with decisions, but the Brazilian courts – and particularly the high court – are semi-dysfunctional, with huge caseloads, slow processing times, and highly unstable decision-making. In other words, the judiciary offered a ripe target, without much institutional legitimacy to resort to or public goodwill to fall back upon. It serves as a useful foil, allowing the President to engage in symbolic expressions of leadership, to change the public agenda when needed, and to keep his base riled up.

Critically, when the STF responded to Bolsonaro’s threats, it often provided credence to the allegation that the Court was stepping out of bounds. On more than one occasion, STF decisions that contradicted the President emerged from questionable proceedings, such as the STF’s initiation of inquiries without any request from a plaintiff, and its decision to allow several cases to proceed without receiving a formal petition from the Prosecutor General, sidestepping the formal legal process (Teixeira 2021). Ironically, the same STF that had been so protective of due process in anticorruption cases failed to follow the same principle in constitutional matters.

Confrontation between the STF and Bolsonaro has been a largely unpredictable game of chicken. There is no clear equilibrium outcome, and given the weakness of the courts, conflict resolution often falls on third parties, such as Congress. The STF appears to have understood that it is largely powerless against the President, and that the only way to protect itself is by empowering other actors that may be better equipped to confront him, such as state governors, Lula, and congressional committees of inquiry. This self-protection has led the STF into a number of contortions and tacit alliances that would have been unthinkable a few years ago. These are the costs of confrontation, but inaction was never a real option for the Court.

Conclusion

The patterns of accommodation in anticorruption and confrontation in constitutionalism did not begin with Bolsonaro, but they have deepened over the course of his presidency. The result has been a regression to older patterns of interaction: Judicial accommodation of executive and legislative preferences in anticorruption returns Brazil to a status quo reminiscent of the 1990s or early 2000s, while confrontation with the executive branch on constitutional matters takes us back even further, to patterns reminiscent of the early years of the military regime.

Both academics and the media have focused much attention on this second, dramatic confrontation over constitutional issues. Yet, focusing solely on constitutional issues ignores the broader consequences of the court's interactions with the elected branches. The high court's accommodation of the elected branches in anticorruption is a classic case of picking battles: Rather than further antagonize the executive branch, and for fear of losing much-needed support in the legislative branch, the STF has slowly come around to accommodating the elected branches' lenient position on anticorruption. The STF from 2012 (the "Mensalão" trial) to 2016 (the peak of the "Lava Jato" investigations) was broadly supportive of lower courts' anticorruption efforts and adopted postures that were hugely unpopular with political elites. But by the time of Bolsonaro's election, these postures were looking much less tenable, and the Court adopted an entirely accommodationist position on anticorruption matters by 2021, in part because of the impossible position it faced in its constitutional confrontations with the executive branch.

Judicial politics creates strange bedfellows and even stranger judicial contortions. The game of institutional self-protection has given STF decision-making a strong strategic bent, seemingly aimed at building support among opponents of the executive branch. The Court appears to have realized that it cannot survive on its own, and the only way to protect itself is by empowering others to deal with Bolsonaro: Giving powers to governors to fight the pandemic, ensuring that the Senate minority has the power to investigate the government's pandemic management, and giving the legislative elite near *carte blanche* to reset the anticorruption agenda and return the country to its pre-"Lava Jato" status quo. The court's leniency on anticorruption has the added benefit – from the court's perspective – of helping the one politician who seems most likely to beat Bolsonaro in the 2022 election, former President Lula.

This is a high-stakes game, with unforeseeable consequences for Brazilian democracy. Constitutional confrontation, on the one hand, aims to preserve the separation of powers and the independence of the judiciary. Yet, on the other, this confrontation and the strategic pursuit of judicial allies, including through an accommodationist stance on anticorruption, undermines

the court's unique claim to impartiality, contributing to the inconstancy of judicial decisions and threatening the long-term legitimacy of judicial decision-making.

References

- Behnke, Emily. 2021. "A hora dele vai chegar, diz Bolsonaro sobre Alexandre de Moraes." *Poder 360*, August 5.
- Bogéa, Daniel, and Luciano Da Ros. 2021. "Impeaching Constitutional Judges? The Brazilian Case between Rhetoric and Retaliation." Paper presented at the 25th World Congress of the International Political Science Association.
- Brant, Danielle. 2021. "Comissão da Câmara convoca Braga Netto para explicar suposta ameaça às eleições." *Folha de S. Paulo*, August 3.
- Brasil Wire*. 2020. "General Heleno warns of 'Unpredictable Consequences', his supporters threaten 'Civil War.'" May 24.
- Da Ros, Luciano, and Matthew M. Taylor. 2021. "Accountability na Era Bolsonaro: continuidades e mudanças." In *Governo Bolsonaro: retrocesso democrático e degradação política*, edited by Leonardo Avritzer, Fábio Kerche and Marjorie Marona, 187–203. Belo Horizonte: Autêntica.
- Da Ros, Luciano, and Matthew M. Taylor. 2022. *Brazilian Politics on Trial: Corruption and Reforms under Democracy*. Boulder: Lynne Rienner Publishers.
- Della Coletta, Ricardo. 2021. "Bolsonaro acusa inquérito de Moraes de ilegal e ameaça jogar 'com as armas do outro lado' em 'antídoto fora da Constituição.'" *Folha de S. Paulo*, August 4.
- Duque, Débora, and Amy Erica Smith. 2019. "The Establishment Upside Down: A Year of Change in Brazil." *Revista de Ciencia Política* 39, no. 2: 165–189.
- Falcão, Márcio, and Fernanda Vivas. 2021. "Moraes inclui Bolsonaro em inquérito das fake news por ataques às urnas eletrônicas." *G1*, August 4.
- Felício, César. 2018. "Bolsonaro quer ampliar composição do Supremo de 11 para 21 ministros." *Valor*, July 1.
- Fisman, Ray and Miriam A. Golden. 2017. *Corruption: What Everyone Needs to Know*. Oxford: Oxford University Press.
- Folha de S. Paulo*. 2020. "Armed Extreme Right-Wing Pro-Bolsonaro Group Protests in Front of Supreme Court with Torches and Masks." June 1.
- Fuks, Mario, Ednaldo A. Ribeiro and Julian Borba. 2021. "From antipetismo to Generalized Antipartisanship: The Impact of Rejection of Political Parties on the 2018 Vote for Bolsonaro." *Brazilian Political Science Review* 15, no. 1: 1–28.
- G1*. 2020a. "Bolsonaro volta a apoiar ato antidemocrático contra o STF e o Congresso, em Brasília." May 3.
- G1*. 2020b. "Acabou, porra!, diz Bolsonaro sobre ordem do STF para operação policial contra aliados." May 28.
- Gugliano, Monica and Tânia Monteiro. 2021. "O general, o tuíte e a promessa." *Piauí*, March 12.
- Hunter, Wendy and Timothy J. Power. 2019. "Bolsonaro and Brazil's Illiberal Backlash." *Journal of Democracy* 30, no. 1: 62–82.
- Istoé*. 2020. "Eduardo Bolsonaro diz que fala sobre 'ruptura' é 'cogitação futura e incerta.'" September 25.
- Kapiszewski, Diana. 2013. "Economic governance on trial: High Courts and Elected Leaders in Argentina and Brazil." *Latin American Politics & Society* 55, no. 4: 47–73.
- Kerche, Fábio. 2021. "Bolsonaro, o MPF e o equilibrista-geral da República." In *Governo Bolsonaro: retrocesso democrático e degradação política*, edited by Leonardo Avritzer, Fábio Kerche and Marjorie Marona, 187–203. Belo Horizonte: Autêntica.
- Levitsky, Steven, and Daniel Ziblatt. 2018. *How Democracies Die*. New York: Crown.

- Lindner, Julia et al. 2020. “Weintraub afirma: botava na cadeia esses vagabundos todos, começando pelo STF.” *Estado de S. Paulo*, May 22.
- Macedo, Fausto. 2021a. “STF vê retaliação, e PGR deve defender arquivamento de pedido para investigar Toffoli.” *Estadão*, May 12.
- Macedo, Fausto. 2021b. “Alexandre manda PF retomar inquérito Moro x Bolsonaro.” *Estadão*, July 30.
- Machado, Renato, and Fábio Fabrini. 2020. “Ato antidemocrático com Bolsonaro teve ajuda de assessors e ex-auxiliares de políticos.” *Folha de S. Paulo*, May 6.
- Madeira, Lígia M., and Vanessa E. Oliveira. 2021. “Freios e contrapesos: o STF no enfrentamento à Covid-19.” *Jota*, July 3.
- Marona, Marjorie, and Lucas Magalhães. 2021. “Guerra e paz? O Supremo Tribunal Federal nos dois primeiros anos do governo Bolsonaro.” In *Governo Bolsonaro: retrocesso democrático e degradação política*, edited by Leonardo Avritzer, Fábio Kerche and Marjorie Marona, 121–134. Belo Horizonte: Autêntica.
- Mazui, Guilherme. 2021. “Após derrota do voto impresso, Bolsonaro volta a criticar TSE e diz, sem prova, que eleição de 2022 não será confiável.” *G1*, August 11.
- Meyer, Emílio P. N., and Thomas Bustamante. 2020. “Judicial Responses to Bolsonarism: The Leading Role of the Supreme Court.” *VerfBlog*, June 16.
- Netto, Paulo Roberto. 2021. “Moraes arquiva inquérito dos atos contra o Congresso e abre nova investigação.” *Poder 360*, July 1.
- Nicolau, Jairo. 2020. *O Brasil dobrou à direita: uma radiografia da eleição de Bolsonaro em 2018*. Rio de Janeiro: Zahar.
- Passarelli, Vincícius. 2019. “CPI da Lava Toga: o que é e qual seu objetivo?” *Estado de S. Paulo*, September 13.
- Pontes, Felipe. 2021. “Com ordem de Moraes, PF prende em flagrante deputado Daniel Silveira.” *Agência Brasil*, February 17.
- Rennó, Lúcio. 2020. “The Bolsonaro Voter: Issue Positions and Vote Choice in the 2018 Brazilian Presidential Elections.” *Latin American Politics and Society* 62, no. 4: 1–23.
- Resende, Thiago et al. 2020. “Bolsonaro usa helicóptero e anda a cavalo para prestigiar ato na Esplanada contra STF e Congresso.” *Folha de S. Paulo*, May 31.
- Rodrigues, Fabiana A., and Rogério B. Arantes. 2020. “O Supremo Tribunal Federal e a Presunção de Inocência: Ativismo, Contexto e Estratégia.” *Revista de Estudos Institucionais* 6, no. 1: 21–54.
- Schuch, Matheus. 2021. “Bolsonaro ordena desfile de blindados às vésperas de análise do voto impresso.” *Valor Econômico*, August 9.
- Tatagiba, Luciana and Andreia Galvão. 2019. “Os protestos no Brasil em tempos de crise.” *Opinião Pública* 25, no. 1: 63–96.
- Teixeira, Matheus. 2021. “Supremo atropela PGR e adota medidas controversas para enfrentar bolsonarismo.” *Folha de S. Paulo*, July 11.
- Turollo Jr., Reynaldo, and Leonardo Lellis. 2021. “Escalada de ataques de Bolsonaro ao STF provoca reação inedita na Corte.” *Revista Veja*, July 16.
- Valente, Rubens. 2017. “General fala em intervenção se Justiça não agir contra corrupção.” *Folha de S. Paulo*, September 17.
- Valente, Rubens. 2018. “Tal como o filho, Bolsonaro atacou Supremo na pré-campanha eleitoral.” *Folha de S. Paulo*, October 24.
- Vazquez, Rafael, and Fabio Graner. 2018. “Para fechar o STF basta um soldado e um cabo, diz Eduardo Bolsonaro.” *Valor*, October 21.

Foreign Policy and International Relations: Taking Stock After Two Years of the Bolsonaro Administration

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Introduction

Since its inauguration in January 2019, the government of President Jair Bolsonaro has made a radical change of course in international relations – not only in comparison to the foreign policies of the Workers' Party (*Partido dos Trabalhadores*, PT) governments (2003-2016), but also regarding long-standing paradigms and traditions of Brazilian foreign policy. The core components of this reorientation during the first two years of the Bolsonaro presidency included a strong emphasis on conservative and religiously motivated values in foreign policy discourse, the rejection of multilateral institutions, a turn away from Latin America, and a quasi-automatic alliance with the US administration under Donald Trump.

Foreign policy was not a central topic in the 2018 presidential election campaign, which revolved around domestic issues such as the economic crisis, corruption, public security, and traditional values and customs. Bolsonaro was elected because of a unique confluence of several, to some extent contradictory, currents of the *Zeitgeist* reflected among his main support groups: evangelicals and conservative Catholics, authoritarian-minded members of the military and security forces, and the financial sector endorsing neoliberal economic policies. Those currents also came to be represented by different strands in his cabinet (e.g., Spektor 2018; Del Vecchio and Nozaki 2020). Following the inglorious end of the PT government via the impeachment of President Dilma Rousseff, in the midst of an economic downturn and major corruption scandals (which, however, did not incriminate Rousseff personally), a strong anti-PT sentiment erupted and found its expression in mass protests against political corruption and in favor of impeachment. Since then, a strong aversion to everything associated with the left has prevailed among conservative sectors of the population, who accuse the left of undermining morality – both public (e.g., corruption) and private, as progressive policies advocated by the left were seen as an attack on traditional family and Christian values. In Bolsonaro's cabinet, this current is represented by the ideologists, or anti-globalists.

Related to this, in reaction to proposals such as the expansion of the rights of sexual minorities (e.g., gay marriage), the legalization of abortion, affirmative action aiming at racial egalitarianism, and the decriminalization of drugs, which were defended and stimulated (though not all implemented) by the PT governments, new forms of social authoritarianism came to the fore. These are expressed in exclusionary reflexes against racial, ethnic, and sexual groups and mi-

norities and a rejection of human rights, which are perceived as protecting the rights of marginalized groups and criminals at the expense of the rights of the “good citizen” (*cidadão de bem*). This perspective often includes favorable attitudes toward law-and-order approaches, a political role of the military, and the glorification of a better past, in particular Brazil’s period of military dictatorship (1964-1985). This current is catered to by the unprecedentedly strong presence of military men in the cabinet and government institutions. Finally, Bolsonaro won over the financial and business sector with his promise of reinforcing neoliberal, free-market capitalism, a tendency represented by the technocrats around Paulo Guedes, a committed neoliberal economist.

The foreign policy credentials of key actors in the government were limited. Bolsonaro himself is a former army captain who served as federal deputy from 1991 to 2018, representing the state of Rio de Janeiro. While in Congress, he was a backbencher and opportunist with a talent for repeating common prejudices who caught public attention with provocative statements. He became known as a vocal opponent of homosexuality and same-sex marriage, abortion, affirmative action, drug liberalization, and secularism, made statements in defense of the Brazilian military regime and argued that torture was a legitimate practice. In doing so, he tapped into sediments of authoritarianism and racism in Brazilian society that have historical roots and have never been overcome (Schwarcz 2019). This made him a polarizing and controversial figure that has been described as far-right, populist, or even fascist. Refuting those who expected him to take a more moderate stance when in office, he has very much followed Trump’s authoritarian playbook of creating crises and trying to disrupt democratic institutions.

While Bolsonaro had no significant international experience and no foreign language skills, his first Foreign Minister Ernesto Araújo was a career diplomat. Yet, at the time of his appointment, he was a lower-ranking member of the diplomatic corps who did not have the stature and experience to lead the Brazilian Foreign Ministry, Itamaraty, named after the palace in Rio de Janeiro that it once occupied (Chagas-Bastos and Franzoni 2019). Araújo belonged to the ideological, anti-globalist camp within Bolsonaro’s cabinet. He was strongly inspired by the late Olavo de Carvalho, an eccentric yet influential self-promoted philosopher, political pundit, polemicist, and far-right conspiracy theorist who resided in the United States and communicated with his Brazilian audience via social media (Teitelbaum 2020). Often dubbed the ideologue of Bolsonaro and the Brazilian far-right, de Carvalho allegedly mooted the nomination of Araújo as Foreign Minister.

The purpose of this contribution is to highlight the major new directions in Brazilian foreign policy under the Bolsonaro government, in comparison to what used to be core tenets of Brazil’s international relations. The focus of the text is the 27-month tenure of Foreign Minister Ernesto Araújo from January 2019 up to his resignation on 29 March 2021. After describing the main trends, I will offer brief reflections on how to interpret them – in particular, whether Bolsonaro’s foreign policy is exceptional in Latin America, and whether it can be labelled populist.

New directions in Brazilian foreign policy under Bolsonaro

Influential thinkers on Brazil’s international affairs have always emphasized Itamaraty’s centrality in Brazilian foreign policymaking (e.g., Soares de Lima and Hirst 2006; Cervo and Bueno 2015; Mares and Trinkunas 2016). Although occasionally challenged by the President’s will to

play a more visible role, Itamaraty has largely been in charge of steering Brazil's international course, stood out in the region due to its autonomy and its professional and effective diplomatic corps, and also enjoyed high domestic legitimacy. Consequently, Brazilian foreign policy exhibited a series of principles, objectives, and traditions that remained largely unaltered throughout time and across governments of different ideological orientations.

The central tenets of Brazilian foreign policy were strongly influenced by foreign policy concepts created in Latin America, such as developmentalism, dependency, regional integration, and autonomy (e.g., Soares de Lima and Hirst 2006; Birle 2013; Tickner 2015; Guimarães 2020; Kacowicz and Wajner 2021). Developmentalism (*desarrollismo*) evolved as an analytical assessment of the international political economy in the 1950s and 1960s and saw foreign policy as an instrument to foster economic and social development. It was based on the assumption that sovereignty and a strong state were necessary preconditions for overturning the relations between core and periphery that drove underdevelopment. Regional integration served as a foreign policy tool to put this developmental approach into practice, in line with the idea that stronger ties with regional neighbors would buttress the shared quest for autonomy from the North, especially the United States. The concept of autonomy, as elaborated in the work of Juan Carlos Puig in Argentina and Hélio Jaguaribe in Brazil in the 1970s and 1980s, refers to freedom from constraints or one-sided dependence on other states. In Latin America, seeking autonomy is a defensive approach for safeguarding national sovereignty and securing nondependent development (Tickner 2015).

Due to its continental size, however, Brazil's political elites considered the country to be distinct from its South American neighbors and expected it to become an influential player in world politics. Universalism – that is, the intention to reach out beyond Latin America and maintain relations with different world regions – has therefore been a consistent feature of Brazilian foreign policy (Birle 2013; Guimarães 2020). The universalist approach is supported by Brazil's traditional endorsement of multilateral cooperation, with the country playing an active role in international institutions, both at the global and the regional level (Grabendorff 2010a and 2010b; Birle 2013).

Against this background, the following sections assess the changes of course in foreign policy under Bolsonaro, looking especially at the role of the Foreign Ministry, global multilateral cooperation, and regional cooperation. An additional section explores how Brazil's foreign policy is perceived from the outside.

Role of the Foreign Ministry

As mentioned above, Itamaraty has long been considered a model for its high level of professionalization and its capacity to formulate foreign policy strategies. Accordingly, diplomacy was regarded as central to Brazilian foreign policy (Belém Lopes 2020). Brazilian diplomacy traditionally pursued a conciliatory approach and relied on multilateral cooperation. Under the direction of Ernesto Araújo, Itamaraty's professionalism has been damaged and the once autonomous and influential entity relegated to a secondary role (Frenkel and Azzi 2021). It might well have been precisely Araújo's lack of experience that led to his appointment. Indeed, the minister, who has been called "the worst diplomat in the world" (Pagliarini 2019), first and foremost acted

as a political-ideological shield to the President, both at home and abroad (Chagas-Bastos and Franzoni 2019).

The hard-right turn under the Bolsonaro government also put into question the traditional pragmatism of Brazilian foreign policy. The country's actuation on the global stage has since featured a strong ideological discourse attacking "globalism." At the domestic level, this discourse has included a moral crusade against NGOs, particularly environmental groups, human rights activists, and indigenous rights groups, all of which are regarded as "globalist forces" who allegedly want to substitute "pure" national values (namely Christian and family values) with "foreign" norms such as sustainability, gender equality, reproductive rights, the right to abortion, and LGBTQ rights. This moralized discourse has come with a strong anti-communist undertone, indiscriminately labelling all leftist and progressive groups and individuals communists and emphasizing the need to contain communism and "cultural Marxism." In his speeches at the UN General Assembly in 2019 and 2020, Bolsonaro opted to promote his domestic agenda and took a confrontational stance toward his critics both at the domestic and the international level.

The implications of this discourse for Brazil's international presence included a disapproval of multilateral treaties and institutions, recurrent ranting against "international elites" and "international bureaucracies," as well as skepticism toward – and sometimes open attempts to undermine – international norms. Human rights and minority protection in particular are not a priority on Bolsonaro's agenda. Attacks against national and international anti-torture mechanisms, such as the "National Preventive Mechanism Against Torture"; Bolsonaro's encouragement of the use of more lethal force by the police; the weakening of the National Indigenous Foundation (FUNAI), the agency responsible for protecting the interests of indigenous peoples; and the declared intention of opening up indigenous lands to mining and industrial agriculture have placed the Brazilian government in conflict with its international human rights obligations.

Furthermore, Brazilian diplomats were left without instructions on what should be put in place of the norms challenged by the Bolsonaro government and have thus often issued incoherent statements. Brazil's representatives also made headlines with erratic, outrageous, or controversial claims, such as Ernesto Araújo's repeated classification of Nazism as left-wing ideology.

Ideological discourse is often buttressed by conspiracy theories, epitomizing paranoid political leaders who feel that uncontrollable forces in an increasingly complex world work against their nation and its lifestyle. In doing so, "globalism" is conceived as a series of plots carried out by international agencies and leftist governments to impose "cultural Marxism." The use of conspiracy theories has been particularly prevalent in response to the coronavirus pandemic. Throughout 2020, the Brazilian President framed the pandemic as a "communist conspiracy" and created narratives around the terms "Chinese virus" and "Chinese vaccine" (Kalil et al. 2021). Another blatant example early in the pandemic was a review of political philosopher Slavoj Žižek's book *Virus* (2020) in Ernesto Araújo's personal blog. Araújo showcased Žižek's work as an expression of a new communist conspiracy, alleging that China and international institutions such as the World Health Organization (WHO) instrumentalized the pandemic to build "a world order without nations and without liberty" (Araújo 2020). The ideological views articulated by Araújo and Bolsonaro are not free of contradictory assertions when they claim

that communists or “globalists” dominate the world, but simultaneously dismiss communism as a failure (Chagas-Bastos and Franzoni 2019).

Global multilateral cooperation

Already in the 1970s, Brazil showed visible multilateral engagement within the framework of the North-South agenda and demands for a new world trade order. After the end of military rule, Brazil’s participation in international institutions continued to grow. The concept of autonomy was reenacted with Presidents Fernando Henrique Cardoso (1995–2002) and Luiz Inácio Lula da Silva (2003–2010) (Vigevani and Cepaluni 2007; Vigevani and Oliveira 2007). The Cardoso government tried to elevate the status of the country and sought, among other things, a permanent seat on the UN Security Council. Above all, Cardoso wanted Brazil to be accepted into the club of the powerful without insisting on fundamental structural changes in the international system. In contrast, under the Lula government, Brazil adopted a soft revisionist position on the global stage, advocating reforms of the international system without disrupting it. The country used its increasing economic weight to attain a high profile in multilateral organizations and forums. It promoted the foundation of the G-20 and spearheaded the resistance against the United States and the EU on questions of agricultural subsidies during the Doha Round negotiations in the World Trade Organization (WTO) (Grabendorff 2010b). Speaking on behalf of rising powers and the Global South more broadly, Brazil pushed for reforms of the UN system, the world trade order, and international financial institutions to reduce power asymmetries and increase the weight of those countries in the international system.

Under the PT governments, Brazil challenged the traditional structures of the world order through a strategy of autonomy through diversification (Amorim 2010; Vigevani and Cepaluni 2007; Birle 2013). While playing according to the rules, it simultaneously diversified its foreign relations and shifted the emphasis away from traditional partners such as Western Europe and the United States and towards South-South cooperation. The country forged new “minilateral” cooperation forums among rising powers, such as BRICS (Brazil, Russia, India, China, South Africa) and IBSA (India, Brazil, South Africa); strengthened regional alliances; built closer relationships with non-traditional partners in Africa, the Middle East, and Asia; and greatly expanded its number of embassies around the world.

Across various previous governments, Brazil’s multilateral engagement had an impact on important policy areas. Brazil regularly promoted debates about development and poverty as well as about fair trade relations in international forums, acting as an advocate of these issues on behalf of the Global South. Brazil was also at the forefront of pressing environmental issues at the international level. It hosted the UN Conference on the Environment and Development in Rio in 1992 (which adopted the UN Framework Convention on Climate Change) and the follow-up Rio+20 meeting in 2012. Its long-standing pledges to end deforestation made the country a global beacon of environmental conservation and climate resilience.

Much of this has changed under the Bolsonaro government, which made headlines due to its rejection of multilateralism, multilateral institutions, and international treaties. The government has even threatened to leave international organizations and agreements, such as the Paris

Climate Accords or the WHO, and did actually leave some agreements, such as the UN Global Compact for Migration.

In the area of economic development and trade, the current Brazilian government has distanced itself from the countries of the Global South and has been indifferent towards pre-existing South-South and rising power cooperation forums such as BRICS. Advancing debates about problems like development and poverty is no longer a priority. Instead, Bolsonaro's foreign policy has prioritized relations with the United States and the Global North in general, as exemplified by the signature of the EU-Mercosur Trade Agreement and Brazil's attainment of full membership in the Organization for Economic Cooperation and Development (OECD).

In the area of environmental governance, Brazil has ditched its hard-won position as a global climate leader and joined the group of climate deniers. Bolsonaro rejects the scientific consensus on climate change, and former Foreign Minister Araújo called global warming a plot by "cultural Marxists." During his electoral campaign, Bolsonaro repeatedly threatened to withdraw from the Paris Accords, and once in government he cancelled Brazil's plans to host the 2019 UN Climate Change Conference. The President and many of his cabinet ministers are strong supporters of Brazilian agribusiness and believe that opening new areas of the Amazon region for cattle ranches, agriculture and the timber industry is a recipe for economic growth and poverty alleviation. This includes challenging the protected lands of indigenous tribes. Bolsonaro has angrily resisted foreign pressures to safeguard the Amazon rainforest and has served notice to international environmental non-profit groups that he will not tolerate their agendas in Brazil.

Overall, the Bolsonaro government has been reluctant to engage in multilateral cooperation and has instead shown a strong inclination toward bilateral negotiations with a handful of allies. Bolsonaro's close attachment to former US President Donald Trump, whose positions he copied and imitated many times, was particularly noteworthy. Examples include their emphasis on national sovereignty, fierce rhetoric against international institutions, their intention to leave the Paris Climate Accord, the minimization of the Covid-19 pandemic, accusations against the WHO and China in the context of the pandemic, and their disapproval of the international human rights agenda (and minority rights in particular).

Bolsonaro's foreign policy, however, is often incoherent due to clashes between the government's ideological agenda and its pragmatic interests, especially when it comes to international trade. For example, the exploitation of the Amazon irrespective of environmental concerns alienates Brazil from its trade partners in the Global North. Bolsonaro's standoffs with European leaders such as French President Emmanuel Macron over the Amazon wildfires not only brought Brazil much negative attention abroad, but also threaten to block the ratification of the EU-Mercosur agreement, as governmental and societal actors in Europe have demanded putting a stop to deforestation before proceeding with the deal.

Another example is Brazil's ambiguous relation with China. Bolsonaro's frequent negative references to the People's Republic during his presidential campaign and the anti-Chinese conspiracy theories disseminated during the coronavirus pandemic denounced the country as his main ideological adversary and "communist threat" (see Belém Lopes 2020;

Guimarães and Silva 2021; Kalil et al. 2021). At the same time, the fact that China is Brazil's largest trading partner is a strong incentive to maintain friendly relations.

Regional cooperation

Since its re-democratization process, Brazil has fostered cooperation and peaceful relations with its neighbors in the region. In the 1980s and 1990s, the country resolved its long-standing rivalry with Argentina via the construction of several bilateral and multilateral institutions. The foundation of the Common Market of the South (Mercosur) in 1991 was one of the outcomes of this bilateral rapprochement.

As part of the diversification of foreign relations and a stronger orientation towards the Global South, Brazilian foreign policymakers over the past two decades emphasized the construction of a "South American option", in the words of Lula's foreign policy advisor Marco Aurélio Garcia. The focus on South instead of Latin America was deliberately chosen, as Brazil saw South America as its natural sphere of interest and envisioned a leadership role for itself in the region. Already during the 1990s, Brazilian governments attempted to expand regional cooperation in South America by proposing a South American Free Trade Area (which was not realized) and regular summits of South American presidents, the first of which took place in Brasília in 2000. This and subsequent presidential summits in the 2000s led to the foundation of the Initiative for the Integration of South American Regional Infrastructure (IIRSA), designed to promote the physical integration of the region, and the Community of South American Nations, later renamed Union of South American Nations (UNASUL), which included all 12 independent South American states. Established in 2008, UNASUL was a political platform that covered various policy areas by means of its sectoral councils, such as the South American Defense Council. Brazil's protagonism in constructing a South American identity via UNASUL as well as its support for other regional cooperation schemes such as the Community of Latin American and Caribbean States (CELAC), both of which intentionally excluded the United States, can be read as yet another reaffirmation of the principle of autonomy in Brazilian foreign policy (Tickner 2015).

Brazil also played a central role in crisis management in and between neighboring countries, for example in the conflict between Peru and Ecuador (1995), various political crises in Paraguay (1996, 1999/2000 and 2012) and Venezuela (2002 and since 2013), and in Haiti (where it headed the UN stabilization mission from 2004 to 2017). Between the 1990s and the mid-2010s, Brazil developed into an advocate and defender of democracy, spearheading the enforcement of regional democratic norms (Burgess and Daudelin 2007).

In contrast, the Bolsonaro government has loosened Brazil's ties with its neighbors and disregarded Latin America as a region of reference. Instead, Brazil uncritically aligned with the United States under Trump. An example of this was Brazil's support of the unprecedented election of the US candidate Mauricio Claver-Carone as president of the Inter-American Development Bank (IDB), which had until then always been led by a Latin American. Starting with the election of center-left President Alberto Fernández in Argentina in 2019, Bolsonaro has shown a confrontational attitude towards Brazil's former Southern Cone ally, bringing Argentine-Brazilian relations to their lowest point since the period of military dictatorships in the 1970s.

The “De-South Americanization” of Brazil (Frenkel and Azzi 2021) is further exemplified by the government’s disengagement from regional organizations. Bolsonaro’s position toward Mercosur, the organization that most embodied Brazil’s strategic association with Argentina, shifted somewhat over time: While he first considered it irrelevant and threatened to leave it, he later adopted a more utilitarian and commercialist vision, using Mercosur as an “à la carte” platform to adopt trade agreements. The celebrations of Mercosur’s 30th anniversary in 2021 saw exchanges of reprimands between the presidents of the bloc’s member countries, for example when President Fernández proposed the creation of an observatory of democratic quality and another one on the environment, two uncomfortable themes for Bolsonaro.

It is fair to say that UNASUL was already in a state of crisis before Bolsonaro’s election in 2018. The organization had been damaged by ideological confrontations and polarization among its members, as well as the failure of its various attempts to resolve the Venezuelan political crisis. Brazil played an ambiguous role in this respect. While supportive of multilateral crisis management initiatives by the Organization of American States, UNASUL and Mercosur, the PT government for too long endorsed the fellow leftist Venezuelan regime under Hugo Chavez (1999–2013) and Nicolas Maduro (since 2013), although it was increasingly obvious that its presidents undermined democratic institutions, repressed the opposition, and steered the country onto an autocratic path.

UNASUL reached an impasse in April 2018, when it was unable to appoint a new Secretary-General and the disaffected governments of Brazil, Argentina, Chile, Colombia, Peru, and Paraguay suspended their participation. As a regional power, Brazil could certainly have revitalized and reformed UNASUL, had it wanted to. Yet, the Bolsonaro government later confirmed Brazil’s withdrawal and employed anti-communist rhetoric to denounce the organization as a “Bolivarian” and socialist regional initiative promoted by Venezuela and the PT governments. Subsequently, the Brazilian government also withdrew from CELAC.

Joining the Pacific Alliance was at some points proposed as a better alternative, but no concrete steps in this direction have so far been taken. Nor did Bolsonaro show much interest in the Forum for the Progress of South America (PROSUL), the body set up in 2019 under the auspices of Chile and Colombia in replacement of UNASUL. Regarding Venezuela, Bolsonaro aligned with Trump’s strategy of putting pressure on Maduro and initially even supported the idea of a military intervention, marking a radical deviation from the traditionally upheld principle of non-intervention. While the Brazilian president’s more determined stance towards Maduro is viewed positively by Western diplomats, his polarizing anti-communist rhetoric and the invocation of the Venezuelan example in the domestic electoral campaign (arguing that a PT victory would “turn Brazil into Venezuela”) contributed to the politicization of regional debates about Venezuela and have thus been counterproductive for resolving the crisis. Brazil also played a secondary role in the Lima Group, an informal body created in 2017 to mediate the crisis in Venezuela.

While it is true that regional cooperation in Latin America has always been fragile and worked best when the leading countries were ruled by ideologically like-minded presidents, Bolsonaro’s indifference and dislike of regional organizations not only reinforced pre-existing

disintegrative tendencies in regional cooperation, they fundamentally questioned its continuity (Nolte and Weiffen 2021).

Perception from the outside

Starting in the mid-1990s, Brazil, the South American giant, began to be identified by academics, pundits, and policymakers from other countries, especially its partners in Europe and North America, as an emerging power, a rising power, a middle power, or a regional leader (Soares de Lima and Hirst 2006; Guimarães 2020). Although the various role conceptions of Brazil becoming a global player, being one of the new emerging powers, acting as an advocate of the developing world or establishing itself as a regional leader in South America were to some extent contradictory and could not all be fulfilled at the same time (Grabendorff 2010a; 2010b), Brazilian diplomats firmly incorporated them into the official discourse.

In the Bolsonaro period, Brazil has gone from being a reliable partner to a “global pariah” (Brum 2021), with Brazilian foreign policy experts sarcastically referring to it as the “dumb giant” (Chagas-Bastos and Franzoni 2019). Former Brazilian diplomats and foreign ministers from different governments have denounced Brazil’s foreign policy under Bolsonaro as irrational and a disgrace, one which has caused more damage to the country’s international status and prestige than any other period in history and has led to its isolation in the region and in the world (Chagas-Bastos and Franzoni 2019; Mello 2020). International press coverage has become increasingly negative, and Brazilians regularly find their country described as a global threat – in 2019 due to the burning of the Amazon Forest and in 2020-21 due to the uncontrolled spread of Covid-19 and the emergence of a new virus variant in the country.

Contextualizing Bolsonaro’s foreign policy

As mentioned above, quintessential elements of Latin American foreign policies have traditionally included the use of foreign policy as a development instrument; an emphasis on the need for more autonomy, especially in relation to the United States; and the importance of Latin American integration and stronger South-South ties (Kacowicz and Wajner 2021). In this respect, the new directions taken under the Bolsonaro presidency seem to be a deviation from regional traditions. Nevertheless, the main components of Bolsonaro’s foreign policy – including his alignment with the United States, his anti-communist and anti-liberal rhetoric, as well as his populist claim of protecting the “true people” against foreign forces – are not new to the region either, although those positions were typically adopted by conservative or even authoritarian governments (De Moraes 2020).

The question of whether Bolsonaro fits into the long tradition of Latin American populism, in which a leader aspires to embody the true people’s will against domestic and foreign foes, remains controversial. The construction of an “us vs. them” antagonism between two camps – the people and corrupt (foreign) elites – is a defining element of populism (Mudde and Kaltwasser 2017). Populists convey a dichotomic, polarized view of society and use moralistic indignation, politics of fear and conspiracy theories to mobilize their supporters and portray their opponents as enemy images. Populist rhetoric and politics are also characterized by anti-pluralism, anti-

liberalism, and the endorsement of authoritarian values (Müller 2016; Mudde and Kaltwasser 2017).

These elements of populism are certainly present in the Bolsonaro government and are reflected in its foreign policy (Jenne 2021; Guimarães and Silva 2021). Bolsonaro's anti-globalist stance has found expression in the dislike of liberal international institutions and a rejection of global norms and their advocates. Government officials have advanced nationalist positions, claiming to protect the nation against real or imaginary external enemies or ideological adversaries. Their main ideological adversaries such as Cuba and Venezuela have been consistently targeted with anti-communist slander, whereas the attitude towards China (an ideological adversary, but also an important trading partner) has been more inconsistent.

These populist features notwithstanding, Bolsonaro deviates from classical Latin American populism, which focused mostly on socio-economic issues and the inclusion of poor, marginalized groups. Instead, as Bolsonaro's close alignment with Trumpism suggests, his populist ideology is akin to exclusionary forms of populism that seek to protect the middle class from elite conspiracies and outside forces and that have traditionally been more widespread in Europe and North America. Bolsonaro's rise therefore might not signal the advent of a new wave of far-right populism in Latin America, but rather form part of a global populist-nationalist-authoritarian backlash against the international liberal order.

Conclusions and outlook

This chapter has presented an overview of the reorientations in Brazilian foreign policy under Bolsonaro, focusing on the first two years of his term in office. This period ushered in a farewell to core tenets of Brazilian foreign policy, Itamaraty's professionalism and pragmatism, Brazil's strong international presence and protagonism on the global and the regional stage, and its favorable external perception. These principles and traditions have given way to a confrontational and ideological approach. Even if one does not share the critics' harshest assessments of Bolsonaro and Araújo's foreign policy as "crazy" or "a disgrace" and may object that the PT government was not free from ideological tendencies either (as its unwavering support for the regime in Venezuela demonstrated), in view of the frequent incompatibility of ideology and interests, one cannot classify Bolsonaro's foreign policy as anything other than incoherent.

Yet, two major changes that occurred in early 2021 could potentially steer Brazil's foreign policy in a different direction. First, with Trump's defeat in the 2020 US presidential elections, Bolsonaro lost a political role model whom he frequently emulated and with whom he was eager to forge close bilateral ties. Joe Biden's victory and Bolsonaro's long reluctance to recognize it cast a dark cloud over US-Brazilian relations. Biden is likely to take a tougher stance on Brazil in areas such as the environment and human rights, leaving Bolsonaro more isolated on the global stage. Ironically, the cooling of relations with Washington could push Bolsonaro closer to China. Despite his anti-China rhetoric, he might come to rely more on Brazil's largest commercial partner if environmental and human rights issues hamper the expansion of US-Brazilian trade relations.

Second, Araújo had to resign from his post as Foreign Minister on 29 March 2021 under pressure from diplomats and lawmakers accusing him of doing serious harm to Brazilian inter-

ests. While Araújo's embrace of far-right ideas and conspiracy theories endeared him to other far-right governments around the world, particularly the Trump administration in Washington, he failed to deliver tangible results for the Brazilian people and left the formerly autonomous and respected Itamaraty in ruins. His resignation and the simultaneous dismissal of defense minister Fernando Azevedo e Silva, followed by the resignation of the heads of all three branches of the armed forces, were indications of a crisis of the Bolsonaro presidency in 2021, which was facing growing domestic anger over its catastrophic mismanagement of Covid-19.

References

- Amorim, Celso. 2010. "Brazilian Foreign Policy under President Lula (2002-2010): An Overview." *Revista Brasileira de Política Internacional* 53 (Special Issue): 214–240.
- Araújo, Ernesto. 2020. "Chegou o Comunavírus." *Metapolítica* 17. *Contra o Globalismo* (blog), 22 April 2020. <https://www.metapoliticabrasil.com/post/chegou-o-comunavirus> (26 August 2021).
- Belém Lopes, Dawisson. 2020. "De-Westernization, Democratization, Disconnection: The Emergence of Brazil's Post-Diplomatic Foreign Policy." *Global Affairs* 6, no. 2: 167–184.
- Birle, Peter. 2013. "Brasilien als internationaler Akteur." In *Brasilien. Eine Einführung*, edited by Peter Birle, 149–68. Frankfurt a. M.: Vervuert.
- Brum, Eliane. 2021. "Bolsonaro has turned Brazil into a global pariah." *El País*, 9 March 2021. <https://english.el-pais.com/usa/2021-03-09/bolsonaro-has-turned-brazil-into-a-global-pariah.html> (26 August 2021).
- Burges, Sean W., and Jean Daudelin. 2007. "Brazil: How Realists Defend Democracy." In *Promoting Democracy in the Americas*, edited by Thomas Legler, Sharon F. Lean and Dexter S. Boniface, 107–129. Baltimore: Johns Hopkins University Press.
- Cervo, Amado Luiz, and Clodoaldo Bueno. 2015. *História Da Política Exterior Do Brasil*. Fifth edition. Brasília: Editora Universidade de Brasília.
- Chagas-Bastos, Fabrício H., and Marcela Franzoni. 2019. "The Dumb Giant: Brazilian Foreign Policy under Jair Bolsonaro." *E-International Relations*, 16 October 2019. <https://www.e-ir.info/2019/10/16/the-dumb-giant-brazilian-foreign-policy-under-jair-bolsonaro/> (26 August 2021).
- De Moraes, Rodrigo Fracalossi. 2020. "Bolsonaro's Foreign Policy is Typically Latin American." *E-International Relations*, 13 July 2020. <https://www.e-ir.info/2020/07/13/opinion-bolsonaros-foreign-policy-is-typically-latin-american/> (26 August 2021).
- Del Vecchio, Angelo and William Nozaki. 2020. "Anatomia de um desgoverno: crônica de uma crise anunciada." Observatório da Economia Contemporânea, *Le Monde Diplomatique Brasil*, 13 April 2020. <https://diplomatique.org.br/anatomia-de-um-desgoverno-cronica-de-uma-crise-anunciada/> (26 August 2021).
- Frenkel, Alejandro, and Diego Azzi. 2021. "Jair Bolsonaro y la Desintegración de América del Sur: ¿Un Paréntesis?" *Nueva Sociedad* 291: 169–181.
- Grabendorff, Wolf. 2010a. "Brasil: De Coloso Regional a Potencia Global." *Nueva Sociedad* 226: 158–171.
- Grabendorff, Wolf. 2010b. "Brasiliens Aufstieg: Möglichkeiten und Grenzen regionaler und globaler Politik." *Aus Politik und Zeitgeschichte* 12/2010: 16–21.
- Guimarães, Feliciano de Sá. 2020. "The Uneasy 'Well-Placed' State: Brazil within Latin America and the West." *Cambridge Review of International Affairs* 33, no. 4: 603–619.
- Guimarães, Feliciano de Sá, and Irma Dutra de Oliveira e Silva. 2021. "Far-Right Populism and Foreign Policy Identity: Jair Bolsonaro's Ultra-Conservatism and the New Politics of Alignment." *International Affairs* 97, no. 2: 345–63.
- Jenne, Erin K. 2021. "Populism, nationalism and revisionist foreign policy." *International Affairs* 97, no. 2: 323–343.

- Kacowicz, Arie M., and Daniel F. Wajner. 2021. "Alternative World Orders in an Age of Globalization: Latin American Scenarios and Responses." In *Latin America in Global International Relations*, edited by Amitav Acharya, Melisa Deciancio and Diana Tussie, 11–30. New York/London: Routledge.
- Kalil, Isabela, Sofia Cherto Silveira, Wesley Pinheiro, Alex Kalil, João Vicente Pereira, Wiverson Azarias, and Ana Beatriz Amparo. 2021. "Politics of fear in Brazil: Far-right conspiracy theories on COVID-19." *Global Discourse: An Interdisciplinary Journal of Current Affairs* 11, no. 3: 409–425.
- Mares, David R., and Harold Trinkunas. 2016. *Aspirational Power. Brazil on the Long Road to Global Influence*. Washington, D.C.: Brookings Institution Press.
- Mello, Patrícia Campos. 2020. "Ministros de 5 governos diferentes condenam política externa 'lunática' de Bolsonaro." *Folha de São Paulo*, 28 April 2020. <https://www1.folha.uol.com.br/mundo/2020/04/ministros-de-5-governos-diferentes-condenam-politica-externa-brasileira-atual.shtml> (26 August 2021).
- Mudde, Cas, and Cristóbal Rovira Kaltwasser. 2017. *Populism: A Very Short Introduction*. Oxford: Oxford University Press.
- Müller, Jan-Werner. 2016. *What is Populism?* Philadelphia: University of Pennsylvania Press.
- Nolte, Detlef, and Brigitte Weiffen, eds. 2021. *Regionalism under Stress: Europe and Latin America in Comparative Perspective*. London/New York: Routledge.
- Pagliarini, Andre. 2019. "The Worst Diplomat in the World." *Jacobin*, 26 February 2019. <https://jacobinmag.com/2019/02/ernesto-araujo-jair-bolsonaro-brazil> (26 August 2021).
- Soares de Lima, Maria Regina, and Mónica Hirst. 2006. "Brazil as an Intermediate State and Regional Power: Action, Choice and Responsibilities." *International Affairs* 82, no. 1: 21–40.
- Spektor, Matias. 2018. "Três grupos disputam política externa de Bolsonaro." *Folha de São Paulo*, 15 November 2018. <https://www1.folha.uol.com.br/colunas/matiasspektor/2018/11/tres-grupos-disputam-politica-externa-de-bolsonaro.shtml> (26 August 2021).
- Schwarcz, Lilia Moritz. 2019. *Sobre o Autoritarismo Brasileiro*. São Paulo: Companhia das Letras.
- Teitelbaum, Benjamin. 2020. *War for Eternity. The Rise of the Far Right and the Return of Traditionalism*. London: Allen Lane.
- Tickner, Arlene B. 2015. "Autonomy and Latin American International Relations Thinking." In *Routledge Handbook of Latin America in the World*, edited by Jorge I. Domínguez and Ana Covarrubias, 74–84. New York: Routledge.
- Vigevani, Tullo, and Gabriel Cepaluni. 2007. "Lula's Foreign Policy and the Quest for Autonomy through Diversification." *Third World Quarterly* 28, no. 7: 1309–1326.
- Vigevani, Tullo, and Marcelo Fernandes de Oliveira. 2007. "Brazilian Foreign Policy in the Cardoso Era: The Search for Autonomy through Integration." *Latin American Perspectives* 34, no. 5: 58–80.
- Žižek, Slavoj. 2020. *Pandemic! COVID-19 Shakes the World*. New York/London: OR Books.

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