

Is Brazilian democracy in peril?

Brandon Van Dyck

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Democracy rests on loyal opposition—on major political players being more committed to democracy than to vanquishing their political foes. If a country becomes so polarized that side A would rather defeat Side B than adhere to the democratic rules of the game, democracy is in peril. But if Side A would rather uphold democracy than defeat Side B, and vice versa, democracy endures.

Brazil's political chessboard consists of numerous players: the president, the legislature, the judiciary, the military, the press, parties, business groups, trade associations, labor unions, social movements, even the public. Since the early to mid-1990s, all these players have behaved loyally. The military has stayed in the barracks, and politicians and citizens have channeled their initiatives and grievances through the democratic process.

Several factors made this loyalty possible. The Cold War ended, making Western governments less tolerant of military coups. Brazil's legislature and judiciary strengthened, particularly after the impeachment of President Fernando Collor (1990-92). The party system developed. Presidents and congressmen learned to share power and build coalitions. Above all, the economy stabilized and grew. After suffering through major economic crises, bouts of hyperinflation, and zero net growth during its first decade after military rule (1985-95), Brazil, from 1995 to 2013, kept inflation under control, had no major economic crises, and grew three to four percent a year.

But Brazil has had a disastrous last five years. It has suffered the worst economic crisis in its history—no small matter. It has become embroiled in the largest corruption scandal in global democratic history, one implicating an astonishing array of top political and economic elites. And the country's murder rate, already sky-high by international standards, has risen.

These conditions are testing the loyalty of key political players. Take the Brazilian public. Public opinion is a critical headwind and tailwind in politics; presidents and militaries are much more likely to behave undemocratically, for example, if they think the public would approve. It is therefore troubling that Brazilians have recently lost confidence in core political institutions—and in democracy itself. According to polls conducted over the last year, 97 percent of Brazilians disapprove of sitting president Michel Temer and think the government caters to a small, powerful elite; nearly 60 percent want a president from outside the three main parties (PT, PSDB, PMDB); over 75 percent do not identify with a party; only 13 percent think democracy works well (the lowest figure in Latin America); and, ominously, over a third would back a military coup to counter crime and corruption.

Or take the legislature. Whereas loyal legislatures exercise restraint when dealing with presidents they oppose, disloyal legislatures play "constitutional hardball," exploiting the letter of the constitution for short-term political gain. After two decades of power-sharing, coalition-building, and loyal opposition, the Brazilian legislature, in recent years, has shifted in the disloyal direction, most notably by impeaching President Rousseff in mid-2016. Rousseff was not guilty of an impeachable offense, but because she was unpopular and politically isolated, her legislative opponents opportunistically ousted her for run-of-the-mill accounting trickery. This was not a legislative "coup," as many *petistas* claim, but it was nasty hardball politics.

What about the judiciary? This one is more complicated. It is slightly surreal that Lula—recently the world’s most beloved politician—has landed in jail. Many *petistas* see the judiciary’s targeting and imprisonment of Lula as the latest stage in a slow-motion coup against the PT. They are wrong. The judiciary is not disloyal or in cahoots with the political right; since the *Lava Jato* investigations began, the courts have convicted top economic elites and politicians across the political spectrum. The judiciary is a broadly independent entity that, as one would expect, seeks primarily to establish the rule of law over a highly corrupt elite long accustomed to impunity. To do this, the courts want to send a message by convicting as big a “fish” as possible. In political terms, Lula is the biggest “fish” there is, and conveniently, he lacks immunity (unlike the allegedly more corrupt sitting president).

Nevertheless—and here I come to the most controversial point in this article—the courts probably should not have targeted Lula. Admittedly, they were in a bind; not targeting him would have reinforced perceptions of impunity. But targeting him has imperiled Brazilian democracy. Lula has been leading in presidential polls since mid-2016, and the courts, by putting him behind bars, have excluded him from the October 2018 presidential race. This action has made the PT—another key political actor in Brazil—more disloyal. Within the span of just two years, (1) the legislature has impeached the PT’s Rousseff for standard (if deceptive) accounting practices, and (2) the courts, on largely circumstantial grounds, have excluded the PT’s Lula from the 2018 presidential race—a race in which he was the favorite—for a comparatively minor act of corruption. Foreseeably, this has created a perception on the left that the right is conspiring to neutralize the PT, and that, to do so, it will subvert constitutional norms (by impeaching Rousseff) and democracy itself (by proscribing Lula). Such perceptions pose a threat to Brazilian democracy. Insofar as the left comes to view the right as *golpista*, the left, too, will cease to play by democratic rules. No one wants to be a sucker.

Moreover, Lula’s exclusion has increased the likelihood that Jair Bolsonaro will win in October. In presidential polls that do not include Lula, Bolsonaro leads the pack and defeats all rivals in most second-round simulations. A Bolsonaro victory would significantly raise the likelihood of democratic erosion in Brazil. Only a few Latin America democracies have broken down in recent decades—Peru in the 1990s, Venezuela and (to a lesser extent) Ecuador and Bolivia more recently. In each case, it was not the military but an *elected president* (e.g., Alberto Fujimori, Hugo Chávez, Rafael Correa, Evo Morales) who subverted democracy. And each of these democracy-subverting presidents, like Bolsonaro, was a populist or had populist attributes.

Populists are personalistic outsiders who mobilize voters against the elite through direct appeals. While Bolsonaro is not exactly a political outsider (he has served in the Chamber of Deputies for almost thirty years), he is unaffiliated with a major party and has switched parties seven times. If elected, he will be Brazil’s first president since Itamar Franco (PMDB, 1992-94) not to belong to the PT or PSDB. He presents himself as an outsider standing in opposition to Brazil’s corrupt political elite and representing a clean alternative. He directly appeals to supporters via social media (Twitter, Facebook, WhatsApp); his Facebook page has approximately 5 million followers. His style is personalistic; instead of representing a major, established party, he has developed a personal brand associated with law and order, patriotism, and traditional, religiously inspired social values. The Social Liberal Party (PSL), which he joined in March, is merely a legal vehicle for his one-man presidential campaign.

Populists pose a threat to democracy for a couple of reasons. First, they often lack a strong commitment to democratic institutions. Bolsonaro may be many things, but a committed democrat he is not. He has made no bones about his sympathy for the military dictatorship

(1964-85), crediting it with the defeat of Marxism in Brazil. His vice presidential candidate, army reserve general Hamilton Mourão, stated last year that if the courts do not remove corrupt politicians from public service, the army will. Even more importantly, though, populists who win presidential elections tend to have strong incentives and public license to behave undemocratically. They only win presidential elections in contexts of intense, widespread voter dissatisfaction with the political establishment. They are elected to bury this establishment, but they cannot fulfill their mandate merely by winning the presidency. They belong to weak parties and, once elected, have few co-partisans and allies in the legislature and judiciary. The very elites and parties they excoriate continue to dominate these institutions and want them to fail. But populists must not betray their base, so they have a strong incentive to circumvent and assault horizontal institutions—to govern by decree, to dissolve and reconstitute the legislature, to pack the courts. What is more, they usually have overwhelming public support in the immediate wake of electoral victory, making it easier to concentrate power in these ways. Once populist presidents assert control over the legislature and judiciary, they tend to tilt the electoral playing field against opponents through discriminatory legalism and the politicization of state funds and personnel. That is how democracies die today.

Worryingly, it is not far-fetched to imagine such a scenario unfolding if Bolsonaro is elected. As noted earlier, Brazilians are less supportive of democracy, at present, than any other population in Latin America. Bolsonaro would be under enormous pressure, as president, to solve the problems of unemployment, crime and corruption in Brazil. But addressing these problems in a developing, extreme multiparty democracy is a challenging task, and Bolsonaro is unprepared for it. Over multiple decades in congress, he has authored very few successful pieces of legislation. Fellow congressmen regard him as a maverick, and his PSL holds a paltry 1.6 percent of congressional seats. If Lula does not run, and Bolsonaro wins, roughly a third of the population (Lula supporters) will regard him as illegitimate. So, let us imagine that Bolsonaro is elected; that he faces early resistance from the legislature and judiciary in pursuing his agenda; that his approval ratings begin to dip because of persistent unemployment, crime, and corruption; and that the PT begins to mobilize against him. Would Bolsonaro subvert democracy? Could he? Brazil has important advantages over the Andean countries where democracy has recently eroded (i.e., Peru, Venezuela, Ecuador, Bolivia). Its press, civil society, legislature, and judiciary are stronger. The PT would be a potent, highly motivated opposition force. These factors would make it difficult for Bolsonaro to concentrate presidential power. But Brazil's democracy is young, and its citizens have not been this unhappy for decades. It is hard not to worry.