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## **Brazilian Constitutional Democracy at a Crossroads**

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# Brazilian Constitutional Democracy at a Crossroads

**Gustavo Ferreira Santos** \*

## Abstract

The recent election of Jair Bolsonaro in Brazil creates a set of doubts about the future of the constitutional state in the country. These concerns stem from their statements in the past or during the election campaign. On several issues, he expressed positions that are incompatible with the foundations of the constitutional state, especially with fundamental rights. The text gives special emphasis to themes that are likely to be most affected, such as the environment, public security, foreign policy and social rights. This paper aims to discuss the risks that the Brazilian constitutional state currently lives. As such, it seeks to draw attention to the challenges that the lawyers face in this new era. The paper takes as reference the normative framework of the 1988 Constitution. It is based on information available in the media about his ideas and those of his followers, on his government program and on the first act he edited as president.

## Keywords

Constitutional state; democracy; fundamental rights; human rights.

*This is how democracies now die. Blatant dictatorship — in the form of fascism, communism, or military rule — has disappeared across much of the world. Military coups and other violent seizures of power are rare. Most countries hold regular elections. Democracies still die, but by different means. Since the end of the Cold War, most democratic breakdowns have been caused not by generals and soldiers but by elected governments themselves. Like Chávez in Venezuela, elected leaders have subverted democratic institutions in Georgia, Hungary, Nicaragua, Peru, the Philippines, Poland, Russia, Sri Lanka, Turkey, and Ukraine. Democratic backsliding today begins at the ballot box (Levitsky & Ziblatt 2018).*

## 1. Introduction

The 2018 presidential elections in Brazil ended with an unanticipated victory of a new extreme right. The election of Bolsonaro is not easily explained. There are a

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number of factors that need to be considered. These include the widespread use of fake news, the invalidation of the candidacy of former President Lula and the ability to exploit the negative image of traditional politicians. A Congressman with thirty years of experience in Congress who has been a member of various political parties which are suspected in many cases of corruption managed to convey the image that he was an outsider and win the votes of those discontented with corruption.

The world is now following what is going on in Brazil with some concern. It is understandable that many analysts may feel apprehensive, in view of possible setbacks that may occur. The history of Brazil is full of authoritarian periods. The regime created by the 1988 Constitution already represents the most solid democratic experience in its history. The president-elect's past is a cause for serious concern. He has made a large number of public statements that are incompatible with the foundations of the constitutional state. This will certainly be a tough test for the institutions created by the 1988 Constitution.

It is too early to have a clear view of the paths that will be taken by the new government. Of course, governing is a complex process, involving multiple variables. Obstacles may lie in the way of achieving the desired goals of the President and his supporters. The analysis is further complicated by the fact that Bolsonaro's statements are not consistent. It is believed that he discloses certain positions in order to test the reaction and ascertain the extent to which they appeal to certain sectors and displease others.

This paper will present an overview, focusing on issues that involve fundamental rights and will attempt, where possible, to anticipate significant changes of direction. At present, we can only use the information available on the views of the president-elect or his ministers on some issues, however confusing and unreliable these statements may be, along with the information contained in his government program. We also analyzed his first act in office. On the first day of his term, he signed a provisional measure structuring the federal Administration (Medida Provisória n. 870/2019)<sup>1</sup>.

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<sup>1</sup> A Provisional Measure (medida provisória) is an act issued by the President who has the same force as an Act of Parliament, but lasts for a certain time while the Parliament analyzes it. Its content needs to be an urgent and relevant issue. If Parliament approves it, a legislative act with that content is published. It is inspired by the Italian "Decreto Legge".

## 2. Violence and the role of human rights

Urban violence is a serious problem in Brazil. For this reason, the subject is always top of the agenda in electoral debates. To get an idea of the scope of the problem, in 2016, Brazil had over 60,000 homicides, and the number of homicides continues to rise year after year (Embury-Dennins 2018). Many of these deaths are caused by security forces. However, this problem may worsen, as Bolsonaro advocates giving the police carte blanche to kill. In his campaign, he repeatedly used the slogan: “the only good criminal is a dead criminal” (Londoño & Andreoni, 2018).

His statements take advantage of a widely-held distorted view that stigmatizes "human rights." The defense of human rights by civil society institutions concerns public security institutions and some sectors of society view this defense of rights as an obstacle to combating urban violence. Bolsonaro and his supporters encourage this view and exploit this myth. It is not uncommon for him and his supporters to criticize feminists, LGBTQ activists, ecologists, and other human rights advocates. The candidate himself has fueled this view and rails aggressively against non-government organizations. In one video he told his supporters, “You will not have any more NGOs to quench your leftist hunger. It will be a cleansing never before seen in the history of Brazil” (Fishman 2018).

This political discourse is grounded on a set of convictions antithetical to the foundations of the constitutional state, including against the text of the Brazilian Constitution<sup>2</sup>. Bolsonaro's statements in favor of torture are widely known. As a

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2 Constitution of the Federative Republic of Brazil, 1988: **Article 1**. The Federative Republic of Brazil, formed by the indissoluble union of the states and municipalities and of the Federal District, is a legal democratic state and is founded on:

- I – sovereignty;
- II – citizenship;
- III – the dignity of the human person;
- IV – the social values of labour and of the free enterprise;
- V – political pluralism.

Sole paragraph. All power emanates from the people, who exercise it by means of elected representatives or directly, as provided by this Constitution.

**Article 5**. All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms:

(...)

III – no one shall be submitted to torture or to inhuman or degrading treatment;

(...)

XLIII – the practice of torture, the illicit traffic of narcotics and related drugs, as well as terrorism, and crimes defined as heinous crimes shall be considered by law as non-bailable and not subject to grace or amnesty, and their principals, agents, and those who omit themselves while being able to avoid such crimes shall be held liable.

Congressman, he has, on several occasions, defended and praised torturers from the time of the military dictatorship.

Since 2003, a Federal Act restricts the use of firearms and controls their sale. Bolsonaro has vowed to repeal this legislation. He has always been an opponent of the ban on free trade in firearms. His supporters think that arming "good citizens" will reduce violence, which is a belief that goes against all scientific evidence. The increased availability of weapons will increase the possibility of violent crimes (Cook, 1983).

Giving carte blanche to the police runs counter to the need for improvement and professionalization of these institutions. An institution that is already violent will tend to become even more lethal. This institutionalized violence is a legacy of the dictatorship that has still not been overcome.

There was no consistent transitional justice process after the military dictatorship. Officials responsible for acts of torture and murder were not held accountable for their crimes. Much work needs to be done in terms of truth and reconciliation regarding the memory of this period but no-one expects a Bolsonaro administration to be open to this. On the contrary, the expectation is that discourse that exalts the dictatorship will become the official government position. To get some idea of the harm Bolsonaro may do to transitional justice, in 2005, Bolsonaro placed a poster on the door to his office in Congress that mocked the struggle of families for the identification of the remains of those killed during the dictatorship. It read, "Only dogs look for bones" (Vasconcellos & Pannain 2018). As his first act in office (Medida Provisória n. 870/2019), he changed the legislation on amnesty, which is used to recognize the damages caused by the civil-military dictatorship to the people. Under the new legislation the Amnesty Commission left the Ministry of Justice to be part of the new Ministry of Women, Family and Human Rights. The standard also determines that the Commission shall have one representative of the Ministry of Defense.

Recently, this tendency was confirmed by the dismantling by the government of the body that guaranteed the fight against torture, due to Brazil's adherence to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UN 2006). Established by law in 2013, the National Mechanism for Preventing and Combating Torture (MNPCT) is composed of independent experts, who have access to detention facilities such as prisons, psychiatric hospital, old people's shelter, socio-educational institution or military center of detention. The experts worked full

time prepared reports with recommendations to the authorities when they encounter irregularities.

Bolsonaro fired all the experts. He also changed the legislation to say that the new experts will not receive salaries and has banned the experts from being linked to civil society entities and educational and research institutions, workers' representatives, students and entrepreneurs (Helena Borges e João Paulo Saconi 2019).

### **3. Academic freedom and the “Non-Partisan School” project**

The new Brazilian right-wing movement is troubled by teachers' freedom to teach. This is made explicit in their intention to create laws that punish teachers who teach their students 'ideologically'. Several drafts have already appeared before the local and regional Assemblies and in the National Congress. With this, the right wants to control what teachers say in the classroom, punishing them for the content of classes. Unbelievably, they re-stoke the fears of the Cold War era, continually warning of communist threats.

The name chosen by the defenders of this project is "non-partisan schools". This tries to convey the idea that certain subjects taught are no more than partisan positions. The main targets accused of 'teaching ideologically' would seem to be elementary school teachers. But the "witch hunt" also directly affects universities. The threats are mainly aimed at classes and research in the humanities, which address issues sensitive to this new political right, such as fascism, the Brazilian military dictatorship, feminism or transitional justice.

This type of regulation is evidently unconstitutional. The Constitution establishes the "freedom to learn, teach, research and express thought, art and knowledge" and "pluralism of ideas and pedagogic ideas" as fundamental principles of education<sup>3</sup>.

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3 Constitution of the Federative Republic of Brazil, 1988. **Article 206**. Education shall be provided on the basis of the following principles:

- I – equal conditions of access and permanence in school;
- II – freedom to learn, teach, research and express thought, art and knowledge;
- III – pluralism of pedagogic ideas and conceptions and coexistence of public and private teaching institutions;
- IV – free public education in official schools;
- V – appreciation of the value of school education professionals, guaranteeing, in accordance with the law, career schemes for public school teachers, with admittance exclusively by means of public entrance examinations consisting of tests and presentation of academic and professional credentials;

There clearly are some teachers who present party-political positions in the classroom, both on the right and on the left. This is as objectionable as the use of class time to talk about football, religion, one's personal life, or other matters not germane to the subject being taught. A teacher who acts like this is just a bad teacher. However, it is reprehensible to use these examples as an excuse to justify censorship in the classroom. This kind of restriction could make classes poorer, because it generates self-censorship in teachers. Furthermore, this kind of legislation grants some individuals the dangerous power to decide what class content is permitted or not.

At the end of the 2015-2018 legislative period, the bill aiming to establish censorship of teachers was shelved. However, the bill can still be resubmitted in 2019, this time with presidential support.

Distrust of universities has undermined the enforcement of electoral legislation. During the recent elections, there were many incidents of judicial censorship of university events. There were also several reported cases of police raiding university campuses to force them to comply with judicial rulings. The attacks only stopped after a decision by the Supreme Court suspending all measures against universities (Muñoz 2018). Moreover, the system of public universities in general is itself under threat. Bolsonaro has spoken more than once about abolishing free-of-charge higher education—an act which would favor the private education sector.

A piece of clear evidence that this is the direction the government is going is the reduction in the funding of national universities. Initially, the minister had said he would cut 30% of the budget of three public universities because there were "shambles." In these universities, there had been protests and acts that annoyed the government. When happened strong resistance, he changed his discourse. He announced that it was "no cuts, only contingencies" (Alberti 2019). Then he included all national universities. Consequently, there was a reduction of more than 30% of universities' discretionary expenses budget, and they are at risk of running out of resources to complete the academic year. As a result, massive street demonstrations took place. Bolsonaro reacted, saying that "useful idiots, imbeciles, who are being used as the maneuvering mass of a clever little minority who make up the nucleus of many federal universities in Brazil" (DW 2019).

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VI – democratic administration of public education, in the manner prescribed by law;

VII – guarantee of standards of quality;

VIII – a nationwide professional minimum salary for public school teachers, under the terms of a federal law.



#### 4. The future of social welfare and downsized government

Since the Constitution of 1934, Brazilian constitutions have consistently defended social welfare. However, the 1988 constitution was the first to make a clear effort to build a welfare state that attempts to reduce inequality. The 1988 Constitution created a comprehensive health system with free and universal care<sup>4</sup>. This system divides responsibility between the Federal Government and the governments of States and municipalities. The Constitution also guaranteed public and free education, with the goal of achieving universal education<sup>5</sup>. Education and healthcare are the two items for which the Constitution stipulates public budget percentages.

Social inequality remains one of the main problems in Brazil. After some years of progress in this field, poverty and inequality began to rise again after 2014 (FGV 2018). There was a slow implementation of public policies. Even with such policies, the challenges in this field are immense. We needed to deepen social policies, not reduce them (Lobato 2009).

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4 Constitution of the Federative Republic of Brazil, 1988. **Article 196**. Health is a right of all and a duty of the State and shall be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at the universal and equal access to actions and services for its promotion, protection and recovery.

**Article 197**. Health actions and services are of public importance, and it is incumbent upon the Government to provide, in accordance with the law, for their regulation, supervision and control, and they shall be carried out directly or by third parties and also by individuals or private legal entities.

5 Constitution of the Federative Republic of Brazil, 1988. **Article 205**. Education, which is the right of all and duty of the State and of the family, shall be promoted and fostered with the cooperation of society, with a view to the full development of the person, his preparation for the exercise of citizenship and his qualification for work. **Article 208**. The duty of the State towards education shall be fulfilled by ensuring the following:

I – mandatory basic education, free of charge, for every individual from the age of 4 (four) through the age of 17 (seventeen), including the assurance of its free offer to all those who did not have access to it at the proper age;

II – progressive universalization of the free high-school education;

III – specialized schooling for the handicapped, preferably in the regular school system;

IV – infant education to children of up to 5 (five) years of age in day-care centres and pre-schools;

V – access to higher levels of education, research and artistic creation according to individual capacity;

VI – provision of regular night courses adequate to the conditions of the student;

VII – assistance to students in all grades of basic education, by means of supplementary programmes providing school materials, transportation, food, and health care.

Paragraph 1. The access to compulsory and free education is a subjective public right.

Paragraph 2. The competent authority shall be liable for the failure of the Government in providing compulsory education, or providing it irregularly.

Paragraph 3. The Government has the power to take a census of elementary school students, call them for enrollment and ensure that parents or guardians see to their children's attendance to school.

Nevertheless, after the impeachment of President Dilma Rousseff, a tendency towards cuts in the welfare state was already clear. The new government was able to pass an amendment to the Constitution capping growth in government spending on administration for twenty years. Expenditure on public debt was not subject to this spending limit. As a result, it will not be possible to increase the government's ability to respond to the demand for health and education, regardless of economic growth or increasing need.

Bolsonaro's views on labor rights should also be noted. Labor law also underwent reforms during the Temer administration. These reforms withdrew rights and weakened trade unions, in such a way that employees now have less legal protection and reduced bargaining power. Bolsonaro has declared that this reform did not go far enough. He argues that labor legislation needs to be more flexible and accept arrangements that are currently regarded as informal and unlawful. His plan of government includes the creation of a new labor regime, which would be "voluntary". In this new regime, the legal protections would not be applied, because it would be totally negotiated. Such a regime tends to be adopted by workers in the categories with less force of collective bargaining. Thus, it should serve only to call legal relations illegal today, without adding dignity to the working relationship.

Bolsonaro's desire to abolish the Ministry of Labor is symbolic of this. This body has existed since the 1930s. Labor relations require specific public policies and almost all countries have bodies specifically designed to deal with them.

The government has presented to Parliament a pension reform proposal that virtually ends the retirement financed by a public fund. In the project, the country adopts a capitalization system, which will lead workers to the financial system and will only be able to retire those who save enough during a lifetime of work. However, he spared the reform of the military, which will have its pension system little altered, with some changes that extend rights (Brazil Institute 2019).

## **5. Foreign policy**

The Brazilian Constitution establishes the following principles for foreign policy (Article 4): national independence, the over-riding importance of human rights, self-determination of peoples, non-intervention, equality between States, defense of peace, peaceful resolution of conflicts, repudiation of terrorism and racism, cooperation between peoples for the advancement of humanity and

granting of political asylum. Following these guidelines, Brazilian foreign policy has tended to avoid polarized positions on issues that deeply divide other nations.

Unfortunately, what is known of the incoming president's position leads us to believe that the new trend will be in line with US foreign policy. This will be something new. In the last two decades, Brazil has assumed a regional leadership position and played an important role in the international order. If it now moves in the direction of submission to North American decisions, Brazil will lose this status.

Bolsonaro's statements on the international order raise serious cause for concern, but even more troubling are the positions taken by his future Foreign Secretary—Ernesto Araujo. Prior to being invited to join the new government, Araujo said that he wants to combat something he calls "globalism," which, in his view, is an ideology of globalization governed by "cultural Marxism" and led by China (Watts 2018b).

In regional policy, there are signs that Brazil will no longer be concerned with furthering regional integration. The future Finance Minister has said that Mercosur is not a priority for the government (Schipani & Rathbone 2018).

At the global level, alignment with the United States will most likely also lead to a loss of prestige. Brazilian diplomacy has played an important role in discussions regarding climate change, in particular the drafting of the Paris agreement. However, as outlined below, the incoming Brazilian government is not favorable towards international initiatives to combat global warming.

The plans for Bolsonaro's inauguration ceremony already demonstrate the extent to which ideological issues may guide his diplomatic decisions. After inviting all the leaders of countries with which Brazil has diplomatic relations, the Ministry of Foreign Affairs sent another communication, withdrawing the invitations sent to Cuba and Venezuela.

One issue in which a change of direction is clearly visible is that of migrants. The incoming Foreign Secretary has already indicated that Brazil will withdraw from the Global Compact for Migration, despite being one of the countries that has already ratified this UN document. The incoming government believes that the issue of migration should not be regulated internationally, but dealt with individually by each country. This is consistent with Bolsonaro's criticisms of

Brazil's existing policy regarding refugees. In 2015, he described refugees fleeing to Brazil as 'the scum of the earth' (Slattery & Heavens 2018).

However, relations between countries are more complex than this and Bolsonaro's foreign policy will have to choose between the economic pragmatism of the business community that supported him and the ideological crusade that his nominee for Foreign Secretary seems to espouse. Not everything that is of interest to the US economy is equally important to the Brazilian economy. For various reasons, countries may react differently to similar decisions made by the US and Brazil.

As in other fields, Bolsonaro's comments contradict one another and, on several issues, he has gone back on previous statements, in the light of subsequent repercussions. One example of uncertainty is the decision regarding the possible transfer of the Brazilian embassy in Israel to Jerusalem (Taylor 2018). When the measure was first announced by Bolsonaro's son, Arab countries reacted badly (Adghirny 2018). As Brazil does a lot of trade with Arab countries, Bolsonaro began talking about the transfer of the embassy as a decision still under study. After meeting with Bolsonaro, Israeli Prime Minister Netanyahu said he heard from the new president of Brazil that he will change the embassy – it was a matter of "when, not if" (Stargardter 2018).

Another example is the future relationship with China. Despite the incoming Foreign Secretary's criticism of an ideology of "globalism" that supposedly favors China, Bolsonaro has nevertheless said that Chinese investment is still welcome. Cognizant of the position of Bolsonaro's backers, pragmatic Chinese diplomats have, therefore, been working to diminish tensions (Spring 2018).

## **6. The Environment and Global Warming**

The 1988 Constitution declared an ecologically-balanced environment to be a fundamental right and established a set of responsibilities for government and society alike<sup>6</sup>. Thirty years after the Constitution was published, Brazil still faces major challenges in the field of environmental protection and the reported position of the new government is thus also a cause of great concern.

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<sup>6</sup> Constitution of the Federative Republic of Brazil, 1988. **Article 225**. All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.

As noted above, it seems that the incoming government will seek to align itself more closely with US foreign policy. This would be a great setback for environmental policy but the shift in policy has already been signaled by Brazil's withdrawal of its offer to host a UN meeting to discuss climate change (Londoño & Frieman 2018). Bolsonaro claims that he participated directly in the making of this decision and the opinions of his Foreign Secretary certainly point in that direction. Bolsonaro's populist discourse is predicated on a binary opposition between economic development and environmental preservation.

Furthermore, a number of Bolsonaro's closest associates are known to hold skeptical views regarding global warming. The incoming Minister for the Environment has stated that climate change is a "secondary issue" (Phillips, 2018). The new Foreign Secretary thinks that "climate change is a Marxist tactic to instil fear, stifle the economic growth of western countries, and benefit China" (Keating 2018).

During the election campaign, Bolsonaro vowed to merge the ministries of agriculture and the environment (Watts 2018a). He backed down from this position, after pressure from sectors of the economy that would lose out as a result of this measure. Bolsonaro's statements regarding environmental preservation seem aimed to please agribusiness and this sector strongly supported his campaign. A significant part of the problem of deforestation in Brazil is related to agriculture and livestock. This sector, therefore, broadly supports a relaxation of the curbs established by environmental legislation. Some exporters fear, however, that such measures would reduce the market for their products.

Bolsonaro has spoken out clearly against the action of the two federal environmental protection agencies in Brazil. IBAMA is responsible for the oversight and enforcement of environmental legislation and ICMBIO manages areas covered by federal environmental protection laws. The original single environmental agency was split up into these two bodies by Marina Silva when she was still Minister of the Environment in the Lula Government. Bolsonaro has already talked about merging the two agencies and vowed to end the "fines bonanza," a clear indication that he aims to pressure the agencies to limit inspection (Gabbatiss 2018). When enforcement agencies are intimidated, deforestation tends to increase. Depending on the reforms that are actually introduced, such agencies may in future lose the ability to uphold adequate environmental standards.

Bolsonaro's words are interpreted by loggers as a license to deforest. The support he garnered during the election campaign has already resulted in an increase in deforestation in the Amazon region of Brazil (Maisonnave 2018b).

Both human rights and environmental protection are fields in which non-government organizations are highly active. Bolsonaro has repeatedly criticized "activists" and vowed to withdraw public funding from nongovernmental organizations. This view, quite apart from its authoritarian aim of quashing dissent, significantly misconceives the nature environmental activism, which is not limited to protest against the government, but also takes concrete action to preserve and recover biomes (Hochstetler&Keck, 2007).

One example of the kind of disaster that this vision may engender is the interruption of projects to recuperate degraded areas. Bolsonaro has already preached against the allocation of funds raised by imposing environmental fines to nongovernmental entities. However, the current model gives companies a 60% discount on any fine it incurs, if it invests in environmental recovery projects. Projects may be conducted by public entities or non-governmental organizations. Were this program to be ended, the government would prevent more than one billion Brazilian reals from being invested in the projects relating to the sources of the São Francisco and Parnaíba rivers, which have already been approved (Maisonnave 2018a).

Regrettably, the new vision applied to the environmental field is subservient to the economic interests of agribusiness. Since Bolsonaro's inauguration, hundreds of new pesticides have been authorized, many of them listed as highly hazardous (Phillips 2019a).

This detrimental shift in environmental policy could also be accompanied by a change in policy with regard to Brazil's fragile minority of indigenous peoples. Brazil has a long history of not protecting these populations adequately, but there were advances in terms of recognition of land rights and culture, under the 1988 Constitution<sup>7</sup>.

There is a direct relationship between environmental protection and the rights of indigenous peoples. When their lands are demarcated, indigenous groups act as guardians of the forest.

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<sup>7</sup> Constitution of the Federative Republic of Brazil, 1988. **Article 231**. Indians shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy, it being incumbent upon the Union to demarcate them, protect and ensure respect for all of their property.

The threats to indigenous people come mainly from logging, mining and agriculture. Bolsonaro sees indigenous reserves as an obstacle to economic development, especially agribusiness. As candidate for president, he stated that he would not recognize a single square inch of indigenous land during his administration (Watson 2018). In his first act as President, he transferred the competence to demarcate indigenous lands from the Ministry of Justice to the Ministry of Agriculture, which is dominated by agribusiness (Medida Provisória n. 870/2019).

The restrictive view on the Indians was manifest in the recent dismissal of the president of the federal agency (FUNAI), responsible for the indigenous policy. He said it was not possible to work, because government officials perceive the agency as an obstacle to economic development. The fired president is an Army General. After his leaving, he declared concerning the Minister of Agriculture: "when he talks about the indigenous people, froths hate for them" (Kaiser 2019).

## **7. Conclusion**

Despite the limitations of such an analysis at this early stage, a number of conclusions can nevertheless be drawn. The President-Elect's public statements are a cause for considerable concern. They not only conflict with principles laid out in the 1988 Constitution but overtly oppose some of these. Bolsonaro's statements against "human rights" are not confined to the distant past, but occurred frequently during his election campaign.

Some decisions announced by the President-Elect already seem to violate constitutional principles. His assault on trade unions and non-government organizations will curb resistance to certain policies and it is by no means clear whether the institutions responsible for upholding the Constitution will be sufficiently strong or independent to stall a drift towards authoritarian rule.

On the other hand, Bolsonaro's hands may be tied by some members of the very groups that elected him. As noted in the introduction to this paper, the business of government is complex and the new president may well find himself compelled to negotiate with a broad range of conflicting interests. Over time, these conflicting interests may come to limit the scope of his agenda.

In Parliament, the Government has suffered some defeats, which result from an evident difficulty of dialogue. In those few months, there have been internal conflicts within his political party and some disagreements with other parties that support him. These internal difficulties explain the defeats, although he counts on the congressional majority, and it confirms that will be not so easy to implement his far-right agenda, or at least as long as his political allies do not agree among themselves. Nevertheless, these difficulties must grow with the scandal involving the communications leak of the current Minister of Justice, Sergio Moro. Messages exchanged in the Telegram application between him and the prosecutor accusing former President Lula showed that, despite being the judge who would try the defendant, he collaborated with the prosecution, indicating evidence and strategies (Phillips 2019b).

Monitoring the first steps of the Bolsonaro government is not a task that should be confined to Brazilians alone. All democrats around the world need to be watch out for the warning signs. The prospect is even more concerning in the light of what has happened in other countries. The world is going through a new wave of authoritarianism, this time spearheaded by democratically elected governments that do not adhere to democratic values. Viktor Orbán, Prime Minister of Hungary, is the best example of this kind of ruler, who gradually sets about installing "illiberal democracy", to borrow a term used by Fareed Zakaria.



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