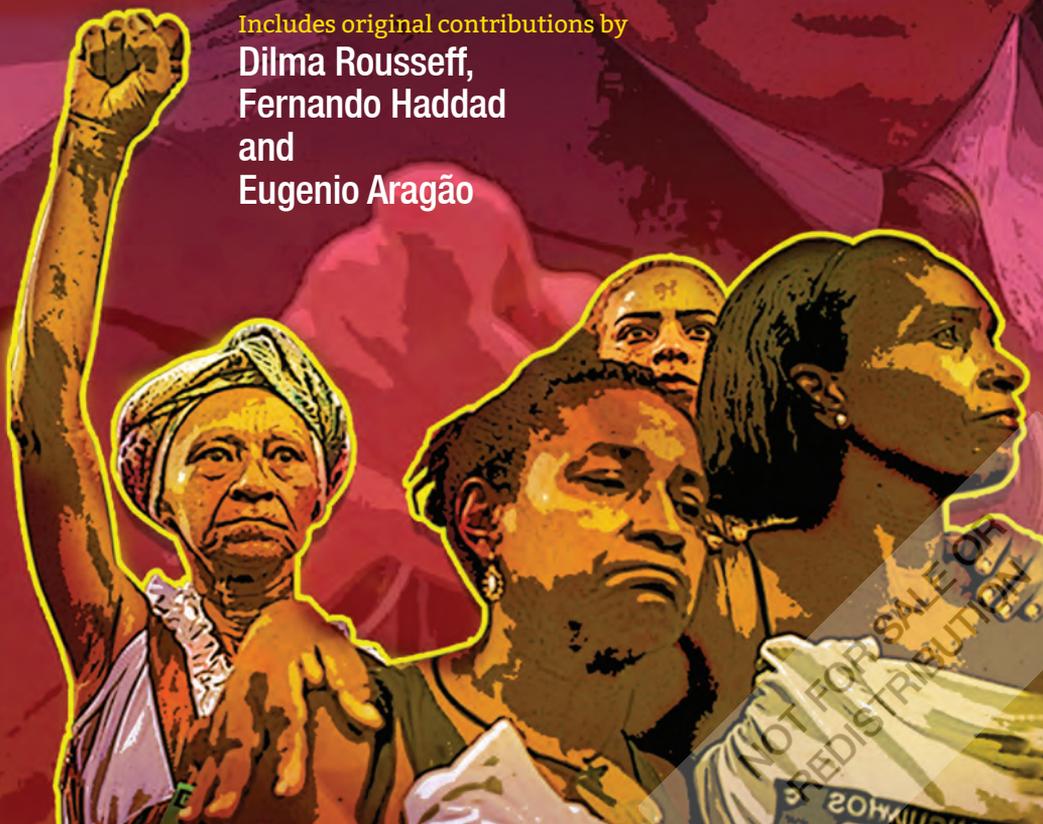


# IN SPITE OF YOU

Bolsonaro and the New Brazilian Resistance

Edited by **CONOR FOLEY**

Includes original contributions by  
Dilma Rousseff,  
Fernando Haddad  
and  
Eugenio Aragão



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In October 2018 Jair Bolsonaro was elected president of Brazil. A former army officer, Bolsonaro has consistently campaigned against democracy and human rights. He is notorious for his repeated racist, sexist and homophobic statements and his defense of torture, extra-judicial executions and impunity for Brazil's security forces.

*In Spite of You* brings together voices of a new Brazilian resistance that opposes Bolsonaro. It includes chapters by Dilma Rousseff, former president of Brazil; Fernando Haddad, former mayor of São Paulo, who was runner-up to Bolsonaro in the 2018 election; and Eugenio Aragão, former minister for justice in Dilma's last government. It also gives a voice to feminists, environmentalists, land rights activists and human rights defenders, who explain the background to Bolsonaro's election and present a manifesto for reviving democracy in Brazil.



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# **IN SPITE OF YOU**

**BOLSONARO AND THE NEW  
BRAZILIAN RESISTANCE**

**EDITED BY CONOR FOLEY**



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New York • London

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Apesar de você  
Amanhã há de ser  
Outro dia

In spite of you  
Tomorrow will be  
Another day

Chico Buarque

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# INTRODUCTION

CONOR FOLEY

On 29 October 2018 Jair Bolsonaro was elected president of Brazil. This book has been written in response to his election victory. It seeks to explain how and why he won the presidency and what the implications of his victory may be.

Bolsonaro is a former military officer who has been a full-time politician in Brazil for almost thirty years. He never distinguished himself as a lawmaker, and the same vague accusations of graft swirl around him as the rest of Brazil's political class. His notoriety comes from making a series of bizarrely offensive statements during his career. He told a fellow legislator that she was too ugly for him to rape her; said that he would rather his son die than accept him as gay; has repeatedly taunted Afro-Brazilians, indigenous communities, and those from the poorer states of the northeast; and said that the dictatorship's only mistake was that it did not kill enough of its political opponents. When casting his vote for the impeachment of former president Dilma Rousseff in 2016, Bolsonaro dedicated it to the memory of the head of intelligence of the military dictatorship, a man responsible for torturing over one hundred political dissidents, including Dilma herself.<sup>1</sup> On the eve of his election Bolsonaro released a statement in which he promised

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<sup>1</sup> Brazilian politicians are often referred to by their commonly used first names rather than their surnames.

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to imprison his political opponents and echoed a slogan from the dictatorship era: “Brazil, love it or leave it.”<sup>2</sup>

Bolsonaro’s inauguration speech of 1 January 2019 vowed to “liberate” Brazil from “socialism,” “gender ideology,” “political correctness,” and “ideology that defends bandits.” Unfurling the Brazilian flag, he declared that it would “never be red unless our blood is needed to keep it yellow and green.”<sup>3</sup> Hours after taking office he announced a new regulation transferring the protection and regulation of indigenous land rights to the Ministry of Agriculture, which is now dominated by the country’s powerful “agribusiness lobby.”<sup>4</sup> Other newly appointed ministers also began to unveil their own platforms and programs, which will be discussed further in subsequent chapters of this book. Perhaps the most extraordinary of these came from Damares Alves, an Evangelical lay preacher and head of the newly amalgamated Ministry for Women, Families, and Human Rights. A video emerged on social media of her leading supporters in a raucous, singsong, nursery-rhyme chant of “boys must dress in blue and girls must dress in pink,” which she subsequently explained was a metaphor for her government’s commitment to combat “gender ideology” in Brazilian schools.<sup>5</sup>

It is difficult to exaggerate the threats that Bolsonaro poses to a just social order both in Brazil and beyond. The world’s fourth-largest country could now slide from democracy to dictatorship. Deforestation of the Amazon rainforest and the expropriation of land from Brazil’s indigenous people will certainly accelerate. If Brazil pulls out of the Paris Agreement on Climate Change, the threat of humanity-destroying global warming comes ever

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<sup>2</sup> “Brazil’s Jair Bolsonaro Threatens Purge of Leftwing ‘Outlaws,’” *Guardian*, 22 October 2018.

<sup>3</sup> “Brazil, Out with the Old,” *Economist*, 5 January 2019; and “Bolsonaro Declares Brazil’s ‘Liberation from Socialism’ as He Is Sworn In,” *Guardian*, 1 January 2019.

<sup>4</sup> “Jair Bolsonaro Launches Assault on Amazon Rainforest Protection,” *Guardian*, 2 January 2019.

<sup>5</sup> “Entrevista com a ministra Damares Alves de Direitos Humanos,” *Globo News* JN10, 3 January 2019.

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nearer. Bolsonaro's promises of impunity to the police who carry out extrajudicial executions, support for torture and the death penalty, and pledge to repeal the country's gun laws will make one of the most violent countries in the world even more deadly. Where Brazil under previous governments had played a leading part in developing an independent foreign policy for the Global South, Bolsonaro is already slavishly echoing even the most idiotic pronouncements of US President Donald Trump. The incendiary and fascist rhetoric that he used during the campaign and has promoted throughout his political career also cuts deep into the body politic of one of the most racially, ethnically, culturally, and socially diverse societies in the world.

Within a few weeks of his taking office, credible allegations began to emerge that one of Bolsonaro's sons, Senator Flávio Bolsonaro, had close ties to members of a militia group in Rio de Janeiro suspected of carrying out the murder of a prominent black, lesbian politician, Marielle Franco. Investigations by the public prosecutor's office also revealed a series of deposits into the bank account of Flávio Bolsonaro's political assistant that were unaccounted for and suggested possible money laundering. Jair Bolsonaro canceled a last-minute press conference scheduled to take place at the Davos conference in Switzerland, apparently to avoid taking questions about his son's activities.<sup>6</sup> He responded more robustly, however, when a member of Brazil's national parliament, Jean Wyllys, announced that he was resigning from parliament and fleeing the country after receiving numerous death threats. Like Franco, Wyllys is a member of the Party of Socialism and Liberty (PSOL) and, also like her, is openly gay. On hearing the news, President Bolsonaro tweeted, "This is a great day for Brazil."

In February 2019, Bolsonaro's government lost its first senior minister, sacked amidst accusations and counter-claims of corruption and lies, in which another of his sons emerged as a major behind-the-scenes protagonist. He was replaced by another military officer, which means that, including

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<sup>6</sup> "Bolsonaro's Davos Debut Overshadowed by Growing Scandal around Son," *Guardian*, 22 January 2019.

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the president and vice president, there are now five army generals, three captains, one air force admiral and one lieutenant-colonel in the new administration. Rumors also swirled that the Bolsonaro family clan were planning to split from the party that they had just led to victory in the elections to revive a previous one that had dissolved itself after supporting the 1964 military coup d'état. It was a chaotic start to a controversial presidency.

This book brings together the voices of the new Brazilian resistance. It includes chapters by Dilma Rousseff, former president of Brazil, political prisoner, and torture survivor; Fernando Haddad, who was defeated by Bolsonaro in the 2018 election; and Eugenio Aragão, former minister for justice in President Dilma's last government. It also gives a voice to feminists, foreign policy analysts, and human rights defenders.

The book is written from a multidisciplinary perspective. We are all activists, but some of us are also politicians, academics, lawyers, public servants, and nongovernmental actors. The chapters have a very practical objective: we want to explain what happened in the 2018 general election in Brazil, discuss the lessons, and point to ways forward. We bring different analytical and theoretical tools to this task, and we hope these will enrich the arguments we present. Contributors draw on international law, political theory, sociology, economics, feminist studies, postcolonial discourse, and the antiracist movement.

The book has mainly been written for those interested in what is currently happening in Brazil, but we place our arguments in the context of a wider debate about the global crisis that has seen the recent emergence of right-wing authoritarianism as such a potent political force. We hope that we can add a Brazilian voice to these discussions in explaining the background to Bolsonaro's election, tackling some of the myths about it, and setting out a manifesto for the fight for democracy and social justice in Brazil and beyond.

Much of the coverage of the 2018 presidential election in Brazil in the English-speaking international media has portrayed Bolsonaro's election victory primarily as a punishment of the Brazilian Left for its self-inflicted

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errors. According to this narrative, the corruption, incompetence, and extremism of the previous Brazilian Workers' Party (PT) government were rejected by the electorate. An opinion piece in the *New York Times*, for example, bemoaned "political polarization," "divisive rhetoric," and the decline of the "progressive middle ground" that had paved the way for Bolsonaro's rise.<sup>7</sup> This narrative resonates with the "center" parties in Brazil that have traditionally dominated its politics but fails as a simple factual description of what actually happened. It is also an inadequate basis for discussing how to respond to the threat that Bolsonaro—and like-minded thinkers across much of the world—now pose to us all.

No one disputes that the 2018 presidential election was a defeat for the Left. Bolsonaro comfortably outpolled his nearest rival, the PT's Haddad, in both the first and second rounds of the election, which took place at the start and end of October respectively. But Haddad, a former one-term mayor of São Paulo and minister for education in the government of Luiz Inácio Lula da Silva, had only entered the race in mid-September, a few weeks before the first-round ballot, after Lula himself had been ruled ineligible to stand. The circumstances that led to Lula being excluded will be discussed more fully by Fábio de Sá e Silva and Eugenio Aragão in chapters 2 and 3 of this book. Had Lula been allowed to contest the election, there is little doubt he would have won it convincingly.

Most impartial political commentators agree that Haddad fought a very good campaign. When he announced his candidacy, he was still virtually unknown in most of the country and only polling 4 percent support in opinion surveys. Despite a hostile media, negative campaigning, and "fake news" spread by his opponents, he reached 27 percent in the first round of voting and 45 percent in the runoff.<sup>8</sup> Bolsonaro polled 46 percent and 57 percent in these two rounds. The gap between the two candidates clearly narrowed

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<sup>7</sup> Rob Muggah, "Can Brazil's Democracy Be Saved," *New York Times*, 8 October 2018.

<sup>8</sup> "Poll Tracker: Brazil's 2018 Presidential Election, *Americas Society/Council of the Americas*, 28 October 2018.

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throughout the campaign, and opinion polls conducted in the last few days before the second round showed it narrowing further. Had the campaign lasted even a week longer, it is very possible that Haddad would have won. We are honored to have Haddad as one of our contributors, and his concluding chapter sets out an inspiring and coherent future for the Brazilian Left.

For the big Brazilian center parties, by contrast, the 2018 elections were an unmitigated political disaster. Geraldo Alckmin, of the Brazilian Social Democratic Party (PSDB), led an electoral alliance of parties that ensured his hard-hitting and professionally produced political broadcasts would dominate airtime in the first round. He is a long-established and high-profile politician who had been elected and reelected governor of São Paulo, Brazil's biggest state, and who had contested the presidency against Lula in 2006. He had been widely expected to emerge as the front-runner before the start of the campaign but polled less than 4 percent of the vote and was eliminated in the first round.<sup>9</sup>

Another centrist presidential candidate, Marina Silva, was the electoral choice of much of the liberal elite international media because of her personal backstory—she was born to poor rubber tappers in the Amazon—and her undoubted commitment to environmental protection. A founding member of PT, she had subsequently broken with the party and moved decisively away from it, running twice against Dilma in 2010 and 2014. She was well-known throughout Brazil and was the only candidate with an international media profile. Yet she received less than 1 percent of the vote and was also eliminated. A scattering of other centrist parties also contested the 2018 election with similar results. When offered a choice of candidates between left, right, and center, well over 90 percent of the Brazilian electorate who voted rejected the various centrist options on offer.

Not only were the centrist parties rejected by voters, they also suffered a complete collapse of moral principle. Early on in the campaign, some politicians, including Fernando Henrique Cardoso, the widely respected former

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<sup>9</sup> Ibid.

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PSDB president of Brazil, had posited a progressive alliance for the defense of democracy against Bolsonaro in the second round of voting.<sup>10</sup> Yet the centrists ran away from their proposal once it became clear to them that their own supporters had deserted to Bolsonaro en masse. Silva belatedly endorsed Haddad a few days before the election, having pointedly refused to do so earlier. The PSDB declared its neutrality, while many leading members, including the governor of São Paulo, João Dória, openly defected to Bolsonaro's camp.<sup>11</sup> It is difficult to think of a more shameful capitulation to a right-wing extremist since 1933, when German centrist members of parliament voted to hand over their country to Adolf Hitler.

The only other candidate who came even close to getting into the second round of voting was Ciro Gomes, who polled 12 percent to Haddad's 27 percent. Gomes initially flirted with the centrist parties for support but fought his actual campaign from the left, stressing his opposition to the trial and imprisonment of Lula, the impeachment of Dilma, and the neoliberal austerity policies of her replacement, President Michel Temer. Gomes openly denounced Bolsonaro as a fascist and stressed that his second preference votes would go to Haddad. After his elimination in the first round of voting, however, he went on holiday to Europe for the rest of the campaign, returning on the eve of polling only to announce that he had decided to abstain.

If Bolsonaro's victory cannot simply be blamed on the Left, deeper thinking is needed about its causes and consequences in the nature of Brazilian society and politics. This must include a discussion of the PT's successes and failures during its thirteen years in power from 2003 until Dilma's ouster in 2016, and we are delighted that she is contributing the first chapter of this book with her own reflections on these experiences. Any fair assessment of PT's record in office must include its remarkable achievements in promoting

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<sup>10</sup> "FHC descarta voto em Bolsonaro e diz esperar propostas de Haddad," *Exame*, 14 October 2018.

<sup>11</sup> "Doria posta video em que Bolsonaro agradece apoio do tucano," *UOL Eleicoes* 2018, 2 October 2018.

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economic growth, reducing poverty and inequality, opening up opportunities for the disadvantaged, and rethinking Brazil's role in the world. It must also honestly admit the failures that led to its downfall.

Although Dilma was comfortably reelected in the 2014 presidential election, these elections also significantly moved the National Congress of Brazil to the right. A record number of the candidates who were elected are associated with three of its most powerful conservative blocs: the agribusiness lobby, the Evangelical lobby, and the security lobby (sometimes referred to as the Bull, Bible, and Bullet Benches). The new congress adopted an obstructionist approach to President Dilma's legislative agenda, and as a result the government was gridlocked. Partly as a result of this and partly because of deteriorating external circumstances, Brazil entered into a devastating economic crisis that started in 2014 and from which it has yet to recover. There was a dramatic fall in living standards and a marked increase in unemployment. Many ordinary Brazilians lost their jobs and homes. They also found themselves trapped in debt they were unable to pay off and blacklisted from obtaining new credit.

Violent crime, which had been falling in many parts of Brazil, started rising again, and, as Fiona Macaulay shows, the increasingly influential law-and-order lobby provided a key support base for Bolsonaro's victory. Rubens Casara and Gláucia Foley argue that, in the face of this crisis, the Brazilian judiciary has failed to discharge its constitutional duty to uphold fundamental rights and turned itself increasingly into a populist instrument of state repression, thus amplifying the subsequent social and political crisis.

As Sérgio Costa and Renata Motta show, Bolsonaro's key success was constructing a metaphorical "other" as the culprit behind the country's maladies, and this won him the support of voters who had traditionally backed the Brazilian centrist parties. How and why he was able to do this informs a number of the book's other chapters. Drawing on extensive primary research based on confidential interviews, Vanessa Maria de Castro presents a disturbing picture of social prejudices among Bolsonaro supporters. She concludes that, beneath the myth of "racial democracy," Brazil remains

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deeply segregated and discriminatory. Márcia Tiburi shows how the religious right in Brazil has demonized “gender ideology” through a sustained attack on women’s rights and the Brazilian women’s movement. Paulo Esteves and Monica Herz discuss how the metaphor of an “imaginary Venezuela” allowed Bolsonaro to conjure a completely nonexistent “communist threat” during the election. Among the many worrying possible consequences of a Bolsonaro presidency is that, should President Trump follow through on his threats of military intervention in Venezuela, Brazil could find itself participating in the invading force. Michelle Morais de Sá e Silva discusses how Bolsonaro’s election could bring to an end an inspiring period of independent foreign policy and South-South cooperation pioneered by Brazil.

Although the specific topics of each chapter in this book are Brazilian, their themes are increasingly global and should find a wider resonance. Voters across the world are turning to right-wing populist parties precisely because they are disillusioned with the centrist managerialism of a previous generation of social democratic politicians. This is not a plea for ultra-leftist indulgence but a simple recognition that the world has changed. Electoral strategies that brought previous generations of center-left parties to power, including the PT in 2003, cannot be replicated today because the social, economic, political, and cultural challenges that confront us are so different.

For much of the world’s population, the end of the 1990s was probably the happiest, richest, and safest time of their lives. Of course, that is a gross simplification, but the electoral pitch of center-left politicians such as Tony Blair and Bill Clinton was essentially to promote social reform and mild redistribution without radically changing the status quo. The first-term PT government promoted a similar strategy that became known as “Lulismo,” which will be discussed further in this book. Its political appeal was defined by the modesty of its ambitions.

Social democrat politicians at the end of the 1990s could afford to view globalization from a comfortable, perhaps even complacent, perspective. For them, it was a basically benign phenomenon that had delivered increased

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wealth and rising living standards and had reduced levels of absolute poverty. Targeted tax and social welfare spending could deliver the rest, they assumed, while overlooking evidence of rising social inequality as the rich became ever richer and used their wealth to lobby for deregulation. Clinton and Blair's view that elections are won from the center even led them to adopt many of the policies of their neoliberal opponents. Ideological "cross-dressing" and political "triangulation," where those on the left borrowed policies from their right-wing opponents and vice versa, were increasingly in vogue. National sovereignty was an outdated concept, and socialism no longer mentioned in polite company. Much effort was devoted instead to creating political superstructures through a growing plethora of international treaties and intergovernmental organizations that could regulate and harmonize international standards.

This vision barely outlasted the dawning of the new century. The dot-com bust that shook global stock markets within months of the start of the millennium was to presage the wider global financial crisis of 2008. The world was plunged into the longest and deepest recession in living memory. The "blond-haired, blue-eyed bankers," as Lula memorably dubbed them, "who thought that they knew everything, but turned out to know nothing," were all bailed out.<sup>12</sup> The rest of us paid the price of their criminal incompetence through mass unemployment, steep cuts in social welfare, and collapsing living standards. The whole world has since then suffered a "lost decade," with living standards in 2019 for most people in the Global North barely back to where they were ten years earlier. Where jobs have returned they have been in the casualized and exploitative "gig economy," with poverty wages and zero security. Meanwhile, the wealth of the world's richest 1 percent has taken off into the stratosphere.

This has coincided with some more thoughtful reflection on the state of the world. Global warming and the mass extinction of species on which

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<sup>12</sup> Conor Foley, "Good Looking Lula's Revenge," *Guardian*, 11 April 2009.

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we depend for our own survival are no longer distant threats that our grandchildren may need to worry about but rather looming imminent catastrophes. We clearly need to alter the patterns of production and consumption that underpin our existing social and economic models if we are to survive as humankind in any recognizable manner within the fairly near future.

More than 68.5 million people across the world were forcibly driven from their homes in 2018, the highest number ever recorded.<sup>13</sup> Genocidal civil wars, growing criminal violence, climate change–induced natural disasters, and deepening scarcity and poverty have forced hundreds of millions of people to flee their homes in the last five years alone. A global “war on terror” has been used to justify foreign wars and illegal invasions, which have in turn stimulated more domestic terrorism and a spiral of jihadi radicalization. Liberal tolerance, civil liberties, democratic debate, and freedom of expression are retreating in the face of these threats.

Right-wing populist authoritarians have marched straight into the territory that the Center-left vacated. Racist, anti-immigrant, and neo-Nazi parties are making electoral headway as people are receptive to messages about out-of-touch metropolitan liberal elites, defense of traditional values, clashes of civilization, and taking back control. The policy prescriptions of the progressive left are, in fact, more relevant than ever as neoliberal dogma offers the exact opposite of what we need for the survival of humanity. That said, we clearly need to rethink our strategic approaches. Not only is “triangulation” with fascists a tactical absurdity, it also distracts us from the more urgent task of imagining that another world is possible and debating what we need to do in order to make it a reality.

The rest of this introduction provides a brief background to Bolsonaro’s election and highlights some of the issues to be discussed in more depth by other contributors.

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<sup>13</sup> UNHCR, “Figures at a Glance,” <http://www.unhcr.org/figures-at-a-glance.html>, accessed 8 November 2018.

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It is almost an accident that I am not a Brazilian. The military coup of 1964 occurred less than a year before I was born and led to the indefinite postponement of my family's plans to move to the country. My father, an Irish civil engineer, had even started to learn Portuguese for the trip. Work was plentiful, and Brazil in the 1960s was the epitome of chic. Its soccer team had won the World Cup twice in a row in 1958 and 1962, and went on to win it again in 1970. Bossa nova had just been invented, and Brazil's Carnivals had not yet sold their souls to commercial tourism. The classic *Girl from Ipanema* was released, with Frank Sinatra doing a cover version, while Ginger Rogers and Fred Astaire were "flying down to Rio" to relax.

Brazil's President Juscelino Kubitschek had pledged that Brazil would achieve the economic development of "fifty years in five," and the country was experiencing a period of extraordinarily rapid economic growth. During the three decades after 1950, some twenty million rural Brazilians moved to its cities, the fastest urbanization in the world at the time. São Paulo became one of the world's largest metropolises, and Brazil's annual economic growth rate placed it on a trajectory to overtake the United States by the end of the twentieth century. Kubitschek's showpiece was to create a new capital city, Brasília, which was built from scratch in the country's interior.

Then, in 1964, a military dictatorship overthrew the elected government. A period of brutally enforced wage restraint brought back prosperity, at the cost of massively increased inequality, but the oil price shocks of the 1970s pushed the country back into recession. The dictatorship had borrowed heavily to finance state-led development projects, and, as global interest rates rose, the debt became unpayable. Inflation went over 110 percent in 1980 and kept climbing. In 1983 Brazil had to seek aid from the International Monetary Fund (IMF), which demanded steep cuts in public spending in return for a loan. Popular protests mounted, forcing the dictatorship to negotiate a controlled handover to civilian rule.

Democracy reemerged haltingly in the mid-1980s. Inflation continued to spiral, peaking at over 3,000 percent, and growth fell to zero. Inequality

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continued to widen, and unemployment, crime and emigration soared. By the mid-1990s Brazil was a byword for urban violence and rural destruction with a homicide rate higher than that of most war zones. Police death squads murdered street children in the cities. *Pistoleiros*, or ranchers' paid assassins, dispatched environmental activists and landless workers.

The increase in violent crime had a huge impact on the political discourse during the transition to democracy. Defending human rights became increasingly associated with the defense of *bandidagem*, or criminality. Politicians who were seen as "soft on crime"—to the extent that they upheld the basic rights of suspects or acted to curb excesses by the police and prison guards—were outflanked on the right by those who favored tougher measures. As Professor Teresa Caldeira (2000) has noted:

The talk of crime promotes a symbolic reorganization of a world disrupted both by the increase in crime and by a series of processes that have profoundly affected Brazilian society in the last few decades. These processes include political democratization and persistent high inflation, economic recession and the exhaustion of a model of development based on nationalism, import substitution, protectionism and state sponsored economic development. Crime offers the imagery with which to express feelings of loss and social decay generated by these other processes and to legitimize the reaction adopted by many residents: private security to ensure isolation, enclosure and distancing from those considered dangerous.

It was against this social and economic background that PT emerged, founded by a group of trade unionists, land rights activists, former guerrillas, leftist intellectuals, and liberation theology-inspired Catholic laity. PT played a key role in mobilizing the protests that brought down the dictatorship and was the first Brazilian political party capable of building both a mass membership base and an electorally credible strategy. Lula, who had emerged from

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the trade union movement and was first imprisoned under the dictatorship, ran for the presidency in 1989, but he was defeated by Fernando Collor, who was subsequently impeached for corruption. Lula lost twice more against Cardoso in the 1990s and was finally elected in 2002, easily reelected four years later, and left office in 2010 with record popularity ratings.

Brazil shrugged off the world's financial crisis of 2008 with economic growth ticking along at 7.5 percent that year. The government ran primary surpluses year-on-year, paying down its national debt, funding innovative social programs such as Bolsa Família (Family Purse) and Minha Casa Minha Vida (my house, my life), and sharply raising the minimum wage. Millions were lifted out of poverty, inequality decreased slightly, and Education Minister Haddad dramatically increased access to higher education. Brazil won the right to host the World Cup and the Olympics, and Lula's tenure in office coincided with the discovery of huge oil reserves. "God is a Brazilian," Lula declared.<sup>14</sup>

But there were troubles beneath the surface. In mid-2005, José Dirceu, President Lula's chief of staff, and a group of other PT leaders were charged with corruption in what became known as the *mensalão* (big monthly) scandal. It emerged that various opposition legislators had been bribed to vote with the government on a regular basis. This scandal crystallized the discontent of a number of PT members with Lula's record. The party suffered splits and lost high-profile members, including Silva and others from the PT's original leadership. Lula replaced Dirceu with Dilma as his chief of staff, and Dilma then succeeded him to the presidency in 2010. She won by a comfortable margin, with a victory largely based on Lula's personal endorsement. The lack of a primary election, with alternative candidates, though, made some of my own *petista* friends uneasy. The party appeared to be hollowing out, losing its former radical idealism and relying on the favorable economic climate to ensure its continued popularity.

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<sup>14</sup> "Brazilian President Aims to Eradicate Poverty with Oil Billions," *Guardian*, 31 August 2009.

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Brazil's party system is notoriously fractured, meaning that the party of government usually does not have a majority of seats, so it has to build a coalition and needs to "buy" the votes of its coalition partners one way or another. The verb *malufar* (named after one of São Paulo's most nefarious politicians) is defined in Brazilian dictionaries as "one who steals public money," while the phrase "rouba mas faz" is often used as a compliment, to signify "he steals but he gets things done."

Before Lula's election, PT had gained a reputation as a "clean hands" party. Among the *petista* achievements in office was a strengthening of the independence and budget of the country's public prosecutor's office and a law banning politicians convicted of corruption from running for office. Ironically, both reforms had probably been achieved with the support of parliamentarians through the *mensalão* scheme. With this strategy no longer available, PT turned to the more traditional means of horse-trading with the parties that make up Brazil's congress, stitching together support for its legislative program by doling out ministries and key positions in its state-owned industries. It was an open secret that, once in office, some of these politicians probably treated it as a license to loot.

By the time the *mensalão* scandal came to trial in 2012, the world was mired in recession, and the China-led commodities boom had turned to bust. In response, Dilma first raised and then cut interest rates and then raised them again as inflation picked up. Subsidies were introduced to cushion the impact of global price rises, but attempts to phase these out sparked popular protests, starting with demonstrations in São Paulo in 2013 against a proposed increase in bus fares. Dilma was reelected in 2014, fending off challenges from the PSDB and Silva, but she now faced a hostile congress that openly challenged her economic policies. Within a few months of taking office she was facing over a dozen attempts to impeach her.

As Eugenio Aragão discusses in more detail in chapter 3, these economic and political crises also coincided with the opening of an anti-corruption investigation, known as Operation Lava Jato (car wash), which was to shake

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Brazil to its foundations. Lava Jato started in 2013 when a wiretap on a currency exchange led to the arrest of Alberto Youssef, a black marketer, in Brasília.<sup>15</sup> Youssef was taken into protective custody in Curitiba, and, based on his initial testimony, a group of judges led by Sérgio Moro devised a prosecution strategy that was to be the biggest in Brazilian history. The heads of Brazil's nine top construction companies and its state-owned oil company were soon facing charges along with fifty senior politicians, including members of congress and state governors. By the end of 2017, over three hundred people had been charged with criminal offenses, and over one thousand warrants had been issued for search and seizure, temporary and preventive detention and coercive measures.

The scale of the fraud that Lava Jato uncovered was huge, but some of the measures used were controversial. Suspects were placed in pretrial detention, in Brazil's notoriously overcrowded prisons, and offered plea bargains as inducement to testify. In some cases family members were also arrested. Evidence gathered in this way was used to target additional suspects, and the unsubstantiated word of alleged accomplices was deemed sufficient for conviction. Moro also provided the Brazilian media with selective briefings about the evidence facing key defendants and tipped them off about police raids so that these could be televised. The effect on public opinion was electric.

Huge protest marches were now regularly taking place throughout the country. The demonstrations against the bus fare increases in São Paulo had become more generalized protests against corruption and misuse of public money during the World Cup and the Olympics. As the Lava Jato investigations unfolded under Moro's well-coordinated media strategy, their focus fixed on corruption and their main target became the PT government. A new generation of mainly middle-class Brazilians was emerging, too young to

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<sup>15</sup> The name was chosen because the money transfers that were detected took place at a gas station and car wash in Brasilia, an out-of-the-way venue presumably used to evade detection.

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remember the dictatorship and impatient with the sclerotic inefficiency of the Brazilian state. Social media became their key mobilizing tool, and some linked up with the Tea Party movement in the United States that was soon to become the driving force of Trump's presidential campaign.

Brazil has a civil law system in which judges have an investigative as well as an adjudicative function. This means that judges sitting without juries have overall direction of a criminal investigation and then also determine the guilt or innocence of the defendant. The highly politicized nature of Lava Jato stretched perceptions about the impartiality of the Brazilian justice system as *petistas* complained that they were the main targets of Moro's investigations. Politicians from all parties were, in fact, charged, and the investigation ruptured the system of alliances that PT, as the governing party, had constructed in congress. In October 2015 investigations revealed that the leader of the lower house of congress, Eduardo Cunha, had stashed over US\$16 million in various foreign secret bank accounts. Cunha, a strong opponent of the PT and Dilma, gave them an ultimatum—curb the investigation or he would set in motion a move for her impeachment.

The legal grounds for Dilma's impeachment were slender to nonexistent. She had been found "guilty" by a fiscal accounts monitoring body of manipulating the public accounts to make her government's financial situation seem better than it was. This was a fairly routine government practice that had previously not been considered sanctionable, and there was no doubt that the main motivation for the process was political. It was also supported by many parliamentarians under investigation under Lava Jato. Get rid of Dilma, some were recorded as saying, and we can get rid of the investigation as well. In December 2015 Cunha accepted a petition for Dilma's impeachment with a vote scheduled to take place in the next parliamentary session in March 2016.

A couple of weeks before this vote took place, police officers arrested Lula and took him into custody in an early morning raid about which Moro had informed the press in advance. The following week huge demonstrations

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throughout Brazil called for him to be prosecuted and for Dilma to be impeached. Dilma then announced that she was appointing Lula as her chief of staff, which would have made him subject to the jurisdiction of the Supreme Court, rather than Judge Moro, for any of the accusations brought against him by Lava Jato. Moro promptly leaked wiretapped conversations that Dilma and Lula had held to discuss the appointment, and another judge, who had posted photos of himself participating in the pro-impeachment demonstrations, blocked the nomination. In chapter 2 of this book Fábio de Sá e Silva discusses in more detail the legal processes that Lula faced.

Dilma was impeached in April 2016. Bolsonaro's dedication of his vote to her torturer-in-chief proved an audacious piece of political calculation through which he sought to place himself at the head of a previously leaderless movement. Dilma was replaced as president by Temer, her own vice president, from a rival party. He promptly tacked sharply to the right on economic policy, implementing a series of neoliberal reforms. The recession deepened, and he proved a hapless and massively unpopular incumbent. Under investigation for corruption himself, he fumbled the handling of a national truck drivers' strike, which paralyzed the country, and his reforms seemed to make the economic situation worse. Unemployment continued to climb relentlessly, reaching over thirteen million. The PSDB joined his government and suffered by association.

PT responded to the unfolding crisis by using the forthcoming presidential election as a fight to defend their party, government, and legacy. Lula was nominated as a candidate even though, according to a law his own government had enacted, his conviction seemed likely to make him ineligible to stand. Opinion polls soon showed Lula well ahead of all the other potential candidates, polling at over 40 percent. His nearest rival was the previously politically marginal Bolsonaro, who was polling around 15 percent. Few of the "centrist" candidates could get into double digits.

Lula finally dropped out of the race in early September 2018 when his last legal appeal, based on an interim request from the UN Human Rights

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Committee, was rejected by the Brazilian Supreme Electoral Court. Haddad was nominated in his place but had little time to build an independent profile. Bolsonaro was stabbed during a campaign rally at around the same time, bringing him a wave of sympathy and also conveniently removing him from any critical media scrutiny.

Bolsonaro did not take part in any presidential debates during the election campaign or give interviews with journalists where he would be required to answer questions. He instead relied on social media and the support of Brazil's powerful Evangelical networks to build his base of support. A few days before the first round of voting, Moro issued another indictment, based on a plea bargain, this time implicating both Haddad and Dilma, who had previously been untouched by corruption allegations. There seemed to be no pressing legal reason for the timing of this judicial decision.

In the first round of polling, on 7 October 2018, it seemed for a time that Bolsonaro would win an outright victory. He clearly outpolled Haddad in the richer south and east of the country. It was the votes for Haddad in the poorer northeast that took the contest to a second round. Bolsonaro had been quick to call fraud at any suggestion that he might not win outright. Some tension did surround the second round of voting as polls pointed to a tightening of his lead in the final week, but it held up sufficiently to ensure victory. The result was greeted with a cacophony of fireworks in Brazil's well-to-do districts. In the favelas of Rio de Janeiro, the police celebrated by firing their automatic weapons into the air.

Within days of his election victory Bolsonaro made two announcements to give effect to his campaign platforms of tackling corruption and crime: the police, he declared, would be able to shoot criminal suspects dead on sight with total impunity and Judge Moro was appointed as his new super minister for justice and public security. As the next four chapters make clear, this provides a terrifying overture to what he is likely to do in power. Some of the wider implications of his election are then taken up in subsequent chapters.

# 1. THE TRUTH THAT AFFIRMS ITSELF<sup>1</sup>

**DILMA ROUSSEFF**

The truth is often described as the first victim of wars, and this axiom also applies to political skirmishes. Between the presidential campaigns of 2014 and 2018, Brazil had its institutional normality shaken by four big lies that changed the course of the country's history. The lies were conceived within Brazil's economic elite, its conservative parties, and segments of the Brazilian judiciary and media who then disseminated them systematically. These lies fabricated an economic crisis where it previously did not exist, used illegal means to overthrow a recently elected democratic government, led to the imprisonment of the greatest popular leader in the history of Brazil, and culminated in the coming to power of a proto-fascist as president.

The scope and depth of these lies is truly unprecedented in Brazilian history, despite the widespread forgery and manipulation that have been used by the Brazilian elite to frustrate democratic law and social progress. Brazil maintained the institution of slavery for 350 of its 500 years of existence. It was the last country in the world to abolish this abomination, and, even today, Brazilian society has not recovered from its cruel legacy. Democracy also came late to Brazil and has been much weaker than in other countries. Since the universal vote and direct elections were adopted in Brazil in 1946, only

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<sup>1</sup> Translated by Pedro Henrique Peres.

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five presidents of the Republic have been able to conclude their mandates. More often than not, we have lived in a state of constitutional exception.

Brazilian progressives are committed to democracy first and foremost because we know that it provides our best guarantee of social progress through political strategies based on implementing the will of the people. We are also democrats because it is through telling the truth that we combat the lies of those who wish to frustrate that social progress, as has happened over the last four years in Brazil. This chapter first briefly outlines and rebuts the four big lies that have dominated our recent history. It then describes the actual achievements and progress of the progressive government of which I am proud to be a part and concludes by briefly outlining the challenges ahead.

The first big lie was that in 2014, when I was reelected as president of Brazil, the country was facing bankruptcy. In reality, its underlying economic position was robust and healthy. This fictitious economic crisis was used to justify the various attempts made to bring down my democratically elected government.

The second big lie was the invention of a constitutional basis for my impeachment, although I had clearly not committed any “crimes of responsibility,” the only lawful justification to interrupt a presidential mandate in our country. The illegal overthrow of my government was, therefore, a coup d’état, or, as we say in Portuguese, a *golpe*.

The third big lie was to sentence former president Luiz Inácio Lula da Silva to prison without evidence, denying him his freedom even before a mandatory determination by the UN Human Rights Committee and, soon thereafter, a habeas corpus in his favor. The objective of this legal-political strategy, often described as “lawfare,” was plainly to prevent Lula from running in the 2018 presidential election, which every independent poll pointed to him as winning.

The fourth big lie was that, having removed Lula from this election and incarcerated him as a political prisoner, Brazil’s judiciary ignored the actual violations of the law that took place in the 2018 presidential campaign. The

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far-right-wing candidate's campaign used WhatsApp and other social networks to send hundreds of millions of posts with "fake news," rumors, and slander against his progressive adversary, Fernando Haddad. These latter lies are proven to have contaminated the integrity of that presidential election and have been documented and denounced as electoral crimes but are still being ignored by the Brazilian judiciary.

Brazil was decidedly not facing bankruptcy when my government was taken down by a parliamentary, media, and judicial *golpe* in 2016. We were counting on security against global crises and capital flights because we had international reserves in the amount of US\$380 billion. A country is only broke when it cannot pay its international debts. This happened recently in Greece and occurred in Brazil during the 1990s, when Fernando Henrique Cardoso's government had to appeal to the International Monetary Fund (IMF) to deal with its external debt and its lack of reserves. In 2005, then-president Lula paid off our debt to the IMF in full. Not long after, we became lenders to that institution.

The *golpists* who took power in 2016, through a fraudulent impeachment, claim to have found this country economically broke. But nothing could be more false. Indeed, within a month and a half of seizing power, the new *golpist* government was forced by the facts to formally deny their own false stories. In June 2016, the referendum that approved Britain's exit from the European Union (Brexit) shook the world's financial markets and created the threat of an international currency crisis. The government of Michel Temer issued a statement, through an official note of the Ministério da Fazenda, affirming that "Brazil's situation is of solidity and security because its fundamentals are robust. The country has an express volume of international reserves and the entrance of foreign investment has been enough to finance current transactions." How could a country that, according to the *golpist* government itself, was left by the elected president of the republic in a "situation of solidity and security and with robust economic fundamentals" be facing imminent bankruptcy? An internal crisis had been fabricated by sabotaging

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the democratically elected government that I headed as president, having just been reelected with over fifty-four million votes. Rather than working together with my government to give continuity to the countercyclical measures with which we had been sparing the population from the effects of the international economic crisis, congress set out to frustrate our economic policy. Projects for which we needed parliamentary approval were relentlessly boycotted, with congress often refusing to even discuss them. Meanwhile, other projects, such as increasing salaries for already well-paid public servants, which made no contribution to our economic policy, were imposed on us. It was a time of savage unconstructive opposition.

There is no doubt that the international situation had been aggravated by the increasingly unfavorable terms of trade and finance facing developing countries and emerging economies. China had lost the impetus of its fabulous double-digit economic growth, and the United States began to raise its own interest rates and tighten monetary policy, attracting investors who until then maintained their resources in middle-income countries such as Brazil. The worldwide fall in the price of commodities hit us hard. Brazil also suffered its worst natural drought in eighty years, which had a strong effect on the cost of energy, requiring the activation of thermoelectric plants.

But the Brazilian economy remained in a good state. The country still had the lowest interest rates in its history, thanks to the influence of public banks over the market. At the end of 2014, we also registered the lowest unemployment index rate of all time—4.8 percent—which is technically defined as “full employment.” Even so, a week before the election, oppositionist sectors of the media already speculated that, should I be reelected president, I could be the target of an impeachment process. Before I had completed six months in office, sixteen requests for my impeachment had been presented in the parliament.

The *golpe* of 2016 was the first step in a process that would culminate, in October 2018, in the election of a far-right-wing president who did not present any campaign promises and did not participate in any debates. He

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was elected based on the misinformation and resentment that he himself took the initiative to produce through hate speech. Since his election he has made clear that he intends to lead the neoliberal economic agenda adopted by his *golpist* predecessor with such devastating and violent consequences for our country.

The objective of the *golpe*, and now the objective of the new far-right elected government, is to give continuity to the dismantling of the state that started in the 1990s and was interrupted during the PT governments led by Lula and me. It seeks, in particular, to destroy the system of social protection inaugurated in Brazil in the 1930s and 1940s under President Getúlio Vargas's *trabalhismo* (protection of workers' rights) and deepened in the thirteen years of PT governments. In countries where demands for social justice are so urgent and pressing for the overwhelming majority of the people, such as Brazil, projects that dismantle state protection of the population's rights can only be achieved by suppressing democracy. Even when its form remains, its content must be diminished. Such policies depend on authoritarian governments, elected or not.

The neoliberalism imposed by the *golpist* Temer government constituted a frontal assault on the wishes of the Brazilian people as expressed in four consecutive presidential elections where they voted PT. To achieve this, the government needed to manufacture a crisis—real or forged. In her brilliant book, *The Shock Doctrine*, Naomi Klein shows that theorists and politicians who follow neoliberalism advocate capitalizing on crisis to impose unpopular measures. In our case, the farce of a “broke Brazil,” my impeachment without a crime, Lula's illegal arrest, and the manipulation of public opinion by a tsunami of “fake news” built an environment favorable to the adoption of an orthodox neoliberalism that is abusively inhumane and perversely unfair.

Yet these four big lies are as transient as a smokescreen and can only temporarily obscure the extraordinary social, political, and economic legacy left behind by the PT governments after our thirteen years in power. Our

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legacy is in sharp contrast to the historical tradition of Brazilian governments by and for the Brazilian elite. While these relied on exclusion, suppression, and social inequality, the PT governments improved the life of millions and millions of Brazilian men and women and turned Brazil into a country respected worldwide. Indeed, during the cycle of development in PT's time in government, our country experienced, for the first time in our history, a virtuous combination of increasing democracy, massive social inclusion, income redistribution, affirmation of our sovereignty, and growth with macroeconomic stability.

Brazil lived some the best years of its development between 2003 and 2014. Indeed, the best parallel with this combination of economic growth and increasing welfare is the experience of social and economic reconstruction in postwar Europe. It was a truly peaceful revolution, even if a late one, in a country with Brazil's needs and deficiencies, in which the huge majority of the population has always been excluded from the benefits of social and economic progress.

Brazil leaped from the thirteenth- to the sixth-largest economy in the world and hit investment grade in risk agency ratings. It became the world's second-largest agricultural producer and exporter, the third-largest exporter of ores, the fifth-ranked country in attracting foreign investment, the seventh-ranked country in accumulation of currency reserves, and the third-largest Internet user. In 2003, when the first PT government took office, forty-eight million Brazilians did not receive more than one meal a day. When PT left the government, Brazil had rescued thirty-six million from extreme poverty, promoted the ascension of forty-two million to the middle class, and built, through the rise in income, one of the largest consumer markets in the world.

The economic growth in this period cannot just be attributed to the favorable international cycle of commodities, as our political rivals often claim. Exports as a whole represented only 11 percent of gross domestic product (GDP) during that period, and commodity exports made up

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approximately 6.8 percent of GDP. In contrast, family consumption made up 60 percent of GDP due to a growth in public purchasing power. This purchasing power was ensured by effective income distribution and access to public services through the policies of our government.

The minimum wage grew 77 percent in real terms over twelve years, and twenty-three million formal jobs were created. Innovative income-transfer policies, such as Bolsa Família (Family Purse), contributed decisively to reduce inequalities. In 2015, Bolsa Família benefited close to fourteen million families and seventeen million children and teenagers who, thanks to the program, had school attendance and performance and vaccination rates followed up on by the state. Bolsa Família reduced malnutrition in Brazil by 58 percent and brought a double-digit drop in child mortality rates. Its complement, the Brasil Carinhoso (Caring Brazil) program, created during my government, removed 8.1 million children and teenagers from poverty.

All of Brazil experienced increased social mobility and an improvement in quality of life during the thirteen years of PT governments. The richest 20 percent had an income growth of 23 percent, while the poorest 20 percent saw their real income increase by 84 percent.

But a reduction of inequality does not only happen through a rise in income. A set of public policies tackled the multiple faces of poverty, ensuring employment and income but also offering access to water and sanitation, housing, health, and education. The construction of 1.2 million cisterns in the drought region was combined with structural projects such as the interconnection of hydrographic basins and the construction of water supply networks, which took potable water to the semi-arid northeast. This alone benefited over forty-eight million citizens. In spite of the longest drought in the country's history, for the first time there was no record of looting, rioting, and popular despair, to which the country had grown accustomed over the past century.

The result of all this effort was the extinction of misery and extreme poverty. For the first time in our history, Brazil did not feature on the United

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Nations Food and Agricultural Organization (UN/FAO) Hunger Map, with a drop of 82 percent of recorded rates of malnutrition between 2002 and 2014. Child mortality dropped in half, and child labor was reduced by 84 percent. As a result of the extraordinary work started by President Lula's government and continued by my own government, we had the first generation of Brazilians who did not witness the tragedy of famine, which, sadly, after the *golpe* of 2016, once again looms over the country.

We have taken significant steps in the distribution of wealth with investments in the construction of popular housing to supply the desperate need of the country's poorest. Millions of families were given a home. At the same time, those investments were a decisive factor in job generation. We developed the *Minha Casa Minha Vida* (My House My Life) program, which delivered 2.6 million houses at subsidized prices to low-income populations. When I left government, there were still 1.5 million houses under construction.

One of our most important social programs was *Mais Médicos* (More Doctors). Through this initiative, we took over eighteen thousand Brazilian and foreign doctors to attend to sixty-three million people in need who could not previously gain access to Brazil's health services. When the PT took office in 2003, over seven hundred municipalities did not have even a single doctor, and thousands of others received only sporadic medical aid. Millions of Brazilians in the poorest regions had not seen a doctor in their lifetime. This program, sadly, was neglected by the *golpist* Temer government and was threatened by the Bolsonaro government, even before he took office, in an attempt to encourage the withdrawal of more than eight thousand Cuban doctors. Out of sheer ideological prejudice, Bolsonaro triggered a media campaign which made clear that he would breach the contract between Brazil, the PAHO (Pan American Health Organization), and Cuba. In 2015, this contract, brokered by the PAHO, had provided for the arrival of around eleven thousand Cuban doctors to Brazil. This was specifically designed to remedy the lack of Brazilian professionals interested

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in working in poor areas in the periphery of large cities, the most distant places in the countryside, indigenous lands, and Quilombola communities (originally created by escaped slaves). Today, the Cuban doctors' exit leaves hundreds of cities and millions of Brazilians once again without any basic health assistance.

We also created one of the largest free access to medication programs in the world, *Aqui Tem Farmácia Popular* (Here Is a Pharmacy), which, through a partnership with 34,600 drugstores, distributed medicine for high blood pressure, diabetes, and asthma free of charge for thirty million Brazilians, as well as providing medicine at subsidized prices for other diseases. This program was also interrupted by the *golpist* government.

The PT governments adopted education, from the daycare to the university, as their biggest priority. Never, in any period of our history, have so many universities, so many college campuses, and so many career and technical schools been created all over the interior of Brazil. In 2002, the federal university network was composed of 45 universities, with 148 campuses. By 2015 there were 65 universities with 327 campuses. In thirteen years of PT government 430 federal career and technical schools were created, three times as many as were built in almost one century of Brazilian history. Enrollment practically doubled in little more than a decade, from 558,000 students in 2002 to over one million in 2015.

Our governments raised by over five million the number of students in universities, both public and private. In the latter case, free or subsidized access was granted by the government to students from low-income families. For the first time, the children of the poor had access to higher education in our country through programs that go beyond expanding the public university network. The PROUNI program, which traded taxes for positions in universities, offered over 1.8 million scholarships to low-income students in private colleges. The FIES program financed tuition payment at a subsidized interest rate to 2.7 million young children of poor families. The affirmative action policy ensured that poor students, students who came from public

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schools, and Afro-Brazilian students held 50 percent of all places in federal public universities.

One of the most innovative initiatives that I adopted in my government was the creation of the *Ciência sem Fronteiras* (Science without Borders) program, through which we offered scholarships for undergraduate and graduate studies to over one hundred thousand college students in dozens of foreign universities, some of which hailed as the best in the world. To the young people who opted for a professional formation, we created PRONASTEC, which, with the participation of entrepreneurial institutions, offered dozens of technical courses to over nine million Brazilians.

Our governments were the first in decades to take into consideration the rights and needs of the people who lived in rural areas, most of whom suffer conditions of extreme poverty, driving them to an even worse life in the favelas of our big cities. The *Luz para Todos* (Light for All) program universalized access to electric energy, with 3.3 million new connections, benefitting fifteen million people. Even in the twenty-first century, millions of Brazilians did not have electric power in their homes, which deprived them of the right to use goods such as fridges and television. When we left government, 97 percent of the population had access to electric power in their own homes.

Thanks to the support of the PT governments, family agriculture started to be a strategic sector for the country's development. It provided 70 percent of food that arrived on Brazilian tables. The PT governments perfected the *Programa Nacional de Fortalecimento da Agricultura Familiar* (National Program to Strengthen Family Farms), multiplying the volume of credit six-fold. For the years 2014–2015 alone, the government made R\$24.1 billion available for payment and investment operations. This was the largest resource volume in Brazil's history.

Land reform was also encouraged by our governments. By 2014, we had succeeded in settling 771,000 families in fifty-one million hectares of land, democratizing land ownership and increasing employment and income opportunities in the countryside. As well as providing credit, we made

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other benefits available to families such as technical assistance, housing construction and reform, new roads, treated water and electrical power, high-quality seeds, guaranteed sales of production, and increased schooling levels. My government invested in the registration of informal settlements, and, for the first time, a specific housing program was offered to rural families, *Minha Casa Minha Vida Rural*, which benefited over two hundred thousand families in its first phase. Simultaneously, the program *Água para Todos* (Water for All) allowed 74 percent of rural families access to treated water, compared with only 53 percent in 2001. The *Programa de Aquisição de Alimentos* (National Program for Food-Buying) and the *Programa Nacional de Alimentação Escolar* (National Program for School Meals) allowed small family farms to sell their products directly to the state and to contribute to the positive results in the fight against hunger and in the quality of school meals. Under these schemes local governments bought food directly from the region's smallest family farms and used these products to provide subsidized meals for poor students in public schools.

Women were active protagonists in rural government programs created to strengthen the economic position of female rural workers, such as the *Programa Nacional de Documentação da Trabalhadora Rural* (National Program of Documentation for Rural Workers), the creation of credit lines for women, and the *Organização Produtiva de Mulheres Rurais* (Organization of Rural Women Producers). We also introduced specialized services that attended to women in situations of violence. In the field and in the cities, the deeds to houses in *Minha Casa Minha Vida* were registered to women, considered by us to be responsible for the safety of their families.

As a result of this development strategy with social and regional income distribution, GDP per capita, which between 1980 and 2003 had grown only 6 percent, at an annual rate of 0.02 percent, grew 30 percent between 2004 and 2013, equivalent to an average increment of 2.6 percent. Never before in Brazilian history has the minimum wage increased in value for so long and with such vigor. Never has the median wage of all Brazilians undergone such a

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long and sustained increase. Never have so many Brazilians risen to the middle classes and occupied so many official jobs. Never have so many Brazilians become owners of their own homes. Never have so many Brazilians had access to technical school and university. Brazil has never lived such a long period without institutional crises. The institutions were so strengthened and respected that corruption has never been verified and punished with such transparency.

Our strategy in international politics was marked by the defense of democracy, by the principle of nonintervention and respect to the sovereignty of nations, and by multilateralism. We took a positive lead in international relations by supporting negotiated solutions to conflicts, by defending human rights, by combating poverty and inequality, and by promoting the preservation of the environment, as discussed more fully in the chapter of this book by Michelle Morais de Sá e Silva. Since the *golpe*, however, a great retreat started and, as other chapters of this book indicate, there is a high possibility of things getting worse. The promise of radicalization by a far-right government seems to wipe out decades of achievements and civilizing advances that made Brazil one of the countries that most reduced inequality precisely in a time when the world was undergoing its largest economic crisis in over half a century.

We live on the threshold of an authoritarian experience with unforeseeable circumstances. Progressives and democrats across the entire political spectrum must unite together to resist the destruction of rights, of civilizing advances, and of the respect to representative democracy. What separates us is irrelevant. What distinguishes us cannot be the reason to separate us from one another. Democracy still remains the best medicine against social retreat, the wounds to national sovereignty, and political manipulation. It is for democracy that we are fighting because, in Brazilian history, whenever democracy has been victorious, the people won their rights, the country grew, and Brazil affirmed itself internationally.

It is in democracy that truth prevails.

## 2. THE TRIAL OF LUIS INÁCIO LULA DA SILVA

FABIO DE SÁ E SILVA

On 11 September 2018, Fernando Haddad—a Brazilian university professor, former minister for education, and former mayor of São Paulo—called a press conference in Curitiba, in the state of Parana, to announce that he would be running for the presidency of Brazil as a candidate for the Workers' Party (PT). The press conference was held in front of the police station where the former Brazilian president Luis Inácio Lula da Silva was serving a twelve-year sentence for corruption and money laundering. Haddad was, in fact, announcing that he would be replacing Lula as the PT candidate after the Brazilian judiciary had disqualified Lula from the presidential race.

Lula's absence from the ballot was the culmination of a long legal battle that he fought and ultimately lost. He was not the only loser and was far from the only victim. His trial, imprisonment, and political ostracization have left a series of open wounds in Brazil's political and institutional fabric. Lula's trial and conviction were unquestionable instances of individual legal injustice. Yet, they were also marked by—and a driving force of—a deeper reconfiguration and erosion of legal institutions and the "rule of law." Accordingly, the events encapsulate an aspect of Brazil's democratic decline and leave those of us who want to resist this process an inevitable task: to keep demanding that Lula be set free.

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## THE TRIAL OF LUIS INÁCIO LULA DA SILVA

This chapter first provides a brief background to Lula's arrest and imprisonment. It then analyzes the critical events in several of the legal disputes that occurred during the case between 2016 and 2018: his investigation, accusation, conviction, and imprisonment on charges of corruption and money laundering, and his ultimately unsuccessful appeals and petitions to higher courts, including the Federal Supreme Court, which sought to reverse his conviction and prevent his immediate imprisonment. It also discusses his failed attempt to obtain the right to run as a candidate in the 2018 presidential election. The chapter concludes with a discussion of the implications of these events for both the future of democracy and the rule of law in Brazil.

The prosecution against Lula was a by-product of the anticorruption initiative labeled Operation Lava Jato (Operation Car Wash), which will be discussed further in other chapters of this book. It was carried out by a task force of federal prosecutors and presided over by Federal Judge Sérgio Moro. Lava Jato began in March 2014 following the arrest of Alberto Youssef, who was well-known by Brazilian law enforcement agencies because he had been involved in the so-called Banestado case, a big money-laundering investigation that had taken place in the 1990s.<sup>1</sup> Youssef's arrest led to the uncovering of a corruption scheme in which contractors, mostly from the construction sector, paid procurement kickbacks to the administrators and political agents of the huge state-owned oil company Petrobras. Because Petrobras became responsible for many of the investment projects undertaken during the Lula and Dilma administrations, such as building refineries, pipelines, shipyards, and drilling platforms, the amount of money involved in its transactions—including the corrupt ones—was quite significant. For example, Pedro Barusco, a former Petrobras manager who subsequently signed a plea-bargain deal, confessed that he had received US\$100 million

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<sup>1</sup> Leandro Prazeres e Osny Tavares, "PF prende doleiro envolvido em esquema que lavou R\$ 10 bilhões," *UOL*, 17 March 2014, <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2014/03/17/pf-prende-47-pessoas-envolvidas-em-esquema-que-lavou-r-10-bilhoes.htm>.

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in kickbacks over nearly two decades, starting in 1997 but escalating after 2003.<sup>2</sup>

Not all the money involved in Lava Jato went to people's pockets. Most of the financial flows that came under the investigators' scrutiny were meant to fund political parties and campaigns. Some of these resources were transferred through "slush accounts," and some were donated as regular contributions to political campaigns, as the law allowed for at the time. Although the Brazilian Supreme Court was to rule, in September 2015, that campaign contributions by businesses were unconstitutional, there was nothing illegal in accepting such contributions before then.<sup>3</sup> The PT and some of its members were among the beneficiaries of some of the payments. But other parties in the coalition that supported Lula and Dilma in congress received far higher payments, and money was also paid to both parties and politicians in the Brazilian opposition.

The general findings from Lava Jato were, thus, quite complex. While corruption had clearly been uncovered, it appears to have taken place on multiple levels, involved multiple agents, and been driven by multiple causes. The issues ranged from bad governance in a major state-owned enterprise to promiscuity between businesses and political parties; from problems in campaign finance laws and oversight to vulnerabilities within Brazilian political culture where governments often rely on deal-making to gain parliamentary majorities. As discussed in other chapters of this book, however, it did not take long for Lava Jato to become a story about corruption solely in and by PT.

In the last debate of the 2014 presidential elections, for example, Aécio Neves, the candidate for PSDB and Dilma's main opponent, was asked what could be done to end the corruption revealed by Lava Jato. He responded with

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<sup>2</sup> Bruna Borges, "Delator diz que vai devolver US\$ 97 milhões de propina," *UOL*, 10 March 2015, <https://noticias.uol.com.br/politica/ultimas-noticias/2015/03/10/delator-diz-que-vai-devolver-us-97-milhoes-de-propina.htm>.

<sup>3</sup> For a summary of that judgement, see Supremo Tribunal Federal, "STF conclui julgamento sobre financiamento de campanhas eleitorais," 17 September 2015, <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=300015>.

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an emotional appeal: “There is one thing we can do . . . and that is to remove the Workers’ Party from power.”<sup>4</sup> Neves himself subsequently faced allegations of corruption, as he appeared in multiple statements given by Lava Jato defendants as a recipient of their money. In 2017, he was temporarily removed from the Senate and accused of corruption, but until now has been neither arrested nor tried.

As will be discussed below, the judges and prosecutors in the Lava Jato investigation were soon to narrow their focus onto PT. On 14 September 2016, Lava Jato prosecutors held a press conference to announce that they were filing a criminal lawsuit against Lula in the context of their ongoing investigations. The arguments for the lawsuit were twofold. First, they claimed that Lula had “orchestrated and supported” the corruption scheme at Petrobras during his presidency. It was claimed that he had negotiated with other party leaders to obtain support in congress and accepted requests from those leaders to nominate certain individuals, later found to be corrupt, to serve as Petrobras executives. Second, prosecutors claimed that, as a direct beneficiary of this scheme, Lula had received a three-story luxury apartment with “special finishes and appliances” in a condominium in the beach town of Guarujá in the state of São Paulo from OAS, one of the construction companies implicated. The prosecution case, however, faced two serious shortcomings.

According to the way in which Brazilian law has hitherto been understood, corruption requires that a public official takes—or purposely fails to take—specific actions to benefit someone else for which that official receives specific benefits. In other words, corruption, in Brazil, as in most of the rest of the world, involves an explicit quid pro quo.<sup>5</sup> Cutting certain political deals and making nominations at the request of party leaders who may then go on

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<sup>4</sup> See “Debate entre os candidatos à Presidência da República - Segundo Turno,” video, starting at 39:29, <http://g1.globo.com/politica/eleicoes/2014/videos/v/debate-entre-os-candidatos-a-presidencia-da-republica-segundo-turno/3719817/>.

<sup>5</sup> This is not different from the United States, where in cases such as *McDonnell* (2016) and *Citizens United* (2010) the Supreme Court established that corruption requires proof of explicit quid pro quo.

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to use those positions to obtain personal benefits may be unethical, but it does not, per se, amount to corruption. As president of Brazil, Lula did not, in fact, have the constitutional power to directly appoint people to the state bodies in which the corruption occurred, though he clearly could make recommendations that others might follow and he could use his prestige and influence to back certain appointments. To prove a crime had taken place, however, the justice system would have to find convincing evidence that Lula knew that the appointees he had supported were running a corruption scheme at the company or that he had himself participated directly or indirectly in the procurement frauds and kickbacks that constituted the scheme. Throughout the discovery process, no such evidence was found.

At the press conference where the charges were announced, the lead prosecutor, Deltan Dallagnol, used a PowerPoint presentation to illustrate his central argument that Lula was the “big boss of the scheme . . . at the center of this nucleus is Mr. Lula.” The slides contained a curious jumble of incongruous bubbles and arrows widely parodied in Brazilian social media at the time.<sup>6</sup> In the center was a big bubble marked “LULA,” but among the smaller bubbles pointing toward the center were words and phrases that could not possibly establish a case against Lula or be considered evidence of his guilt. Along with phrases such as “common nexus,” “witness testimonies,” “illegal enrichment,” “decision-making power,” and “corrupt governance,” the graphic included “reaction of Lula,” “perpetuation of criminals in power,” and the word “proinocracia,” which does not actually exist in Portuguese (it is presumed that this was a typo for “propinocracia,” which means “governing through bribes”). As critics soon noted, the prosecutor might as well have added “Brazil’s 7-1 defeat by Germany,” for all of the relevance of some of the other statements.

The second part of the prosecution’s case against Lula was based on the accusation that he had been given a three-story apartment by one of the construction companies implicated in the Lava Jato case. The problem

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<sup>6</sup> “Lawyer’s Power-Point Slide Accidentally Creates a Classic Brazilian Meme,” *Forbes*, 15 September 2015.

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here was that the discovery process during the investigation showed a quite different set of facts about the apartment's ownership. Construction of the building in which the condominium was located had started in 2005, not by OAS but by a credit union of which Lula's wife, the deceased Marisa Leticia, was a member. Leticia had indeed purchased a condominium in that building, although not the three-story unit identified by the prosecutor. She had paid for it in monthly installments from 2005 to 2009 and disclosed all of these payments in her official tax returns. In 2009, the credit union became insolvent, and, as determined by a bankruptcy judge, OAS overtook the building construction. Lula declared that his wife once considered trading her original unit for the three-story one, and the two of them visited it in 2013—three years after Lula had left office. However, they never took any further step: they never signed any contract nor received any keys or means of entry. The apartment continued to be the legal property of OAS throughout the proceedings against Lula.

The only evidence connecting Lula to the apartment was the testimony of Leo Pinheiro, the owner of OAS and a codefendant in the case. Throughout the discovery process, Pinheiro had made numerous statements, always denying that a condo had been given to Lula. Days before the trial, he was called to give another deposition, however, in which he added, "Ever since [he] was given the [Credit Union's] project portfolio to look at and examine, [he] was told that that apartment belonged to Lula and his family and that [he] should not sell it, that [he] should treat it as the president's apartment" (emphasis added). This quote was the only direct evidence presented that Lula had personally benefited from corruption due to his position in office. As a result of the court testimony, Pinheiro received a sentence of just two and a half years imprisonment from Judge Moro, despite having admitted to multiple counts of bribing other government officials and appointees in return for contracts worth millions and millions of dollars. Lula, by contrast, was to receive a prison sentence of nine and a half years, which was subsequently increased to twelve and a half years by the Court of Appeals.

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In convicting Lula, Judge Moro also stretched the legal definition of the term “corruption” and who could be held responsible for it. He stated that “there is corruption if undue payments are made to a government official *because of the position he/she holds*” and “for corruption to be characterized *there is no need for an action to be taken, nor for such action to be precisely determined*” (emphasis added).<sup>7</sup> This understanding was endorsed by the Court of Appeals, which ruled that “there is no need for the undue advantages to correspond to formal activities, but only to de facto powers. A political agent *has the power to appoint and keep executives in the administration and, therefore, to influence or steer their decisions . . .* The corrupt action [here] is different from other cases, *there being no need to demonstrate the defendant’s participation in each contract*” (emphasis added).<sup>8</sup>

This was the sum of the evidence presented against Lula and for which he is currently serving a twelve-and-a-half-year prison sentence. It is difficult to see how his conviction can possibly be justified by internationally accepted standards of justice based on a fair trial, proof beyond all reasonable doubt, and the presumption of innocence. The flaws in Lula’s case, however, were not just substantive but also procedural.

On 4 March 2016, Judge Moro ordered that Lula be taken into police custody for “coercive questioning.” There was virtually no legal precedent or basis for this action and absolutely no need for it in Lula’s case, since he had made it perfectly clear that he was available to answer any questions in relation to the case whenever required. Brazilian law holds that, unless someone refuses to collaborate with the authorities in an investigation, they cannot be coercively brought into custody.<sup>9</sup> It is understood both that this is an infringement of the right to liberty and also that it can prejudice their subsequent right to a fair trial. There is an automatic subliminal

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<sup>7</sup> <https://abrilveja.files.wordpress.com/2017/07/sentenc3a7a-lula.pdf>, items 862 and 866.

<sup>8</sup> [http://estaticog1.globo.com/2018/02/06/acordao\\_1.pdf](http://estaticog1.globo.com/2018/02/06/acordao_1.pdf), items 25 and 26.

<sup>9</sup> In more delicate cases, such as when one is caught committing a crime or poses a threat to the investigation, judges can order an arrest.

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assumption in the minds of the public that people being forcibly taken into custody by the police have done something wrong. This view was subsequently confirmed in 2018 by the Brazilian Supreme Court, which held the use of temporary custody to be unconstitutional. It also, however, ruled that this would not affect previous cases in which temporary custody had been abused, such as Lula's.

Judge Moro tipped off the media that the police would be visiting Lula's house to bring him into police custody, ensuring that footage of this dramatic event dominated that day's television news cycle. He also arranged to tap Lula's telephone calls and subsequently released these recordings to the media as well.

One of the conversations that Lula had was with then-sitting president Dilma Rousseff, who decided to appoint him as her chief of staff, which would have made him subject to the jurisdiction of the Supreme Court, rather than Judge Moro, for any of the accusations brought against him by Lava Jato. By law, Moro had no authority to even look into conversations involving the president. Yet he not only recorded the conversation and examined the recording but also released it to the media. Moro also released conversations among Lula's relatives that were absolutely private, having nothing to do with the case against him. In one of these conversations, for example, Lula's wife, Marisa Leticia, was talking to their son when she heard the sounds of a protest in her neighborhood. She used offensive language to refer to the protestors. Her words were made public, increasing the antagonism between Lula and part of the Brazilian polity. As discussed elsewhere in this book, the Brazilian criminal law system was being weaponized for political purposes and with serious consequences for Brazilian justice.

These expedients were either overlooked or validated by higher courts. For example, when the Court of Appeals debated whether or not Judge Moro should be disciplined for releasing phone conversations, including one over which he had no jurisdiction, the appellate judges relied on Agamben's concept of "state of exception" to rule that:

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The criminal cases and investigations that are part of the *carwash* operation, for which Judge Moro is responsible, are unprecedented (unique, exceptional) in Brazilian legal history. Hence, there will be unprecedented situations that cannot be resolved by general rules, applicable to ordinary cases. Since the release of conversations to the public was an attempt to protect the operation against obstruction, it is correct to understand that the right to privacy (CF, art. 5) should bow to the general interest in the good administration of justice and the enforcement of criminal laws.<sup>10</sup>

But even if the appellate court deemed all Lava Jato cases exceptional, it treated Lula with a disproportionate zeal (Figure 1).

Figure 1.

	<b>Other Lava Jato-Related Cases</b>	<b>Lula</b>
Time for the appeal to be decided	18 months, on average	6.5 months
Appeal's decision	Non-unanimous in 68 percent of cases	Unanimous
Decision's severity	Jail time increased by an average of 25 months	Jail time increased by 32 months

Source: *Revista Época*, 02/03/2018

Lula's appeal was decided unanimously, despite the complexities involved in his case and the tendency of the appellate judges to dissent from one another in similar Lava Jato cases.<sup>11</sup> The appellate decision was also more severe than

<sup>10</sup> <https://gedpro2.trf4.jus.br/formimprimirhtml.asp?codDocumento=8527569>, pp. 4–5, last access: 23/09/2016.

<sup>11</sup> Non-unanimous decisions can be attacked by specific appeals and delay imprisonment.

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similar cases. And the trial was the fastest among 154 similar appeals filed between 2013 and 2017.<sup>12</sup>

Brazil's constitution and criminal procedural code are explicitly based on the presumption of innocence, which has long been held to mean that criminal sentences are only imposed after appeals have been exhausted. Lula's case had not yet exhausted this process, and so his defense lawyers filed several habeas corpus petitions seeking to delay his imprisonment. In 2016, however, the Supreme Court had ruled in another case that defendants could be imprisoned after the rejection of a first appeal, setting a precedent that the prosecutors and Moro were now keen to use. Lula had by now indicated that he intended to run in the forthcoming presidential election, and all opinion polls made him the clear front-runner. Political considerations were now inevitably intruding on the legal arguments.

The Supreme Court met to decide its ruling on 4 April 2018. Three weeks before its decision, Marielle Franco, a prominent elected representative of PSOL, a left-wing party allied to Lula and PT, was assassinated by unknown gunmen in Rio de Janeiro, heightening political tension in the country. A week earlier, two of Lula's campaign buses were shot at in the south of the country. Supporters and opponents of Lula mobilized on the streets as the country became increasingly divided. The president of the Supreme Court, Carmen Lucia, made a televised appeal for calm to "avoid social disorder."

The Supreme Court denied the petition by the narrowest of margins, six to five, but this vote was also marred by procedural irregularities and contradictions. To begin with, the petition should have been decided by a panel of five justices, three of whom held opinions favorable to Lula. However, Justice Edson Fachin, who was rapporteur for the court in Lava Jato-related cases, argued that a larger constitutional issue was involved that justified a hearing by the entire court. When the court convened, Justice Rosa Weber voted

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<sup>12</sup> Reporters selected all cases in this time frame that had the same judges as those writing for the majority in Lula's appeal. These cases totaled 154, involving 288 appellants previously convicted of money laundering. (Lula was also accused of corruption and of being the "architect" of the scheme, which should have made his case more complex.)

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to deny the petition but claimed that she would vote differently if the court were performing judicial review of the Criminal Procedure Code rather than deciding an individual habeas corpus petition.<sup>13</sup> In other words, she refused to consider the larger constitutional issue that Justice Fachin had referred to, issuing an opinion that applied only to Lula's case. Had she voted differently and followed her position on the issue at large, the result would have been the opposite and Lula would have remained free.

Judicial opinions were clearly divided on the merits of the case, as was the country at large. This made the decision by the highest-ranking general in the Brazilian military to intervene truly extraordinary. On 3 April, the day before the court convened, the Brazilian chief military officer, General Eduardo Villas Boas, tweeted that the army was "attentive to its institutional missions" and, along with "all good citizens, *repudiates impunity* and respects the Constitution, social peace and democracy" (emphasis added). The tweet was read out that night by William Bonner, the news anchor for Rede Globo's *National Newsroom* TV program, the most far-reaching and influential news show in Brazil. The clear implication of the statement was that the Brazilian military believed that the Supreme Court should imprison Lula. It should be remembered that, by this stage, Jair Bolsonaro, who was associated with the Brazilian military, was now running second to Lula in opinion polls for the presidential election.

Immediately after the habeas corpus petition was denied, prosecutors requested that Lula be imprisoned. Their request was granted, and Judge Moro issued Lula's arrest warrant only hours later. After an emotional send-off from tens of thousands of his trade union supporters who had rallied to his defense, Lula surrendered himself to imprisonment on 7 April 2018.

Lula's arrest did nothing to dent his popularity, and opinion polls showed that he was poised to win the forthcoming presidential election by a wide margin. On 6 July 2018, two congressmen filed a new habeas corpus petition

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<sup>13</sup> A request for such a review in fact existed, and some justices claimed that it should be brought up for a decision by the court before Lula's petition was reviewed. The chief justice, Carmen Lucia, however, rejected this claim.

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on his behalf. The petition argued that, even if imprisoned, Lula maintained his political rights.<sup>14</sup> At the very least, he could register his candidacy and run his campaign and should be granted access to the media and the right to give interviews. The petition was sent to Appellate Judge Rogério Favreto, who was temporarily in charge of urgent judicial rulings that weekend. He upheld the request and decided that Lula should be released from prison so that he could take part in the presidential election campaign.

The case had now moved out of the jurisdiction of Judge Moro, who was on vacation in Portugal at the time. Nevertheless, Moro publicly ordered the police not to comply with Judge Favreto's decision. The same day Judge Favreto reiterated his decision to release Lula, but the police received a phone call from the chief judge for the Court of Appeals ordering that Lula remain imprisoned. Finally, Appellate Judge Gebran Neto, who had earlier drafted the appeal court's rejection of Lula's appeal, assumed responsibility for the case, rescinded Judge Favreto's decision, and denied the habeas corpus petition.

On 15 August 2018, PT announced that it was registering Lula to be its candidate in the presidential election. Lula had himself, as part of his government's efforts to combat corruption, signed into law the Ficha Limpa (Clean Slate) Act prohibiting convicted criminals from running for elected office. The law stated that the prohibition applied to all those whose sentences had been confirmed by a court of appeals. In practice, however, electoral courts had been flexible in their interpretation of the law. Judges had come across numerous situations of blatant injustices in the lower courts that appeals had failed to correct. They had, therefore, developed a standard whereby plaintiffs would be considered eligible to contest elections if they still had criminal appeals pending and if there was a likelihood that their conviction would be overturned. Lula's lawyers believed that he had strong grounds on which to proceed.

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<sup>14</sup> According to the Constitution, one's political rights can only be suspended as a result of a criminal conviction once all appeals are exhausted. The fact that the Supreme Court did not recognize Lula's right to freedom under the same condition produced this legal inconsistency.

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Lula's registration was, of course, immediately contested by his opponents as a violation of the Ficha Limpa Act. The case was sent to the Electoral Court, which ruled his candidacy ineligible in a court of first instance, and then on to the Electoral Supreme Court for a final decision. In the meantime, on 17 August 2018, the UN Committee on Human Rights issued an interim measure, asking the Brazilian government "not to prevent [the former president] from standing for election in the 2018 presidential elections until his appeals before the courts have been completed in fair judicial proceedings."<sup>15</sup> The UN Human Rights Committee is charged with monitoring the International Covenant on Civil Political Rights, a legally binding treaty that Brazil has ratified and is widely regarded as the most important human rights monitoring body within the UN system. Presidential candidate Bolsonaro promptly called on Brazil to withdraw from the entire UN system in protest.

On 1 September 2018, the Brazilian Supreme Electoral Court denied Lula permission to register his candidacy and ordered his immediate removal from the race. Ten days later, it authorized fourteen hundred candidates to participate in various other state and federal governorship and assembly elections, even though these also fell under the same technical prohibitions of the Ficha Limpa Act.<sup>16</sup> Lula remained in the race for another ten days—and opinion polls continued to show him in first place despite an almost complete media blackout of his statements and campaign events conducted from prison. Finally, on 11 September 2018, on the steps of the building in which Lula is imprisoned, PT called a press conference at which Haddad announced that he would be running in Lula's place.

This chapter argues Lula's arrest, trial, and imprisonment were fundamentally unjust. Legal definitions were stretched, procedural constraints

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<sup>15</sup> This interim measure was granted in a larger review by the committee of whether Lula's civil and political rights had been violated.

<sup>16</sup> "1,4 mil candidatos podem concorrer nas eleições 2018 sub judice," *Estadão*, 21 September 2018, <https://politica.estadao.com.br/noticias/eleicoes,1-4-mil-candidatos-podem-concorrer-nas-eleicoes-2018-sub-judice,70002512117>.

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ignored, and barefaced power spoken to law. The wider implications of the case offer a disheartening chronicle of the country's recent turn to authoritarianism, with frightening implications for the Brazilian polity and its future. The trial of Luis Inácio Lula da Silva shows that the Brazilian elite are prepared to go to considerable lengths to stigmatize "enemies of the public," single them out, and mobilize institutional resources and energies against them to ensure their elimination.

Time will tell what Brazil and Brazilians will make of Lula and his battle. But like the amnesty or free elections in the past, his freedom should stand as one of the "compasses" by which, one day, new generations will be able to gauge whether they resisted that turn and revived the prospect of a full and vibrant democracy south of the equator.

### TIMELINE OF EVENTS

4 March 2016: Lula is taken into temporary custody to give statements to the police while police officers execute a search warrant in his house and office.

16 March 2016: Sérgio Moro releases conversations between Lula and the then-sitting president Dilma Rousseff. He also releases private conversations of Lula's family members.

14 September 2016: The prosecution announces that it is filing a criminal lawsuit against Lula on charges of corruption and money laundering.

12 July 2017: Moro finds Lula guilty on corruption and money laundering charges, sentencing him to nine and a half years in prison.

24 January 2018: The Court of Appeals confirms Lula's sentence and increases jail time to twelve years and one month.

22 March 2018: The Brazilian Supreme Court starts to hear a habeas corpus petition in which Lula's defense asked for his imprisonment to be delayed until all his appeals were exhausted.

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3 April 2018: As the Brazilian Supreme Court gets ready to decide Lula's habeas corpus petition, the chief army commander tweets that the army is "attentive to its mission" and "repudiates impunity."

4 April 2018: The Brazilian Supreme Court denies Lula's habeas corpus petition.

5 April 2018: Moro issues Lula's arrest warrant.

7 April 2018: Lula is imprisoned.

8 July 2018: Appellate Judge Rogério Favreto accepts a habeas corpus petition by two Brazilian congressmen and orders Lula's release. Judge Moro and other appellate judges interfere to keep Lula imprisoned.

15 August 2018: The Workers' Party registers Lula as its presidential candidate.

17 August 2018: The UN Committee on Human Rights grants Lula an interim measure, asking Brazil to ensure his right to run for the presidency "until his appeals before the courts have been completed in fair judicial proceedings."

1 September 2018: The Electoral Court denies Lula's registration and orders that he be immediately removed from the race.

11 September 2018: Lula is formally replaced with Fernando Haddad as the Workers' Party presidential candidate.

7 October 2018–28 October 2018: Brazilian elections are held, and the far-right candidate Jair Bolsonaro wins.

### **3. LAVA JATO AND THE PERVERSION OF BRAZILIAN JUSTICE**

**EUGENIO ARAGÃO**

Until recently, to criticize the Lava Jato (Operation Car Wash) was to take on a “political” attitude. Investigations into corruption were technical matters for our justice institutions to decide through impartial deliberation. To suggest that they were not doing this and that all was not well with our constitutional democracy was tantamount to treason. As Rodrigo Janot, the general prosecutor of Brazil from 2013 to 2017 and my former friend and colleague, put it: “Those who want to stop Lava Jato are the enemies of Brazil.”

Other chapters in this book discuss the various violations of law, procedure, and rights that paved the way for the constitutional coup d’état that has taken place in Brazil. We do not need to rehearse the legal transgression surrounding the impeachment of former President Dilma, the arrest and trial of former President Lula, and Lula’s subsequent exclusion from the 2018 presidential election, all of which paved the way for Jair Bolsonaro’s victory. Suffice to say that this process has been entirely political and has had very little to do with principles of justice.

Law is an instrument for legitimizing decisions. Neither the instrument nor the legitimation itself follow objective, scientifically logical rules. Decisions are not reducible to sentential calculations without serious

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problems of consistency. Every legal decision involves two or more paths of legitimation, which, as a rule, are contradictory.

Simply put, a judge in a criminal trial has to choose between the thesis of the prosecutor and that of the defendant. Nevertheless, there is a relatively broad spectrum of alternatives available within this range. All may be equally sustainable from a legal point of view. The judge cannot define with total objective precision who is lying and who is telling the truth, but can only weigh the evidence presented by the two sides and come to conclusions that will inevitably be subjective. Honest and diligent judges will do their best to arrive at the right conclusions, given this evidence, within this subjective context, but they cannot “reveal the objective truth” about a case. This is why the presumption of innocence is so important in criminal trials. The prosecution must satisfy the burden of proving the guilt of the defendant because we recognize that errors occur and the innocent must be protected. These are universally recognized as fundamental principles in a democratic society.

Judges and prosecutors are not “above politics.” They do not descend from a higher place with their judgments, bringing a truth and wisdom beyond the comprehension of us mere mortals. Nor are judges custodians of the public good, immune to the pressures that politicians face. This is a dangerous myth to which many Brazilians have succumbed in recent years. Stirred up by a populist media and sensationalist reporting, Brazilians have been idolizing judges while demonizing politicians. We have “criminalized” not just our politicians but politics itself, which is a truly dangerous thing to do in a democracy.

Judges, meanwhile, are being feted as national heroes. Some give television interviews, conduct worldwide paid lecture tours, appear at movie premieres, and act almost like pop stars or artists seeking applause and adoration. Who can forget the hordes of yellow T-shirts adorned with the face of our famous judge from Curitiba and emblazoned with the slogan “In Moro We Trust”? But while these famous judges pose as “above politics” or even as a societal counterbalance to it, we are watching the justice sector become

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ever more politicized. It is indeed ironic that Judge Sérgio Moro has moved seamlessly from his role directing the “technical” Lava Jato, which of course had “nothing whatsoever to do with politics,” to becoming a full-time politician in charge of the ministry that I once occupied.

When judges approach their task with a punitive moralism, that is a political decision. As judges Gláucia Foley and Rubens Casara argue elsewhere in this book, the primary constitutionally assigned function of the judiciary is to limit excesses of state authority and ensure respect for fundamental rights and constitutional guarantees. Penal power should never substitute itself for public policy. Judges ought not act like caped crusaders in a comic book, busting crime and bagging villains. It is a sad and telling commentary on the level of debate we have reached here in Brazil that we even need to argue these points.

For all their defects, politicians can be held to account. They answer to the electorate, and their decisions and actions are—quite rightly—held up to considerable public scrutiny and criticism. But when judges and prosecutors put themselves above the safeguards of the law and constitution, who guards the guards? Furthermore, how do we as a society get to discuss the policy trade-offs involved in such “judicial activism”?

The relationship between big business, politics, and the Brazilian state has always been a close and promiscuous one. Brazil has a mixed economy with a large state sector—this is a policy decision debated and enacted by our legislature and executive. Many large private-sector companies also get a lot of their commercial contracts through the state, which is a common practice in most other countries of the world. These companies provide jobs, pay taxes, and drive economic growth. Brazil remains a world leader in industries such as shipbuilding, civil engineering, oil extraction and refining, information technology, and car manufacturing. What is good for these businesses is good for our economy as a whole. Conversely, damage to these sectors also ripples out into the wider economy.

The Brazilian economic model is far from perfect. It has developed over centuries and is a product of our colonial history, including slavery, our

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reliance on the exports of primary commodities, and more recent patterns of foreign and domestic investment. It is an economic model that has made Brazil one of the most unequal major countries in the world. It also leaves us extremely vulnerable to changes in the terms of world trade, particularly shifting commodity prices, as our current economic crisis shows. When the Brazilian Workers' Party (PT) was in government, it actively tried to change this economic model by strengthening our national industries, finding new export markets in the Global South, and ensuring that the fruits of economic growth were more evenly distributed. These changes, it should be remembered, were vigorously criticized by PT's neoliberal opponents at the time. Nevertheless, it would be naive to think that all aspects of this centuries-old economic model could be changed overnight—or even in thirteen years.

There are also issues of improving governance and oversight in specific industries, tightening campaign finance laws, preventing revolving door appointments between the public and private sectors, and more general changes to political culture that are all long overdue. PT made a start on political reform. Indeed, no other government in Brazilian history has done more in the legislative and policy sphere to strengthen mechanisms of oversight and accountability for both the state and corporate sectors. One of the first acts of the incoming PT government in 2003 was to create a Department of Judicial Reform in the Ministry of Justice to provide executive assistance to facilitate discussions and develop modernization proposals for the judiciary. This was followed by the enactment of constitutional Amendment 45 in 2004, which provided for greater administrative oversight for the judiciary, streamlined the notoriously slow progress of trials, and strengthened the independence of the public defender's office. PT also increased both the budgets and operational independence of the police and judiciary. Indeed, the Lava Jato could probably not have even started but for the previous legislative and policy reforms the government had implemented. It is also of no little significance that the PT government at no point made any attempt to

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curb the work of the Lava Jato investigators or interfere in their investigations in any way.

Our government strengthened the justice system because we believe in justice. Indeed, a case can be made for greater and more far-reaching reform. Our social, economic, and political system is also badly in need of reform, and there is still much debate to be had on how to move the reform process forward. These, though, are all policy decisions that should be decided through democratic debate based on informed choices.

But demolishing the entire existing structure with a sledgehammer and then jumping up and down on the wreckage has consequences, and these consequences are a legitimate subject for debate. Does saying this make me an “enemy of Brazil”?

No one in this book defends corruption. We all agree that it is deeply embedded in the Brazilian state and intertwined with our society, economy, and politics. Corruption, like any other form of crime, needs to be viewed and tackled holistically. To critique the Lava Jato is not to defend the corrupt, any more than criticizing a violent police invasion of a community in Rio de Janeiro is to support the *narco-traffic*. The argument that we make is two-fold. First of all, there is the narrow question: Was the Lava Jato just? Did the investigations conform to the provisions of our own laws and constitution and the standards set down in international human rights law regarding due process, fair trial, and the presumption of innocence? Second, what were the foreseeable social, economic, and political consequences of the Lava Jato and how and by whom was the cost-benefit analysis made? The shock that the operation caused to the Brazilian economic and political system was unprecedented, and its consequences in terms of economic and political paralysis in Brazilian society have been absolutely devastating. Who decided, on behalf of the Brazilian people, that this was a price worth paying?

The Lava Jato operation was conducted with considerable procedural violations and disrespect for the fundamental rights of those being investigated. Over three hundred people were charged with criminal offenses and

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over one thousand warrants issued for search and seizure, temporary and preventive detention, and coercive measures. Many people spent more than a year in pretrial detention, in appalling conditions, without the slightest notion of when they would be released, and this tactic was deliberately used to extract plea bargains or inducements to testify against their co-accused. In some cases family members of the accused were also arrested in an apparent bid to place further pressure on them. How does obtaining evidence in this way differ from the use of torture, which is absolutely prohibited as a fundamental principle of international law?

Evidence gathered by these means, tainted fruit of the poisonous tree, was used to target more suspects, and the unsubstantiated word of alleged accomplices has been deemed sufficient for conviction. Time and time again the investigators came back to their main hypothesis that there was a centrally directed scheme that could be tied back to Lula and Dilma. Lula, in particular, was demonized in the popular media as the “controlling genius” of a vast shadowy conspiracy. Or, as my former colleagues in the public prosecutor’s office once memorably put it, the *proinoocracia* in charge of it all.

But no such evidence emerged because that hypothesis is wrong. As Fabio de Sá e Silva has shown in chapter 2, the evidence used to convict Lula was flawed, his trial was unjust, and the process against him was a politically motivated sham. Indeed, Lava Jato was an entirely political process with a clear political aim: to bring down a democratically elected president and install a more market-friendly replacement. If the price to be paid for the process was the complete destruction of the Brazilian economy, this could be considered “collateral damage” of the “lawfare” strategy. You can’t make an omelet without breaking eggs.

Supporters of Lava Jato often compare it to the prosecution strategy that underpinned the criminal investigations against the mafia in Italy. Indeed, Moro often makes this comparison himself. But the comparison is flawed. In Italy prosecutors were confronting a highly organized and tightly knit criminal organization. The Italian mafia is based on deeply embedded family and

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clan structures and sworn to a duty of silence by the principle of omertà, whose violation is punishable by death. Repentant mafiosi, willing to collaborate by denouncing *comparsas* in the chain of command, had to be protected by special measures against vengeance and retribution. This included being taken into protective custody and given new identities. They and their families needed to be accommodated by the most elaborate witness protection programs, not just until cases reached trial, but for the rest of their lives. The mafia's reach is long, its memory exhaustive, and its touch deadly.

Does anyone seriously believe that we face a similar situation here in Brazil? Yes, we have highly organized criminal gangs, and the *narco-traffic* and militias exert physical control over many communities. But these were not the targets of the Lava Jato. Those who have been imprisoned include the heads of Brazil's nine top construction companies and most of the leadership of Petrobras, along with senior politicians from across the political spectrum. The sums of money involved are, of course, extremely significant, and to critique Lava Jato is not to say that those who gave or received bribes and kickbacks should not have been investigated and prosecuted. But the tactics used against a political culture are not the same as those you would use against a criminal organization.

The Lava Jato investigators were confronting the alleged perpetrators of white-collar crime whose motivations and actions were as varied as their political and social backgrounds. We only need to look at how wide its range of targets was to see that the hypothesis of a tightly knit centrally directed organization was wrong. We might as well seek to blame the lamentably high number of road traffic deaths that occur every year in Brazilian cities on a single person or organization. These are societal problems and needed to be tackled accordingly.

The hypothesis of a single enemy was, nonetheless, fundamental to the modus operandi of the Lava Jato. Moro provided the Brazilian media with selective briefings about the evidence facing key defendants and tipped them off about police raids so that these could be televised for dramatic effect.

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Telephones were tapped, and in some cases the recordings were released. Privacy was invaded, reputations ruined, basic elements of due process ignored, and fair trial rights violated. The Lava Jato has been accompanied by a systematic rollback of constitutional rights, which continues to reverberate throughout our legal system. By ignoring the request for provisional measures by the UN Human Rights Committee in the case of Lula, Brazilian judges have also placed Brazil in violation of its international treaty obligations. We have become international outlaws.

Public opinion was deliberately manipulated in the process. A specter was created and said to be haunting the country. This was the “other,” on which all our troubles could be blamed. As the chapters of this book discuss more fully, Brazilian society and politics were deeply divided in the right-wing populist mobilization that occurred during our last election. We have probably never been more polarized as a nation since our return to democracy than we are now, as the results of that election show.

This brings us back again to the politics of Lava Jato. Between 2003 and 2013 Brazil’s GDP grew 64 percent, poverty was cut in half, the minimum wage increased by 75 percent, and millions of new formal jobs were created. Since then, however, our economy has sharply contracted, unemployment has risen dramatically, and living standards collapsed. Our economic crisis coincided with the start of the Lava Jato investigations. While no one would argue that the relationship was causal, the resulting political paralysis and collapse in economic confidence were clearly aggravating factors.

The Lava Jato caused huge reputational damage to Brazil abroad. Who would want to invest in a country where corruption was so rampant, politicians were systematically looting the state coffers, the prisons were full of business leaders, and latter-day Marxists ran riot over the rule of law? These are caricatures, of course. But there is no doubt that the institutional chaos that has convulsed our country—and which can be directly traced back to the Lava Jato investigations—has hurt Brazil and has hurt the Brazilian people. We are poorer, more divided, and probably unhappier as a result. Does

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anyone remember when we, the Brazilian people, were given a chance to vote on whether we wanted any of this?

The final problem with the Lava Jato process relates to democracy and where power rests in a democratic society. What gives a judge the right to tap the telephone of a president and then release the transcript of that recording to the media as part of a deliberate strategy to force that president from office? What gives the same judge the right to tap the phone of the wife of a former president and again release the recording to the media as part of a deliberate strategy to send that former president to prison? On neither occasion did the recorded conversations reveal any criminal action or wrongdoing, yet an unelected judge violated the privacy and usurped the constitutional position of our democratically elected heads of state.

Democracy in Brazil is still young and fragile. For most of us, the dark days of military dictatorship occurred within living memory. When the supreme head of our armed forces tweets that the Brazilian army is “attentive to its institutional missions” and that the Supreme Court must act against “impunity” by sending Lula to prison, it causes a collective shudder. This is why we insist on the primacy of politics. The elected part of the Brazilian state cannot be subordinated to the demands of the unelected part. That is what it means to live in a democracy.

## 4. BANCADA DA BALA: THE GROWING INFLUENCE OF THE SECURITY SECTOR IN BRAZILIAN POLITICS

FIONA MACAULAY

One of the notable features of Jair Bolsonaro's unanticipated appeal to those who voted for him in October 2018 was his ability to associate himself, as a former army captain, with the military and with anxieties about law and order, personal security, and policing. His personal career in some ways prefigured the growing influence of the security sector in Brazilian politics. Bolsonaro graduated from the military academy in 1977. He caught public attention in 1986 when he published a letter in a mainstream news magazine advocating higher salaries for the military, which earned him fifteen days in a military brig for bringing the institution into disrepute. He became a reservist in 1988 and was elected as city councilor in Rio de Janeiro, the start of his long political career.

Bolsonaro's 2018 election campaign made great play of his support for the liberalization of Brazil's strict guns laws and for aggressive policing, his signature gesture his thumb and forefinger pointing like a gun. He and one of his politician sons, a federal police officer, had been building political support for his candidacy since 2014 through a cross-party caucus in the Chamber of Deputies known as the *bancada da bala* (literally, "bullet bench"), composed of former police officers, firearms industry lobbyists, and tough-on-crime

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advocates. In consequence, the police and military were two of the constituencies that most identified with, and heavily supported, Bolsonaro, and his popularity in the polls helped elect an unprecedented number of former security service members to the National Congress and to state legislatures around the country. Of the fifty-two federal deputies that Bolsonaro's party, the PSL, elected to the lower house, 40 percent had a police or military background. Other parties elected an additional twenty-one representatives from the security services.<sup>1</sup> This gave security actors their biggest presence in legislative politics since the return to democracy in the 1980s. Indeed, if they had been a party, they would have been the second largest.

This pursuit of elected office, particularly on the part of police, did not spring out of nowhere. The desire of members and former members of the security services to represent their professional interests and political agenda directly had been quietly growing for at least a decade. This chapter looks at how and why so many police and security actors entered politics, what their agendas might be in a Bolsonaro administration, and what this means for law-and-order policy specifically and Brazilian democracy more generally.

### **Police and Politics**

The police in Brazil have historically been more accustomed to being political instruments than to representing themselves politically. Their sense of themselves as a political or professional group has been shaped by how the police are organized administratively and by the changes and continuities in policing over the last few decades. The two main police forces are the Military Police, which conduct on-street, preventive policing, and the Civil Police, which carry out criminal investigations. Both are governed locally by the political authorities of the twenty-six states and the Federal District. The

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<sup>1</sup> Information from the Inter-Union Parliamentary Advisory Service (DIAP), "Bancada da segurança pública cresce na Câmara e no Senado," 16 October 2018, <http://www.diap.org.br/index.php/noticias/agencia-diap/28531-eleicoes-2018-bancada-linha-dura-da-seguranca-publica-cresce-na-camara-e-no-senado>.

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Military Police have by far the larger contingent, with around five hundred thousand officers nationwide. They are linked constitutionally to the armed forces, but on a day-to-day operational level the two generally function quite separately. They retain, however, a militarized hierarchy and culture that imbues their training, discipline, and ethos (Muniz 2001). Since their inception, the Military Police have been cast as a reserve force for the armed forces, and vice versa. President Fernando Henrique Cardoso enshrined in the 1988 Constitution the army's backup role in urban crime fighting, and they have been deployed in the poorest neighborhoods in Rio de Janeiro several times, most recently in 2018. The term *militar* is thus used rather loosely to mean "armed forces," "military police," or both, or even to encompass the Civil Police, which have a completely different training and career structure, and only around one hundred thousand officers.

The institutional roots of these two main police forces lie in the extended military-civilian regime of 1964 to 1985, which centralized control over the security agencies. The state-level military and civil police forces were subordinated to the armed forces' mission of repressing political opponents, adopting their tactics of torture, extrajudicial executions, and death squad extermination, and using them against both enemies of the state and ordinary criminals (Barcellos 1992). In this task the police enjoyed impunity and operational latitude, and this continued during the prolonged, negotiated transition to democracy, which was controlled by the armed forces. There was no purging of police ranks, no restructuring or retraining. Nor was police reform on the agenda during the drafting of the 1988 Constitution, which enshrined some problematic provisions. For example, it left the Military Police protected by the military courts (Pereira 2001) and reinforced a militarized conception of public security and policing that has not been effectively challenged.

In the last two decades other police forces have also emerged. The Federal Police, now with over thirteen thousand officers, were much strengthened under the Lula governments as a "Brazilian FBI." They

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investigate transnational and complex, high-level political crimes, so they have been central to the Lava Jato corruption investigations discussed in previous chapters of this book. The Ministry of Justice also oversees the Federal Highway Police, with its own career structure. In addition, around one-fifth of Brazilian municipalities (about one thousand) have a municipal guard, whose task is local crime prevention. However, the state police forces, especially the Military Police, have been most concerned to have their interests protected in congress.

In the first two decades of the New Republic, the police used as proxies retired governors elected to the Senate who identified strongly with the police forces they had deployed and who vetoed bills that threatened the latter's interests. However, the impetus for police themselves to enter directly into the political arena has roots in the state police strikes of the 1990s and the subsequent formation of local police unions, representing not just individual forces but also ranks within them. They began to organize collectively to elect members to municipal and state legislatures, and to the National Congress.

The 2002 election of Lula as president, and thus the installation of the PT as the main party of government, prompted a mobilization by more conservative forces in society that felt their concerns might be ignored or undermined. A *bancada da bala* formed for the first time and initially denoted parliamentarians funded by the Brazilian firearms industry. In 2010, this group was able to elect thirty-two senators and federal deputies, with campaign contributions totaling R\$1.5 million.<sup>2</sup> In the 2014 elections a total of R\$1.91 million was donated to twenty-one candidates for federal deputy, twelve candidates for state deputy, two gubernatorial hopefuls, and a candidate for the Senate. The return on investment was impressive: eighteen of the candidates for federal deputy were elected directly, the other

<sup>2</sup> All data from Instituto Sou da Paz, "Sou da Paz analisa participação da indústria armamentista nas campanhas eleitorais," 9 September 2014, <http://www.soudapaz.org/o-que-fazemos/noticia/sou-da-paz-analisa-participacao-da-industria-armamentista-nas-campanhas-eleitorais/62>.

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three elected as stand-ins. Half came from the southern state of Rio Grande do Sul, where the majority of gun and munitions manufacturers are located. However, the concept of *bancada da bala* expanded to include not only former police and army officers, but also those who broadly sympathize with their aims, such as individuals personally affected by crime or who hold a hard-line position on crime and punishment. The numbers of former police officers elected to the Chamber of Deputies remained relatively stable (seven in 2002 and in 2006, four in 2010) until it shot up to nineteen in 2014 when security sector candidates, including Bolsonaro himself, received the most votes in their states as a result of their tough-on-crime talk. The number of police who were elected doubled to forty-two in 2018.

### Why and How Security Actors Got Elected

In the 2014 elections police corporations began being more strategic about encouraging and supporting candidacies (Berlatto et al. 2016), and this bore fruit spectacularly four years later when the absolute number of personnel from the army, Military Police, and Civil Police running for the National Congress and state assemblies rose to 1,250, the highest to date.<sup>3</sup> Although the overall percentage of security sector professionals within the universe of candidates rose only to 5 percent, the 2018 contest offered a series of fortuitous circumstances that enabled these candidacies to be four times more successful than those in previous elections.

The most obvious factor was deep public concern with crime and violence. One in ten murders worldwide take place in Brazil. In 2017, 63,880 people in Brazil suffered a violent, intentional death (Fórum Brasileiro de Segurança Pública 2018), and the numbers have been rising steadily, with a few dips and regional variations, since the early 1990s. Personal safety is

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<sup>3</sup> <https://www.nexojournal.com.br/grafico/2018/10/31/A-expans%C3%A3o-dos-militares-e-policiais-entre-os-pol%C3%ADticos-eleitos>. The data are derived from searches of candidates' declared occupation in the upper electoral court and cross-referenced with the rank and title they use at the ballot. It is indicative only, as the other security services are not included in this total, and some police candidates cannot be identified by either means.

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now by far the top concern of the electorate, alongside corruption. Yet, law and order has been something of an Achilles' heel for the Brazilian Left, which associated policing with the military and thus identified it as a right-wing concern. This is not to deny the importance of policies to prevent violence and reduce crime introduced in Lula's second term, but they were too little and too late, and were not sustained by Dilma's government (Soares 2007; Souza 2015; Azevedo and Cifali 2015).

Aside from the fictions and absurdities in Bolsonaro's election manifesto, which will be discussed further in subsequent chapters, he also alleged that where the Center-left had governed, crime had risen. Statistically this is true, but there's a well-known criminological phenomenon that provides a better causal explanation: as prosperity increases because of economic growth and welfare benefits, crime increases (Kahn 2018). This would explain why the PT candidate, Haddad, won comfortably with over 70 percent of the vote in the Northeast, the region where violence had increased most sharply in the last few years but where growth and redistributive policies had also lifted many out of poverty. This fear of violence had its greatest pro-Bolsonaro impact in parts of the country where homicide rates were relatively low. This is partly because there were other issues at stake, for example the presence of organized crime groups such as the Primeiro Comando da Capital (PCC, First Capital Command), a prisoner syndicate that now controls São Paulo state's prison system and runs a trafficking empire. The PCC's violent show of strength on the streets of the state capital in May 2006 put crime on the agenda for the first time in that year's presidential debates and prompted a surge in police candidacies.

That Bolsonaro himself became a victim of violent crime—stabbed in the abdomen while campaigning, just a month away from the first round of the election—further fueled this generalized sense of insecurity. His choice of a retired army general, Hamilton Mourão, for his running mate and Bolsonaro's own constant nostalgia for the military regime suggested that a return to past practices of torture and extrajudicial execution, when the

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police were supposedly unfettered by bothersome concerns about human rights, would solve the problems of crime. In fact, those practices had never gone away, despite the best efforts of rule-of-law advocates, as the data on police brutality show (Lima et al. 2015).

A second facilitating factor for the entry of security service personnel into politics was an institutional shift in party politics. The presidential elections in 2018 saw the collapse of the binary contest between the PT and PSDB that had dominated the past two decades. Bolsonaro surged as an “outsider” candidate (albeit a career politician of thirty years) as the public cast a protest vote at the Lava Jato corruption scandal that had engulfed the whole political class. This intensified the fragmentation of an already extremely fractured party system in which the cost of entry is very low. Thirty parties are now represented in the Brazilian congress, making it an outlier globally. With a turnover rate that far exceeds 50 percent and an open-list electoral system in which voters tend to opt for individual candidates rather than party tickets, anyone with a public profile benefited from name recognition at the ballot box.

That notoriety was quickly achieved in the bubble of social media, and these elections saw the unprecedented deployment of the WhatsApp platform, which is used intensively by Brazilians. It is closed to scrutiny and has huge social penetration through “friends and family” networks, which in turn gives the content that people share legitimacy and credibility. For much of his career Bolsonaro had been a marginal member of the *bancada da bala*, not much respected by the others. But from 2014 he began to build a political base using his outrageous views, which were captured in videos that went viral on YouTube and WhatsApp.<sup>4</sup> Police officers who became social media

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<sup>4</sup> By July 2018, Major Olímpio had one million followers on Facebook, and Bolsonaro had 5.3 million. However, as they noticed engagement slow down on this platform because of Facebook’s algorithms, they concentrated more on WhatsApp. It appears that illegal campaign donations from business may have been used to pay to boost hundreds of millions of posts through WhatsApp, especially in the last two, decisive weeks of the campaign. Patrícia Campos Mello, “Empresários bancam campanha contra o PT pelo WhatsApp,” *Folha de S.Paulo*, 18 October 2018, <https://www1.folha.uol.com.br/poder/2018/10/empresari->

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phenomena were urged by their viewing publics to run for office as outsiders, and they became valuable electoral commodities for the parties that approached them or whose tickets they sought to join. The first two women officers from the Military Police to be elected to the National Congress had both been captured on camera using their service weapons off-duty in response to situations of violence. Major Fabiana, who ran for the PSL, drew her gun to control street violence in a poor neighborhood of Rio de Janeiro. Corporal Kátia Sastre shot dead an armed robber outside her child's nursery, and she used this footage in her election campaign. Sergeant Fahur of the Federal Highway Police in Paraná acquired 1.6 million online followers through his tough talk in video interviews about hunting down drug traffickers and other villains.

In Rio de Janeiro, which has a tradition of security sector candidates, the police associations used the police WhatsApp groups to sound out support for various candidates so that they could strategically select the ones to back, which was one reason for the surprise win achieved by outsider Wilson Witzel, a former military man and judge, in the race for governor of that state.<sup>5</sup> The associations also organized themselves collectively around their own candidates to intensify messaging, social capital, and group identity. There are 250,000 active or retired Military Police in Rio de Janeiro, with a similar number of serving and former armed personnel in what is still a garrison city. When family members are added to the number, this could be a formidable electoral force. The PSL alone elected eight Military Police officers to the state assembly and congress. One message on WhatsApp commemorating their victory at the polls stated, "Finally we are starting to come together. Our potential is even greater. We can tip the balance in any elections."

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os-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml.

<sup>5</sup> Lucas Vettorazzo, "Rio elege maior bancada policial de sua história," *Folha de S.Paulo*, 9 October 2018, <https://www1.folha.uol.com.br/poder/2018/10/rio-elege-maior-bancada-policial-de-sua-historia.shtml>.

### Security Sector Agendas

#### *The Crime and Policing Agenda*

The 2018 elections saw the *bancada da bala* nearly double in size from thirty-five in the 2015–2018 legislature to an estimated sixty in the incoming Chamber of Deputies. For the first time, a *bancada da bala* will also form in the Senate.<sup>6</sup> *Bancadas* function both as informal identity and affinity groups and as advocacy coalitions. Within the *bancada*, some more active members have acted as policy entrepreneurs and have driven the ideas for which they then mobilize support through the *bancada* and through the larger but more diffuse *frente* (“front”) in the parliament concerned with law-and-order (Instituto Sou da Paz 2016, 13; Macaulay 2017).<sup>7</sup> What, then, are its agendas and how has it managed to pursue them?

Since its formation, the *bancada da bala* has successfully acquired strategic influence in the legislative space, capturing key committees in which the PT and other center-left parties had once been dominant but had since neglected. For example, the Committee on Public Security and Organized Crime was a key agenda-setting arena because of its filtering function: in 2013 it received 246 bills but considered only 88. Yet since 2007 the chairs of the committee and rapporteurs of most bills were drawn from those opposing the PT government. In 2013 half of its members were lawyers, former police chiefs, and army reservists, and one-fifth were financed by the firearms and munitions industry (Instituto Sou da Paz 2014).<sup>8</sup>

Indeed, since 2003, the priority of the *bancada da bala* has been the liberalization of gun laws. Brazil is the world’s second-largest producer of small

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<sup>6</sup> “Bancada da segurança pública cresce na Câmara e no Senado,” DIAP, 16 October 2018, <http://www.diap.org.br/index.php/noticias/agencia-diap/28531-eleicoes-2018-bancada-linha-dura-da-seguranca-publica-cresce-na-camara-e-no-senado>.

<sup>7</sup> The two are used interchangeably in some reporting, which is not helpful to understanding their political structures and roles.

<sup>8</sup> The Left is represented by just one dogged PSOL deputy from Rio de Janeiro, Glauber Braga, who tries to bog down the committee with procedural niceties.

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arms, mainly handguns, with an estimated annual value of US\$100 million (Dreyfus et al. 2010), mostly exported. The domestic market was depressed by the Lula government's 2003 Disarmament Statute, which allowed only justice officials or authorized private security agents to carry firearms. The subsequent 2005 referendum to prohibit sales of firearms galvanized the industry and the *bancada*, which reframed the issue as the citizen's right to self-defense in the face of incompetent policing. The referendum was defeated, in part because of a protest vote against the *mensalão* scandal, which had broken at around the same time. Some forty bills were then put forward in congress to amend the statute. In October 2015 a special committee, dominated by the *bancada*, voted to revoke the statute, pending a full vote in parliament. Yet, not all police officers elected to congress support this, for the police will likely be among the additional victims if more guns are in circulation, and a minority of elected police officers hold a more moderate position (Faganello 2015).

Similarly, the 2015 Parliamentary Committee on Inquiry into the prison system was chaired by retired Military Police colonel Alberto Fraga, the *bancada's* most active legislator. The committee invited private security providers to give evidence, and, unsurprisingly, the final report enthusiastically advocated more private-sector involvement in the penal system. The position held by Bolsonaro and the *bancada* is even more punitive, with pledges to abolish the recently introduced custody hearings, which allow criminal suspects to be released on some form of bail, and end sentence progression, and early release for prisoners. This will slow the rate of prisoners leaving jail and increase the number entering. Brazil now has the third-largest prison population in the world, with over 730,000 detainees, which surely shows that the police complaint that "the police arrest, and the judges let them go" is actually far from the truth. Bolsonaro was glib about the capacity of the prison system, which already holds twice as many prisoners as spaces available: "Pile them up, cram them in." This will be a gift not only for private security companies involved in prison privatization and

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construction, but also for prison-based crime syndicates such as the PCC, whose recruiting base is the constant flow of young men into the prison system who turn to the PCC for the basic services that the state already refuses to provide (Paes Manso and Nunes Dias 2018).

### *A Conservative Coalition: The Bull, Bible, and Bullet Benches*

The *bancada da bala* also derives its legislative clout from its strategic association with two other powerful and reactionary *bancadas*, those of agribusiness and of evangelical Christians. Collectively they are nicknamed the “Bull, Bible, and Bullet Benches,” or BBB for short. The second Dilma administration saw the BBB join forces in a grand antigovernment coalition. Of the 367 deputies that voted to initiate impeachment proceedings against Dilma, 313 were members of one of the associated *frentes*, and 53 were members of all three, showing how effectively they could flex their collective muscle. They also developed a practice of lending votes to one another to get their individual agendas through parliament. As soon as Dilma was impeached, the *bancada da bala* mobilized the BBB through the speaker, Eduardo Cunha. It first sought to reduce the age of criminal responsibility, set at eighteen in Brazil in line with the Statute on Children and Adolescents and the United Nations Convention on the Rights of the Child. A constitutional amendment tabled back in 1993 was picked up in 2015 by a specially constituted committee. It was approved by that committee and by the Chamber of Deputies’ Committee on Justice and Constitutional Affairs, both dominated by the *bancada da bala*. Put speedily to a plenary vote in July 2015, the bill failed narrowly, but in an unprecedented maneuver, the speaker returned it “amended” twenty-four hours later for another vote, where it passed (Lino 2016).

The three BBB *bancadas* share a worldview. Bolsonaro has managed to unite two of the three strands of the Right: the authoritarian Right (represented by the *bancada da bala*) and the moral Right (the evangelical Right). Bolsonaro is a divorced Catholic by background; his third and current wife is a neo-Pentecostal. In early 2018 Bolsonaro got himself baptized in the Jordan

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River, an experience he frequently cites while justifying his deep support for the state and government of Israel.

All three *bancadas* share a nostalgia for an era of social hierarchy and a society divided into the deserving and undeserving in which the “good people” are collectively protected from the “bad people” through what the hard-line law-and-order lobby calls “social defense.” The lobby’s slogan “the only good criminal is a dead one” is hardly new. It has underpinned the executions of criminal suspects by police, death squads, and militias all through the twentieth century to the current day. But discursively it represents a backlash against the “guarantee-ism”—that is, the principle of guaranteeing human rights to all as a fundamental entitlement—that had been established legally, culturally, and institutionally since the return to democracy and had been enshrined in the 1988 Constitution. Religious conservatives targeted the Committee on Human Rights, and in 2013 Marco Feliciano, a neo-Pentecostal pastor, became chair. Since then, his coreligionists have filled most of the slots on the committee. As the next chapter discusses, these *bancadas* are composed of individuals who feel they have a social mission, given by God or by their security sector profession, as guardians of society and order. As a result, they are deeply anti-pluralist.

The *bancadas*’ interests both overlap and diverge. The agribusiness *bancada* is hostile to indigenous rights that deny them full access to areas of the country for logging, ranching, and cultivation. In contrast, military actors see the Amazon as their domain for reasons of national geopolitical security. The proposed use of the antiterrorism law to criminalize social movements such as the Landless Workers’ Movement (MST) and the Homeless Movement (MTST), which have engaged in rural and urban land occupations, suits both *bancadas* because it addresses both land issues and social rights. However, as much as both dislike human rights culture and share a Manichean worldview, evangelical Christians sometimes part company with the police lobby around aggressive policing, not least because their social base lives in precisely the same poor neighborhoods that are under-policed, in terms of

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resources, and overpoliced, in terms of the use of force (Faganello 2015). In addition, the military, which has strong geopolitical interests, was not happy with Bolsonaro's decision, aimed at gratifying the neo-Pentecostals, to move the Brazilian embassy in Israel to Jerusalem.

### *Diverse Security Sector Interests*

The diverse security actors now in the political domain do not therefore share a single agenda. For the first time, a contingent of seven army officers entered parliament, all elected for the PSL.<sup>9</sup> These officers have proposed forming a *bancada militar* separate from the *bancada da bala*. Although the Brazilian armed forces are often brought into domestic policing issues and at least one general, Girão Monteiro, had been involved in running a state police force, they see themselves as separate from, and superior to, the Military Police, and would prefer that the term *militar* was used exclusively for the armed forces. The military would prioritize obtaining greater powers and resources for securing Brazil's extensive borders, an issue sharpened by the deepening crisis in Venezuela. Indeed, a panic about the spillover of thousands of refugees from Maduro's "communist," Chavista regime was a dominant theme both of the Bolsonaro campaign and of the PSDB's anti-PT electoral broadcasts.

The armed forces have also been unhappy with the way in which the period from 1964 to 1985 has been characterized. They continue to resist the terms "coup" or "dictatorship" in relation to the installation of the military-civilian regime, referring to it as a "revolution" or "movement," and insisting that in a war against communism what they did was necessary and should not be subject to investigation, prosecution, or punishment. Thus, they would like to do away with the National Truth Commission and to see their narrative predominate over one focused on the human rights abuses

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<sup>9</sup> It is notable that no members of the navy or air force were elected: these two branches of the armed forces are smaller in number and more elite. They were, however, actively involved in the government during the military regime of 1964 to 1985.

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of that period. Bolsonaro fueled this sentiment when he dedicated his 2016 vote for the impeachment of President Dilma to the memory of Colonel Carlos Alberto Brilhante Ustra, who had headed the army's notorious DOI-CODI intelligence unit where at least forty-seven people died and around five hundred—including Dilma herself—were tortured in the 1970s. Although there are many fewer members of the military in the legislature than there are police officers, the military is likely to have more influence in the executive branch. Bolsonaro started his administration with six out of twenty-two ministers appointed from the ranks of the armed forces, but none from the police.

Within the *bancada da bala* five separate police forces are now represented (Military, Civil, Federal, Highway, and Municipal Police), although the Military Police predominate with eighteen of the forty-two members of the legislature. Each force has its own career structures, institutional cultures, and areas of responsibility. Each competes with the others for resources. Like those in the armed forces, the police elected to political office will pursue not only ideological goals but also mundane interests related to salaries, pensions, working conditions, equipment, budgets, career structures, and perks, all of which affect their relative status and prestige. In the Committee on Public Security and Organized Crime fully half of the bills considered by the committee concerned such matters (Instituto Sou da Paz 2014). The six officers from the Federal Police hope to increase their ranks in order to ramp up their anticorruption investigations, especially following the appointment of Federal Judge Sérgio Moro as the new minister of justice. The Federal Highway Police ran their own electoral campaign called “Law Patrol,” and the four who were elected will also campaign to increase their ranks, which have remained static since 1994. They might well be disappointed, however. Bolsonaro himself, in twenty-seven years in congress, did not forward any legislation to improve police working conditions, and his election manifesto went into little policy detail about how to better enable police to combat

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crime and violence, though it did promise that if officers used lethal force against criminal suspects, they would not be prosecuted.

### Conclusion

What does this mean for the security sector and for democracy? First of all, anyone from any profession should be entitled to run for political office, and the security sector should be no exception. Advocating for sectoral interests is also part of the democratic game, and the police generally receive little support around their working conditions. However, as a *bancada* they have played, and seem likely to continue playing, an important role in veto-playing and agenda-setting around law and order and human rights. This migration between policing and politics is unprecedented and relatively unstudied yet has implications not only for public policy but also for understanding new formations of representation in Brazil's legislative spaces in a period of party system decay during this new authoritarian turn. This progressive "police-ization" of the country's legislative arenas has affected all levels of government—municipal, state, and national: São Paulo city council has had a *bancada da bala* for several election cycles. The unreformed character of the country's security forces suggests that this phenomenon, rather than democratizing the police, will contribute to the de-democratization of the political field promised by the Bolsonaro administration.

## 5. WHY DID BOLSONARO'S SUPPORTERS VOTE FOR HIM?

VANESSA MARIA DE CASTRO<sup>1</sup>

The election of Jair Bolsonaro as president of Brazil in 2018 has generated considerable international perplexity. In his thirty years of public life Bolsonaro has consistently and openly promoted a racist, homophobic, misogynist discourse in which he has also argued in favor of torture and dictatorship and expressed a strong hostility to human rights. The violence of his words has been matched by his body language: his main campaign symbol, which went viral in social media, was to cock his fingers like a gun with which to shoot his political enemies. Bolsonaro's campaign also drew heavily on religious imagery, socially exclusionary rhetoric, and a strong nationalist ethos, exemplified by his slogan: "My party is Brazil." He campaigned heavily for relaxing Brazil's laws controlling the possession of firearms, reintroducing the death penalty, and lowering the age of criminal responsibility. As discussed below, Bolsonaro offered his voters a vision of a country "whitened by iron and fire," with obvious fascist and neo-Nazi overtones.

Such discourse had been largely absent from mainstream Brazilian politics since the country's return to democracy. Indeed, Brazil's own official self-image stresses its diversity and tolerance. Ever since the publication of

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<sup>1</sup> I am deeply grateful to the dialogues about this work with my fellow professors Pedro Demo, Alfredo Pena Vega, Wanderson Flor do Nascimento (Uã), and Rita Laura Segato.

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Gilberto Freyre's classic book *Casa-Grande e Senzala* (*The Masters and the Slaves*) in 1933, the country's official narrative has stressed that Brazil is a "racial democracy" in which the supposedly benign character of Portuguese imperialism combined with the miscegenation of its three main races (white settlers, black slaves, and the original indigenous population). According to this view, Brazilians do not view one another through the lens of race and the country escaped the systematic racial discrimination prevalent elsewhere at the time (Freyre 2001). This official narrative has been extensively critiqued in recent decades, and Bolsonaro's election shows that it masks considerable racism and defense of white privilege.

In order to understand why so many Brazilians could have voted for a candidate with such views, I undertook field research and focus group discussions with a sample of Brazilian voters drawn from a variety of ages and backgrounds in the run-up to the first round of voting in the presidential elections in early October 2018. This fieldwork was conducted as part of my research for a publication, *The Crisis of Civilization and Inhumanities* (2018), completed as part of my work for the École des Hautes Études en Sciences Sociales (EHESS) in Paris, where I am a guest researcher. All interviews were recorded and coded. While all of the interviews remain confidential, a number of participants in the research asked for specific guarantees of absolute confidentiality because of the high level of tension, violence, and threats in this electoral process, and so this work contains no direct quotes from participants, nor have I drawn up a more detailed profile of the professions, ages, groups, races, or social classes of my interlocutors. Nevertheless, I draw extensively in this chapter from the interviews in order to show what motivated Bolsonaro's voters.

From my interviews it was clear that Bolsonaro voters show a deep appreciation for his discourse on morality and theocracy and his opposition to the system and corruption. When asked about his views on the subject of torture and the dictatorship, many interviewees showed discomfort and often argued that Bolsonaro "talks before he thinks" and "sometimes shoots

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his mouth off.” Not everything he says should be taken at face value, according to these interviewees, but in the course of my discussions with them some clear themes emerged as to why they supported him.

Bolsonaro’s supporters clearly want change—and not just a change of political parties but a change to the entire system in Brazil. One of his central themes is the need to banish corruption from Brazil and eliminate the corrupt, whether by arresting, killing, or exiling them. This message, which draws on the dictatorship-era slogan, “Brazil: love it or leave it,” was repeated by Bolsonaro himself in the closing days of the election campaign.

Interviewees did support the main democratic institutions of Brazil: its executive, legislature, and judiciary. They did not support the overthrow of democracy or a return to dictatorship in Brazil. At the same time, however, they supported “strong government” to solve Brazil’s many problems, and such a government might include measures that violated concepts rooted in respect for justice and human rights. They were also receptive to a discourse that wove together the distinct phenomena of corruption, violence, and misgovernment into a single discourse of “sin and evil.” This, they argued, could be countered through an equally simple use of “force for good.”

Bolsonaro voters often accept at face value the belligerence and lethal nature of his discourse. They believe, for instance, that Bolsonaro does actually approve of killing his political opponents, that this is not just a turn of phrase. Gun attacks on his political opponents during the campaign show that some of his supporters quite literally take him at his word. Many of his supporters rationalize this through patriarchal prejudices, with strong religious overtones, anchored in a morality that divides the world between good and evil. Brazil is dominated by evil, according to this standpoint, and must be saved. I encountered frequent references to God, the need for divine intervention, and calls for obedience to God’s will. Interviewees construct a reality in which morality is the primordial essence of life that transcends human relations and is determined by the divine. Bolsonaro supporters believe they have become guardians of this morality to please God, or out of fear of divine

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retribution, and that raises both them and him “above” more mundane political considerations.

Bolsonaro’s well-known opposition to gun control forms part of this narrative. In addition to wanting to own guns to make themselves feel safe, many of his supporters appear to see the personal possession of a firearm as an instrument of God to moralize and to remove the evil that dwells within people. Bolsonaro’s trigger-finger gesture, so ubiquitous during the campaign, should be considered in this context.

The quasi-religious overtones to Bolsonaro’s discourse are fundamental to his appeal. His campaign was heavily supported by Brazil’s increasingly influential Evangelical movement, whose use of social networks, such as WhatsApp, have enabled them to reach an ever-growing number of “disciples.” Bolsonaro tapped into a huge alternative media that insulated him from the criticisms he received in the “mainstream media,” enabling him to absent himself from the presidential debate and to refuse to participate in press conferences where he would have been subject to hostile questioning from journalists. The fact that Bolsonaro was stabbed and spent most of the election campaign hospitalized or bedridden at home gave a dramatic touch of saintlike “martyrdom” to his public image, and defending his candidacy became an act of faith to his supporters.

According to many of his supporters, Brazil faced a choice in the election between God and the devil. Many interviewees stated that, for them, the choice was between good and evil, dark and light, shadow and sunshine. Implicit in such a view is that some Brazilians are closer to God and some are further away. The line of delineation for many Bolsonaro supporters very closely coincides with the lines of racial discrimination running through Brazilian society, as described below.

The main political target of Bolsonaro’s campaign was the Brazilian Workers’ Party (PT), which had governed Brazil, under Presidents Lula and Dilma, from 2003 to 2016. In addition to criticizing the party for its supposed corruption, which is discussed more fully in other chapters, Bolsonaro

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attacked the social and economic policies of this government. Much of Bolsonaro's anti-PT rhetoric was steeped in the Cold War, McCarthyite language of anti-communism.

The PT governed as a center-left social democratic party. In trying to portray his opponents in the election as communists, Bolsonaro was clearly "tilting at windmills." Nevertheless, he maintained this discourse throughout the campaign, and it appears to have inspired his base and helped him emerge as the strongest candidate in the first round of the elections. His centrist opponents also spent much of the election attacking PT but were never able to mobilize similar levels of support for their campaigns. As Paulo Esteves and Monica Herz discuss, Bolsonaro frequently referred to Venezuela and Cuba as models of the society that the PT wished to impose on Brazil, and he "weaponized" this issue throughout the campaign. He also repeatedly branded the PT's quite modest programs for combating social and racial inequality as "communist." This narrative proved vital in enabling Bolsonaro to tap a deeper insecurity that stirred up prejudices long thought to be dormant in Brazil.

Most interviewees showed very little knowledge of Bolsonaro's economic and social proposals. This is not surprising since he has said very little on these topics himself; when he does mention them, he generally says that these are issues that his advisors, such as Paulo Guedes, will take care of. There is no coherent narrative around the economic policies that he is likely to pursue in power. Based on the interviews that I conducted, it seemed that Bolsonaro asked for, and was essentially given, a blank cheque by his supporters on these issues. This is not why he won the election.

Bolsonaro's supporters do, however, identify with his opposition to the main thrust of PT's social policies, particularly the introduction of Bolsa Família, land distribution for rural workers, the demarcation and protection of land for Brazil's indigenous people, support for women's equality, tolerance for the rights of lesbian, gay, bisexual, and transgender (LGBT) Brazilians, and the introduction of quotas for Afro-Brazilians in some jobs and in the provision of education.

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The Bolsa Família is widely recognized to be a highly effective and efficient poverty reduction program now being replicated in many other countries. It provided direct support to more than 13.7 million people in 2018 with a budget of only \$2.4 billion Brazilian reais (4 Brazilian reais are equivalent to about one US dollar). The program's popularity means that it would be difficult for Bolsonaro to attack it directly, although the view that many of its recipients are "undeserving" did form part of his discourse and was repeated by some interviewees during my research. Interestingly, some interviewees who expressed this view had themselves either benefited from the program directly or had family members who were receiving benefits from it.

Bolsonaro repeatedly and overtly attacked both the demarcation of indigenous land and PT's agrarian reform policies implemented in partnership with Brazil's powerful movement of landless workers Movimento Sem Terra (MST), which Bolsonaro describes as a "terrorist organization." He promised to open indigenous land up to mining and agribusiness, relax environmental laws and enforcement, merge the Ministry of Agriculture with the Ministry of Environmental Protection, and withdraw Brazil from the Paris Agreement on Climate Change. He said that where there is indigenous land, "there is wealth underneath it," and if it were up to him, all protections on indigenous land rights would be abolished.<sup>2</sup> Indigenous people should be "reintegrated into society" rather than "living in zoos" and would "have to bend down to the majority . . . [and] either adapt or simply vanish."

The LGBT community appeared as an election issue entirely because of a "fake news" phenomenon: it was claimed that the PT candidate Fernando Haddad had distributed a "gay kit," complete with a wooden phallus, to pre-adolescent school students.<sup>3</sup> Although there was no truth at all to this bizarre claim, it was repeated through social media, reaching millions of voters and subsequently discussed extensively in the mainstream media as well. The

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<sup>2</sup> Ernesto Londoño, "As Brazil's Far Right Leader Threatens the Amazon, One Tribe Pushes Back," *New York Times*, 10 November 2018.

<sup>3</sup> "Haddad nao criou o kit gay," *Exame*, 12 October 2018.

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fiction became fact in the minds of many voters and reinforced other prejudices and myths that informed their social and political outlook. Bolsonaro's previous statement that he would rather find out that a son of his had died in a car crash than be told that he was gay tapped into the preexisting prejudices of some voters who believed that homosexuality is a sin and perversion of God's commandments. Some interviewees stated that even if they had LGBT relatives whom they knew had suffered prejudice and discrimination, the onus was on them to "be discreet." While not condoning threats or violence against LGBT people, they explained that if such people "flaunted their sexuality," it would be their own fault if they suffered death or injury as a result.

Bolsonaro's misogyny also made women's rights into an election issue, as Márcia Tiburi's chapter on "gender ideology" discusses further. Bolsonaro made jokes about raping women, stated that women should earn less because they become pregnant, and explained that while he is proud of his four sons, he fathered his daughter in "a moment of weakness." His discourse is extremely sexist, coarse, and crudely macho, and the sexism often blends with racism as, for example, when he has said that his "well-educated sons" would "never date a black woman."<sup>4</sup> On another occasion he stated: "Look, the lighter Afro-descendant . . . They do not do anything! I do not think they are even worth procreation any more. More than \$1 billion a year is spent on them."<sup>5</sup>

Whether such statements cost Bolsonaro more support than they gained him remains a moot point. As mentioned, many of his supporters distanced themselves from some of his more crudely offensive statements, saying that he often "spoke without thinking" or "shot his mouth off." Machismo and homophobia are still prevalent in Brazilian society, and even some who do not share such prejudices might have sympathy with the "honesty" or "authenticity" of someone who would defy what they perceive as the

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<sup>4</sup> "Bolsonaro Harnesses Disillusion with Brazil's Traditional Politics," *Irish Times*, 22 September 2018.

<sup>5</sup> "How a Homophobic, Misogynist, Racist 'Thing' Could Be Brazil's Next President," *Guardian*, 6 October 2018.

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prevailing orthodoxy of “political correctness.” From the interviews, however, it is clear that Bolsonaro tapped into a far deeper layer of prejudice on an explosive subject, the continued and pervasive racial prejudice and discrimination in Brazilian society.

The most frequently cited criticism of PT’s social programs and policies among the interviewees concerned the government’s efforts to promote the upward social mobility of Afro-Brazilians through quotas in universities and some public appointments. There is a very well-constructed idea in Brazilian society that it is not the job of government to counteract the effects of discrimination on the basis of race, class, or gender. Positive discrimination is seen as interference in the “natural order” of society.

Bolsonaro voters were particularly hostile to quotas and complained frequently that this policy was “unfair to whites.” Many interviewees stated that they had heard friends say: “But now my son or daughter who has a better grade will be out of university, when a young black with a lower grade was accepted, and this is not fair.” Others stated that it was “unfair” that their children, or other family members, might have to compete in the future against Afro-Brazilians who would “benefit” from the quota system.

Interestingly, this claim was never made directly during my interviews. No one stated that they, or a family member, had been excluded from a place in school or a position as a result of quotas. Their complaint was directed at the “unfairness” of the policy. They considered that quotas had reduced the number of university places available to white people—although, in fact, the PT in government presided over a significant increase in the quantity and quality of public university education, so there are now far more university slots being offered than were previously available. Interviewees also said it was no business of the government to interfere in the “meritocracy” of public examinations to fill jobs and that programs promoting social mobility were at best a nuisance and at worst discriminatory. Some of the interviewees had themselves gained access to university because of quotas, but they were nevertheless critical of the system for new generations.

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Many interviewees stressed that they did not consider themselves to be racist and that they even “had black friends.” Their racist attitudes emerged more subtly and subliminally. Many would likely not have expressed themselves so overtly but for the fact that they felt more comfortable with me, a white woman, as the interviewer. Our shared “whiteness” was implicit in the interviews because it underpinned a set of assumptions that are key to understanding the grievances, privileges, and motivations of so many Bolsonaro supporters in the 2018 election.

The interviewees repeatedly stated that there is no structural racism in Brazil and that if Afro-Brazilians suffered disadvantage, it was their own responsibility to overcome it. The Brazilian state had no role or responsibility in “solving black people’s problems.” References to “black people” and “poor people” were often used interchangeably, and social programs and “positive action” were contrasted with “equal treatment” and “meritocracy.” A similar discourse can be found regarding the rights of indigenous people, who have also “benefited” from quotas in entering higher education. A strong underlying assumption of many interviewees was that “the poor” must prove they have the intelligence and motivation to work. They should be able to access education on their own merit and likewise find work and gain promotion through a free market.

Bolsonaro supporters actually hold slightly contradictory views on this issue. All the evidence shows that Afro-Brazilians and indigenous people suffer huge disadvantages compared to their white peers. White men and women have more schooling, higher incomes, and they earn more than black men and women do for the same activity (Medeiros and Galvão 2016). The data also show that Brazil is extremely segregated by race and class. This, however, is explained as the “natural order” of things. Interviewees made statements such as “If I can succeed on my own merits and hard work, so can they.” At the same time, there is a recognition that as Afro-Brazilians and indigenous people gain entrance to higher education, they are producing their own narratives and histories within the universities, especially in postgraduate

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studies. This has forced anthropology, sociology, history, and the sciences to rethink their place in the world. Indigenous people and Afro-Brazilians are no longer simply the objects of study in the Brazilian university system, but now also the subjects of speech.

Afro-Brazilian thinkers such as Milton Santos (2013), Sueli Carneiro (2011), Carolina de Jesus (1963), Lélia Gonzalez (1987), and others have articulated and denounced the deep racism and segregation in Brazil that excluded the black population from sharing the country's riches and participating fully in society. This epistemic change, which has largely been promoted through institutions of higher education, is understood but also resented. Interviewees expressed the view that talking about or writing about racism in Brazil would destroy the harmony of Brazil's "racial democracy."

Racism in Brazil is different from the racism exhibited in Europe because the origin of the Brazilian people is mixed and defining "pure white" is almost impossible. The origin of the Brazilian people lies in successive waves of colonization, first by the Portuguese, many of whom "married" indigenous women because of the chronic shortage of Portuguese women in the colony. Many of these marriages were forced and amounted to sexual enslavement, a "detail" often glossed over in the official narratives. The Portuguese brought slaves from Africa, and, again, significant interracial sex took place, although, again, most of this was nonconsensual. From the end of the nineteenth century, more immigrants came, principally from Italy, Spain, Germany, Poland, and Japan. Brazil has a significant Arab population and sizable numbers of many groups from across Asia, and this interracial miscegenation created the famous "racial melting pot" idealized by Gilberto Freyre.

Sérgio Buarque de Holanda, among others, has critiqued this image. He notes that Brazilian "friendliness" (*homem cordial*) is rooted in a self-image that often rests on hypocrisy (Holanda 1995). A Brazilian might go to church not so much out of religious faith as for the sake of appearances. Likewise, the Brazilian myth of "racial democracy" often marks deep-seated racism. The

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picture of harmony and coexistence between white masters and black slaves painted by Freyre masked a brutal and homicidal relationship in which black people were being systematically murdered, tortured, and robbed of their dignity.

Brazil did not abolish slavery until 1889 and was the last major country in the world to do so. Its abolition led to a rural exodus from the notorious coffee plantations. Brazil's population grew further as a result of large-scale immigration from Europe. Almost three million immigrants came to Brazil between 1887 and 1914. The First World War brought a temporary halt to the flow, but it began again in the 1920s. This immigration was strongly encouraged by the Brazilian government, partly to find substitute workers after the abolition of slavery and partly to "whiten" the population.

Maria Aparecida Silva Bento explains that there is a distinction between whiteness (*branquitude*) and bleaching (*branqueamento*) (Carone and Bento 2002). She argues that some Afro-Brazilians may try to "bleach" themselves by blending into "white" culture and society because of the problems that they face due to their "blackness." She notes how "whiteness" functions: "Either racial discrimination is denied and inequalities are explained by black inferiority, supported by an imaginary in which the 'black' appears as ugly, maleficent or incompetent, or racial inequalities, explained as a black inheritance of the period slave. In any case, studies are silent on whiteness and do not address the white inheritance of slavery, nor the interference of whiteness as a silent guardian of privilege." Bento notes that Afro-Brazilians have always been at the base of Brazil's social pyramid, while the elite at the top remain overwhelmingly white. This elite has systematically pursued policies of social exclusion, denying Afro-Brazilians access to education and health care, causing lower life chances and lower life expectancy, and subjecting Afro-Brazilians to homicidal policing policies. Afro-Brazilians are the overwhelming victims of both violent crime and the police's violent and ineffective response to that crime. In 2016, for example, there were 61,283

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homicides in Brazil, and 74.5 percent of the victims were Afro-Brazilians.<sup>6</sup> A young black man is killed every twenty-three minutes in Brazil, and Afro-Brazilians are incarcerated disproportionately to their number in the general population.

When confronted with these statistics, the Bolsonaro supporters I interviewed responded by citing the very high levels of violent crime in Brazil and the need for a “tough” response, echoing a central theme of Bolsonaro’s campaign. Slogans such as “the only good bandit is a dead bandit” and “human rights for right (i.e., good) human beings” have long dominated the populist discourse on crime and law and order in Brazil. Bolsonaro’s campaign, however, intensified these sentiments. Interviewees frequently implied that “if black people are the main victims of violent crime, it is their own fault.” While denying their own racism, they shared racist tropes and prejudiced clichés with me, a white woman. “Whiteness” was repeatedly identified with success, prosperity, and superiority; “blackness” with crime, violence, stupidity, and inferiority.

Bento argues that there is an unofficial agreement among white people to perpetuate the inequality between whites and blacks, but that “this process is a kind of pact, a tacit agreement among whites not to recognize it themselves as an absolutely essential part in perpetuating racial inequalities in Brazil.” Bolsonaro’s discourse appears to have been particularly effective in mobilizing his supporters in defense of this pact.

The discourse of Bolsonaro’s campaign is frequently racist, but it is often expressed in the context of “bleaching” described above. In one speech his running mate for vice president, the retired former general Antonio Hamilton Mourão, blamed Brazil’s failure to realize its full potential on the “indolence” inherited from its original indigenous population and the “dishonesty that comes from Africans.”<sup>7</sup> Yet when David Duke, the former grand wizard of the

<sup>6</sup> Ipea and FBSP, Violence Alerts for 2017 and 2018, Rio de Janeiro 2017.

<sup>7</sup> “Bolsonaro Harnesses Disillusion with Brazil’s Traditional Politics,” *Irish Times*, 22 September 2018.

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Ku Klux Klan (KKK) voiced his support for Bolsonaro, saying that he “sounds like us,” the Brazilian was quick to reject “any support coming from supremacist groups.”<sup>8</sup> Brazilians are “the most beautiful mixed race people in the world,” Bolsonaro tweeted, saying that the KKK would be “more consistent” in supporting his PT opponent, whom he claimed “loves to segregate society.”<sup>9</sup>

This illustrates a central paradox in the 2018 election and is crucial to explaining what motivated many of Bolsonaro’s supporters to vote for him. Racism rarely raised its head overtly during the election campaign, the outcome of which was also determined by a variety of other factors related to the deep economic crisis in Brazil and broader socioeconomic issues that have gripped the global economy since the financial crisis of 2008. Parties of the extreme right have seen a rise in votes in twenty-two European countries over the last twenty years (from 1997 to 2017), from 5 percent to 16 percent.<sup>10</sup> Trump’s election as president of the United States conforms to this trend.

Bolsonaro’s election should be seen in the context of broader global trends associated with the decline of traditional industry and stable employment patterns, the rise of neoliberalism and a consequent increase in inequality, a shrinking of the state, and the retreat of social solidarity networks (Bauman 2008). The traditional critique of capitalist society from the Left, as famously advanced by Eric Hobsbawm in his classic book *The Age of Extremes: The Brief Twentieth Century, 1914–1991*, showed how the political superstructures of the twentieth century emerged and organized around large cities, functionally divided between labor and capital (Hobsbawm 1995). The process was extremely violent with tens of millions dying because of conflicts, including two world wars, and democracy emerged triumphant, in at least some parts

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<sup>8</sup> “‘He Sounds Like Us’: David Duke, Former Leader of the Ku Klux Klan, Praises Bolsonaro,” *BBC News*, 15 October 2018.

<sup>9</sup> “Brazil’s Bolsonaro Says He Doesn’t Want David Duke’s Support,” *Bloomberg*, 16 October 2018.

<sup>10</sup> Andre Tartar, “How the Populist Right Is Redrawing the Map of Europe,” *Bloomberg*, 11 December 2017, <https://www.bloomberg.com/graphics/2017-europe-populist-right>.

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of the world, after vigorous disputes with authoritarian and totalitarian alternatives (Polanyi 2000).

By the 1990s, however, new economic, social, and ideological currents were emerging to challenge the by-now heterodox political assumptions. As Eatwell observes, the growth of the extreme Right has been part of a nativist response to a discourse that links globalization to uncontrolled immigration, the disappearance of traditional jobs, and the emergence of unaccountable elites (Eatwell 2003). These trends have all greatly exacerbated since the global financial crisis of 2008. The extreme Right's response to these phenomena has been to propose an "an anti-system discourse" that stresses "taking back of control" through radical limits on immigration and a strong notion of law, order, and morality (Corey 2018).

The Brazilian presidential election of 2018, therefore, conforms to broader global political trends, but does so in a particularly Brazilian manner. From my interviews I observed that the principal motivation of Bolsonaro supporters was the defense of "white privilege," which they variously identified as "superior values," "harder work," "more intelligence," and "closer to God." In contrast, they associated a "dark backwardness" with Afro-Brazilians, indigenous people, sexual minorities, poor people, criminals, and the political Left. Bolsonaro's campaign was seen as a "crusade" for the traditional order in which black people stayed in their *senzalas* and Brazil was returned to its white masters. What was proposed was nothing less than a recolonization of the country, and the imagery of violence, threats, and the rearmament of white supremacists should be seen in this context.

Bolsonaro won a democratic election, and democracy remains the best defense of human rights in Brazil. Only 39 percent of the electorate actually voted for Bolsonaro; the other 61 percent either did not vote or cast their vote against him. My research shows the motivation of many of those who voted for Bolsonaro: they sought to defend the privileges of white, male, heterosexual Brazilians. In framing our responses to a Bolsonaro government, however, we must ensure that the voices of Afro-Brazilians, indigenous

## **WHY DID BOLSONARO'S SUPPORTERS VOTE FOR HIM?**

people, women, sexual minorities, the poor, and socially marginalized are central to the debate. Those voices are emerging, and quotas, which have given so many current and future thinkers and writers access to higher education, have played an important part of this. We need to listen to these voices, understand the central role that racism has played in shaping contemporary political discourse in Brazil, and above all recognize that racial discrimination is a social construct built by my own ancestors, among others, to defend white privilege for over five hundred years. The denial of racism in Brazil is one of the greatest atrocities for perpetuating the cruelties of daily racism in Brazil. Racism is a form of colonization, and we must advance the decolonization of Brazil.

## 6. METAPHORS, MYTHS, AND “IMAGINARY VENEZUELA”: MANUFACTURING ANTAGONISMS IN THE 2018 ELECTION

PAULO ESTEVES AND MÔNICA HERZ<sup>1</sup>

“Is Brazil free from becoming the Venezuela of tomorrow?” asked Jair Bolsonaro in a tweet to promote a video he produced and directed, shortly before the 2018 election.<sup>2</sup> Time and again he repeated this question during the election campaign, warning voters that he was all that prevented a PT government from imposing the same “despicable and murderous ideology” in Brazil.<sup>3</sup> He often ended his speeches, tweets, and live messages with the catch phrase: “para não virarmos a próxima Venezuela” (“let us not become the next Venezuela”). He also openly identified with the most right-wing extremist Venezuelan exiles and associated himself with debates about a regime-change invasion of the country.<sup>4</sup>

Venezuela emerged as a theme in all the elections that have taken place recently in Mexico, Colombia, and Brazil. Various commentators in all three

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<sup>1</sup> This article was researched with the support of CNPq (National Council for Scientific and Technological Development of the Brazilian government) and FAPERJ (Foundation for the Support of Research of the state of Rio de Janeiro).

<sup>2</sup> “The New Venezuela? Brazil Populist Bolsonaro’s Scare Tactic Gains Traction,” *Guardian*, 11 October 2018.

<sup>3</sup> “Right Wing Venezuelan Exiles Hope Bolsonaro Will Help Rid Them of Maduro,” *Guardian*, 14 December 2018.

<sup>4</sup> *Ibid.*

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countries have linked left-wing candidates, such as Andrés Manuel López Obrador, current president of Mexico; Gustavo Petro, the left-wing presidential candidate in Colombia; and Fernando Haddad of the Brazilian Workers’ Party (PT), to the political model pioneered in Venezuela by Hugo Chávez. Even in the United States, this accusation was aimed at some Democrats during the midterm congressional elections of November 2018.

On the one hand, Venezuela functions as a negative model and a dystopia. On the other, policies toward the Venezuelan crisis became central in the debate on foreign policy. Everyone with access to news about Latin America knows that Venezuela is in the midst of a huge social, economic, and political crisis. The economy has shrunk by about 40 percent in the past four years, hyperinflation shows no sign of easing, poverty is widespread and increasing, and criminal networks are operating in the country on a huge scale. International refugee agencies report a massive flow of migrants and refugees from the country. Humanitarian agencies have rushed in emergency aid, but the crisis shows no signs of abating. Democratic institutions are clearly in disarray, and violent repression has become the norm.<sup>5</sup> This chapter does not deal with Venezuela’s crisis per se; instead, we interrogate how the presidential election campaign in Brazil incorporated an “imaginary Venezuela” and why this metaphor became an essential rhetorical tool during the process.

The electoral use of an imaginary Venezuela as a way to disseminate fear is not new. Nevertheless, some specific dimensions distinguish the way that it was used in the 2018 Brazilian presidential elections. First, the enactment of Venezuela’s negative image (presented as a dystopia) was part of a broader project to reshape Brazil’s identity. While “the family” was a source of national identity, an imaginary Venezuela became a source of antagonism. Venezuela became Brazil’s “other.” Second, this imaginary Venezuela was dragged into a geopolitical debate in which it was represented as a source of

<sup>5</sup> For details see “La OEA y la crisis venezolana: Luis Almagro en su labirinto,” *Council of Hemispheric Affairs*, 2 March 2017; and Michael McCarthy, “The Venezuela Crisis and Latin America’s Future: Toward a Robust Hemispheric Agenda on Democratic Stability,” *Latin American Program Wilson Center*, March 2017.

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instability or even as a threat. This new spatiotemporal amalgam (dystopia and geopolitical threat) generates a powerful metaphor that provides a way to order and understand the world, or, in our case, a way to understand what was at stake during the 2018 election.

Finally, there is a dimension that makes the Venezuela metaphor particularly distinctive (and troublesome). The problem with metaphors and representation, in general, is that they are context-dependent (Ankersmit, 2002). The metaphor about Venezuela was enunciated in the midst of a refugee crisis at the Brazil-Venezuela border and after a series of diplomatic moves in which the post-2016 Brazilian government took an increasingly critical stance against the government of Venezuela under President Nicolás Maduro. It also took place in the context of what appears to be an ongoing and serious discussion within the administration of US President Trump about the possibility of military intervention in Venezuela for the purpose of regime change. As discussed further at the end of this chapter, it seems unlikely that Brazil would directly involve itself in an illegal invasion of Venezuela. Nevertheless, a Bolsonaro-led government could seriously undermine Brazil's long-established respect for international law and its tradition of nonintervention or interference in other countries' internal affairs if the current crisis in Venezuela escalates further.

### **Manufacturing Antagonisms**

Democracy institutionalizes social antagonisms, transforming political parties into competing contenders (Mouffe 2000). Democracy is an antagonistic condition: democratic institutions are built under the shadow of irreducible social antagonisms that may be mobilized and erupt at any time. The rise of populism is often related to these disruptive events when social demands exceed the limits imposed by democratic institutions, reinscribing the antagonistic other within the social. Hence, populism is rather neutral regarding specific political programs. It is a way to articulate social demands that democratic institutions cannot meet (Laclau 2005).

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Populism follows a two-pronged logic that creates the conditions for building up the people as a political subject. First, it operates throughout a chain of equivalences that cements many subjects into one empty being, the “people.” Second, it mobilizes a logic of differentiation that generates the people’s “other”: the threat to its own existence, its enemy. Of course, these two logics are intertwined, and their entanglement brings the antagonism back into the democratic regime.

The uneasiness with populism is due to this interplay between equivalences and differences out of which antagonisms emerge. Furthermore, this process contains a negative dynamic that can transform the equivalences between differences into an identity. Populism opposes the political system and the political establishment. It also manufactures the “people” through exclusion, pointing to those who do not belong. That is why populism invokes vague notions, such as “heartland,” as a mobilizing force (Taggart 2000). “Heartland” alludes to a sense of normality and authenticity easily contrasted with a perception of corruption and conspiracy. Moreover, as the populist movement shrinks the political space, articulating a political subject (us, the people) and its other (them, the elites), it produces the possibility of fixing enmity in a given object, a pseudo-concrete figure (Zizek 2006). Of course, ethnic and religious groups are preferential candidates for the enemy position. Nevertheless, for contemporary populists the “elites” or the political establishment are the low-hanging fruit. While the “people” pursue the common good, “elites” are always seen as self-serving and, therefore, as a corruptive force (Müller 2014). In addition, there is always the possibility of blaming a coalition between the “elites” and the “underdogs,” those who benefit from social programs and thus support the establishment of such programs.

That was precisely the case during the recent Brazilian elections. Under the ruins of a political system devastated by “lawfare” against Lula and “Lulismo”—a political movement based on social inclusion without threatening the status quo (Singer 2009, 2013)—a far-right movement has managed to reshape the identity of the “people” through an opposition between “us”

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and “them.” Facing a growing legitimacy gap and paralysis of the political system and taking advantage of the perception of overarching disenfranchisement, the “alt-right” built its own bid from outside. Instead of relying on political parties, the media, or organized social movements, Bolsonaro’s campaign followed an identity-making pattern in which the opposition between “us” and “them” played a major role.

This pattern has expressed itself in three dimensions: people, movement, and representation. The first dimension, the production of the “people,” identifies the family as the Brazilian heartland. The Left is portrayed as a threat to “family values.” The family, faced by the antagonistic “other,” only intervenes politically to protect itself from politics. The second dimension is related to the way the concept of the “people” is articulated and mobilized. While this notion is sustained by the pre-political ideal family, its articulation as a political subject takes place through the differentiation from its antagonist “other”—that is, those forces who foment fragmentation and the dissolution of “family values.” Indeed, the “people” is articulated as a political subject through the fabrication of its enemy and dissemination of antagonisms between the two. The need to reform the political system from outside, to protect the core Brazil, makes the “people” a political subject.

The third dimension, the representation of the “people,” relies on the military and Christianity—de facto powers that support and defend “family values” and were allegedly outside the political competition and, therefore, nonpartisan.<sup>6</sup> These institutions are seen as representatives of the authentic Brazil. Although the alt-right movement is not completely averse to the idea of representation, it appeals to a substantive understanding of representation (representatives of the whole nation) instead of a parliamentary and pluralistic one (representatives of different political positions). This trend manifests itself in the way that Bolsonaro—as president rather than candidate—has chosen his ministers. Instead of building a political coalition based on parties, he erected a coalition based on specific interests.

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<sup>6</sup> On the role of family, religions, and military in the 2018 elections, see Nobre 2018.

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The “us-and-them” discourse also relies heavily on metaphors to manufacture antagonism.<sup>7</sup> One specific metaphor has been particularly influential in this debate is “cultural Marxism.” The creation of this term may be traced back to the references to “cultural bolshevism” in Nazi propaganda. It was resurrected more recently by the mass-murdering Nazi Norwegian terrorist Anders Behring Breivik, who used it to justify his savage gun and bomb attacks in 2011. In his so-called manifesto he specifically referred to “cultural Marxism” as a way to identify the enemies of white supremacists around the world. Distinguishing between economic and cultural Marxism, the metaphor suggests that with the defeat of the former, the proletariat was replaced by minority groups who now enjoy supposed privileges in relation to the indigenous white population (particularly white working-class men) (Jamin 2014). This nonsensical metaphor withstands little interrogation but has become extremely influential in subsequent debates about freedom. The rise of the war on “cultural Marxism” by alt-right forces may well be related to extreme social fragmentation, growing disenfranchisement, and the decline of “common sense.”

The argument’s flaws do not affect its efficacy. In Brazil, “cultural Marxism” was blamed for all sorts of problems: from gun-control and violent crime to the alleged decay of “family values.”<sup>8</sup> Bolsonaro’s supporters used the term as a catchall to include PT and the wider political establishment, minority groups, the poor, and left-wing teachers and professors who were allegedly indoctrinating their students. As Márcia Tiburi, Vanessa Castro, Sérgio Costa, and Renata Motta have shown in separate chapters of this book,

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<sup>7</sup> Rather than being mere rhetorical tools, metaphors are cognitive strategies that tell us “what things are like” (Ringmar 2008). Metaphors relate different signifiers and merge different utterances. That is why metaphors are particularly useful for providing foundations for sociopolitical orders. Representing the state as a family or as a body are two common ways to forge unity and draw politics’ boundaries.

<sup>8</sup> The metaphor of cultural Marxism was utilized in his presidential election manifesto “O Caminho da Prosperidade: Proposta de Plano de Governo” (“The path to prosperity: Proposals for a plan of government”): “In the last 30 years cultural Marxism, and its derivatives like Gramscism, united the corrupt oligarchs to undermine the values of the nation such as the Brazilian family.”

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it was a highly effective strategy. We argue here that “imaginary Venezuela” has proved a similarly powerful and omnipresent metaphor.

### **Venezuela As a Metaphor: Beyond Foreign Policy**

Brazil and Venezuela did not have relevant bilateral relations until the Amazon Treaty of Cooperation of 1978 was signed and relations between the two countries acquired strategic importance. The common experience of economic problems in the 1980s, involving inflation, low growth rates, and international debt, and the transition to democracy in Brazil created a favorable environment for the approximation between the two countries. The Guzmania Protocol signed by Presidents Itamar Franco and Rafael Caldera established the first political mechanism for consultation and a high-level commission for discussion of a broad agenda including energy, commerce, transport, communications, and development.

This cooperation deepened with the election of Chávez as president of Venezuela in 1998. Since the beginning of his tenure, Chávez showed interest in establishing closer links with Latin American countries. He pioneered new forms of bilateral cooperation with Brazil under both Presidents Fernando Henrique Cardoso and Luis Inácio Lula da Silva (Nunes 2011). Chávez was always a controversial and polarizing figure, both in Venezuela and beyond. He was reelected with an increased majority in 2000 and then again in 2006, when he received 60 percent of the total votes cast. Rising oil prices funded a huge increase in spending on social welfare programs, and there is no doubt that, at least initially, he enjoyed high levels of popularity. He faced down an attempted coup d'état in 2002 and implemented sweeping changes to economic and social policy while essentially rewriting Venezuela's constitution.

The first election of Chávez in 1998 began what some commentators referred to as a “pink tide” in Latin America that resulted in the election of a number of left-leaning governments throughout the region, including in

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Brazil, with Lula’s election in 2002. Although all of these new governments were recognizably on the political left, they differed from one another in important respects, with Chile, Argentina, Uruguay, Bolivia, Ecuador, and Nicaragua all pursuing their own distinct political trajectories, as did Brazil.

Lula and Chávez’s common concern with social issues and broad sympathy on some international relations issues enabled them to pursue a close relationship, involving several mutual visits. Since 2005 Venezuela and Brazil designed several joint projects in strategic sectors such as energy and transport, although many of these never came to fruition. The economic links between the two countries became more intense, to the point that for some analysts Venezuela was becoming dependent on Brazilian imports (Jácome 2011). But the differences and tensions in their relations were also clear throughout PT’s thirteen years in government. Indeed, alongside the cooperation there was a clear and barely disguised dispute between the two governments regarding their claims to “leadership” within South America.

Chávez and Lula adopted very distinct postures regarding international geopolitics and sources of investment. Venezuela, under Chávez, nationalized vast swathes of the economy, seized private property, and clamped down on political dissent. Brazil has maintained a mixed economy, with a completely free press and a strict adherence to all democratic norms. Chávez repeatedly changed Venezuela’s constitution to allow him, in effect, to rule in perpetuity. Lula stepped down after his constitutionally prescribed two terms in office.

Chávez was reelected president of Venezuela for his fourth term in 2012, although by then the collapse in world oil prices was triggering serious economic problems in the country. He was due to be sworn into office in January 2013, but health problems forced a postponement of the ceremony, and he died of cancer in March 2013, to be replaced by Maduro, his chosen successor. Lula, who had by then stepped down from the Brazilian presidency, sent a personal message of support for Chávez in the 2012 election, and after his death he sent

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a similar endorsement to his successor President Maduro in 2013.<sup>9</sup> Dilma's government also backed Venezuela's accession to Mercosur in 2012.<sup>10</sup>

Brazilian Social Democratic Party (PSDB) critics of Lula's foreign policy had long attacked his South-South diplomacy in general and the goodwill he expressed toward leftist governments in the region in particular. This was initially done on pragmatic grounds, suggesting that Brazil should concentrate on cultivating its links with the Europe Union and the United States rather than building an independent foreign policy. These criticisms became much sharper, however, following the death of Chávez and the accession of Maduro to the presidency. As Venezuela plunged into crisis, neoliberal critics increasingly portrayed PT and Chávez as co-thinkers. Leading PSDB politicians, such as Senator Aécio Neves and former president Fernando Henrique Cardoso, used the term "Lulismo" (initially invented by Lula's critics from the left) as a variant of Bolivarianism (the radical left-nationalist ideology that Chávez had applied to his own explicitly revolutionary movement).<sup>11</sup> The neoliberal charge against PT moved from a critique of its foreign policy to an accusation that the real objective of Lulismo was to turn Brazil into Venezuela or Cuba.

As the political and economic crisis in Venezuela deepened, there have been various attempts to mediate a settlement between the government and opposition, and Brazil has been part of these diplomatic efforts. Pressure has also been applied in order to change the positions of the Venezuelan government. The Meetings of Consultation of Ministers of Foreign Affairs, the General Secretariat, the Permanent Council, and the Inter-American Commission on Human Rights (IACHR) were the bodies of the Organization of American States (OAS) that systematically monitored, reported, and presented recommendations to the OAS members regarding the "Venezuelan

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<sup>9</sup> "Nicolás Maduro Invokes Memory of Hugo Chávez before Venezuela Election," *Guardian*, 12 April 2013.

<sup>10</sup> Simon Romero, "With Brazil as Advocate, Venezuela Joins Trade Bloc," *New York Times*, 31 July 2012.

<sup>11</sup> "Declaração do senador Aécio Neves (MG)," *Itamaraty*, 27 August 2018.

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crisis,” particularly since 2010. The United States has also banned most loans to Venezuela and, together with the European Union, applied targeted sanctions against particular individuals in the Venezuelan government.

While the political crisis in Venezuela worsened between 2014 and 2016, the official foreign policy of Brazil was to continue to insist on a negotiated solution. The Group of Friends of Venezuela, which was founded in 2003 and includes Brazil, the United States, Spain, Chile, Mexico, and Portugal, has consistently aimed to negotiate a solution to the internal crisis based on respect for Venezuela’s sovereignty. But while the PT governments maintained official relations with their Venezuelan counterparts, the Brazilian opposition, particularly the Bolsonaro family, increasingly linked with the most radical sections of the Venezuelan opposition who were calling for external intervention to force first Chávez and then Maduro from office.

Brazilian government policy changed significantly in 2016 after the ousting of Dilma from the presidency and her replacement by Michel Temer. President Maduro condemned Dilma’s impeachment as an unconstitutional coup d’état, and President Temer adopted a mutually antagonist position toward Maduro’s government. In August 2017, the new government of Brazil—joined by Argentina, Paraguay, and a reluctant Uruguay—engineered the suspension and subsequent ouster of Venezuela from Mercosul. On 31 October 2017 diplomatic relations between the countries were frozen. Thereafter, governments in the region have tried to persuade the International Criminal Court to open investigations into crimes against humanity that they allege have been committed against the Venezuelan opposition, with a view to bringing charges against President Maduro.<sup>12</sup>

The Lima Group, created in 2017 by Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, and Peru, has been trying to isolate Venezuela diplomatically and financially and push the government into a political transition that would restore

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<sup>12</sup> Dave Graham, “Latam Nations, Canada ask ICC to probe Venezuela government,” *Reuters*, 26 September 2018.

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democratic institutions. But a new option is now being openly considered by US President Trump: military action. In November 2018, John Bolton, his new, hardline national security adviser, promised to confront Venezuela, Cuba, and Nicaragua, whom he dubbed “Latin America’s troika of terror,” which appears to deliberately echo similar language used by the US administration under President George W. Bush to justify the invasion of Iraq without UN Security Council approval in 2003.<sup>13</sup> Since Bolton served in the Bush administration as US ambassador to the UN and was a prominent supporter of the invasion of Iraq, it is unlikely that this choice of words was coincidental.

In January 2019, the speaker of the Venezuelan national assembly, Juan Guaidó, declared himself to be president of the country. He was promptly recognized as such by Trump in the United States and Bolsonaro in Brazil, as well as by Canada, Colombia, Chile, Peru, Ecuador, Argentina, Paraguay, and Costa Rica. Russia and China, however, reinforced their position that Maduro remained the legitimate head of state, and this position was also backed by Cuba, Bolivia, and Mexico. Venezuela’s armed forces also restated their loyalty to President Maduro’s government. The decision has polarized opinion across the world and brings the threat of external military intervention significantly closer.

### Venezuela as the “Ultimate Threat”

From 2014 onward, as the internal politics of both countries polarized, “imaginary Venezuela” took on an increasingly important symbolism in Brazil’s own political debates. Bolivarianism and Lulismo have been portrayed as ideologically linked movements that threaten Brazil’s democratic institutions. Venezuela under both Chávez and Maduro was associated with a backward populism (or *caudillismo*) and increasing authoritarianism. A pragmatic and principled criticism can, of course, be made that Brazilian foreign policy under the PT showed too much latitude toward human rights violations in Venezuela and that ideological considerations prevented Brazil

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<sup>13</sup> Josh Rogin, “Bolton Promises to Confront Latin America’s “Troika of Tyranny,” *Washington Post*, 1 November 2018.

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from giving sufficient consideration to the unnecessary reputational and economic risks this posed. But this is quite different from arguing that the PT wanted to turn Brazil into Venezuela.

Rhetoric is often underestimated in political analysis, as the use of the metaphor of “imaginary Venezuela” in Brazil’s political struggles shows. We are neither opposing an alleged literal meaning against a metaphorical one, nor taking for granted a referential theory of meaning. On the contrary, a metaphor has a productive function, establishing divisive lines, ordering the political space, and constituting subjects.<sup>14</sup> Venezuela became part of a transnational threat to democratic institutions in Brazil through a metaphor that redrew Venezuela’s boundaries to encompass the entire region. The longer the actual humanitarian crisis in Venezuela lasts, the more potent the threat of “imaginary Venezuela” becomes, because the physical risks associated with the spread of its contagion become ever more apparent.

The 2018 presidential elections in Brazil were a crossroad of two different processes. On the one hand, as described above, the radicalization of an authoritarian project was carried out by conservative forces and embodied in the “cultural Marxism” metaphor. On the other, a fraction of the neoliberal opposition in Brazil became radicalized as they considered sacrificing the democratic process for the sake of market-oriented reforms. During Lula’s presidential terms, neoliberal criticism, endorsed by the mainstream media, denounced the Chávez regime as authoritarian and Lula’s policies toward the neighboring country as ideological. During Dilma’s first term, and particularly during the 2014 presidential campaign, neoliberals started to present PT as a constitutive part of the Bolivarian project in the region and as a transnational threat to democratic institutions.

Meanwhile, for the alt-right exponents of the threat of “cultural Marxism,” “imaginary Venezuela” fitted a broader ideological narrative. Bolsonaro’s campaign rehashed the old Cold War domino theory, long since abandoned by

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<sup>14</sup> On metaphors and political analysis, see Carver and Pikalo 2008.

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serious political commentators, which maintained that communists were planning to topple governments one by one throughout Latin America. “Imaginary Venezuela” linked Bolivarianism and Lulismo to the supposedly “Marxist governments” of Cuba, Nicaragua, Bolivia, Argentina, Uruguay, and Ecuador—as well as to *narco-traffic* and left-wing guerrillas, such as the FARC in Colombia.

PT had clearly governed as a moderate social democratic party while in office for thirteen years but was now recast as part of a vast international conspiracy aiming to seize power in the region and turn Latin American countries into “narco-communist” regimes. The Foro de São Paulo (São Paulo Forum), an annual international symposium of left-of-center parties in Latin America, which PT had established back in 1990, was seized upon as evidence of shadowy links between these subversive forces. An article in *Veja*, Brazil’s biggest-selling magazine that takes a strongly anti-PT editorial position, for example, described the forum as “Brazil’s biggest enemy.”<sup>15</sup> Bolsonaro’s presidential election manifesto, *O Caminho da Prosperidade: Proposta de Plano de Governo* (The path to prosperity: Proposals for a plan of government), went even further. It stated that crack cocaine had entered Brazil via the communist FARC guerrillas in Colombia, which is not true, and that a million Brazilians had been killed since the first meeting in 1990 of the Forum of São Paulo, as if the two were causally connected, which, of course, they are not.

Bolsonaro’s campaign drew on the metaphor of “imaginary Venezuela” during the 2018 presidential election in two distinct ways. On the one hand, Bolsonaro repeated, ad nauseam, that Haddad, his PT opponent, would inflict on Brazil the economic and political disarray and pain that Venezuela was suffering. One report calculated that Venezuela came third in the list of issues that Bolsonaro raised in his campaign, beaten only by his discourse on corruption and violent crime.<sup>16</sup> Haddad, Maduro, Chávez, and Castro’s images

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<sup>15</sup> “Conheça o Foro de São Paulo, o maior inimigo do Brasil,” *Veja*, 15 February 2017.

<sup>16</sup> “The New Venezuela? Brazil Populist Bolsonaro’s Scare Tactic Gains Traction,” *Guardian*, 11 October 2018.

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were fused in Bolsonaro’s campaign literature in a single vision of a dystopic future where family values would be defeated by a transnational conspiracy.

On the other hand, Bolsonaro repeatedly verbally attacked refugees fleeing from the humanitarian crisis in Venezuela. More than 2.4 million Venezuelans have fled to other Latin American countries in recent years, and Brazil’s 1,360-mile border with Venezuela, which runs through the Amazon rainforest, became an increasingly used escape route. According to the UN high commissioner for refugees, Brazil is now home to 85,000 Venezuelan migrants, most of whom are concentrated in the northern state of Roraima.<sup>17</sup> Echoing the antimigrant discourse of other populist politicians in Europe and the United States, Bolsonaro repeatedly referred to the actual crisis in Venezuela as a source of instability on Brazil’s northern border, particularly as a corridor for migrants and criminals.

The flow of refugees to Brazil is very small compared to other Latin American countries. Nevertheless, it took some time for the federal government, and in particular the army, to organize the reception. Residents of Roraima—Brazil’s poorest and least populated region—have complained that the newcomers are competing for scarce jobs and overwhelming the local health system and social service networks. As a result, in August 2018 residents in the town of Pacaraima rioted, attacking an informal settlement and chasing migrants back into Venezuela. Bolsonaro seized on the crisis to ally himself with the grievances of the rioters. In contrast with the approach of the UN and humanitarian agencies, who advocate the integration of migrants and refugees, including schooling for children and job opportunities for adults, Bolsonaro has said that the migrants should be confined to camps and kept away from local people. In interviews, he has characterized the Venezuelans entering Brazil as “the poorest” of the migrants and complained that Brazil “already has too many problems.” He has framed

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<sup>17</sup> ACNUR/OIM, “Número de refugiados e migrantes venezuelanos chega a 3 milhões,” UNHCR/ACNUR, 9 November 2018, <https://www.acnur.org/portugues/2018/11/09/numero-de-refugiados-e-migrantes-venezuelanos-chega-a-3-milhoes/>.

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migration as a national security issue and complained that Brazil “cannot be a country with open borders.”<sup>18</sup>

As described above, Bolsonaro and his son Eduardo Bolsonaro produced and directed a twenty-six-minute video called “Venezuela: An Alert for Brazil” that went viral on YouTube. Eduardo stated in one interview:

We must prevent Brazil from becoming a Venezuela. During the last 14 years with the Workers’ Party in the government Brazil became politically closer to Venezuela and their regimes alike. But for their own people there was no benefit, on the contrary. We see that the situation of the Venezuelans is worse every day, they die of hunger and they are completely hopeless. And with the two countries very close, the risk of Brazil also sinking into a recession is great. This is what we are going to avoid, that the crisis coming from a regime like that of Maduro ends up generating an even worse [one] in Brazil.<sup>19</sup>

Bolsonaro’s family ties with the opposition in Venezuela dates from 2017. Eduardo Bolsonaro flew to the northern border of Brazil to meet Venezuelan refugees during one of his father’s campaign events. He was accompanied by Roderick Navarro, a right-wing Venezuelan exile, who had supported a failed military coup against the regime the same year. Navarro leads a political group called Rumbo Libertad, which the mainstream Venezuelan opposition has dismissed as “a small extremist sect” intent on replacing one dictatorship with another.<sup>20</sup> Nevertheless, Eduardo Bolsonaro donned a Rumbo Libertad black Tshirt for the event. After the election, in a campaign video to celebrate

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<sup>18</sup> Benjamin N. Gedan and Nicolás Saldías, “If Brazil Elects Bolsonaro, Venezuela’s Migration Crisis Will Get Even Worse,” *World Politics Review*, 17 October 2018.

<sup>19</sup> Arlaine Castro, “Eduardo Bolsonaro fala sobre aproximação com os EUA,” *Gazeta Brazilian News*, 30 November 2018.

<sup>20</sup> “Right Wing Venezuelan Exiles Hope Bolsonaro Will Help Rid Them of Maduro,” *Guardian*, 14 December 2018.

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Bolsonaro’s victory, Navarro claimed that this was also a victory “for the resistance, for those of us who are fighting for our freedom.”<sup>21</sup>

### After the Metaphor

“Imaginary Venezuela” served as a metaphor at a particular moment in space and time during Bolsonaro’s election campaign, which allowed him to merge a dystopic future and a geopolitical risk in a single utterance. But what would he actually do in a real crisis?

Although he has professed sympathy for those fleeing from President Maduro’s Venezuela, Bolsonaro’s repeated rhetorical attacks against migrants and refugees suggests that he will try to make Brazil’s asylum and immigration policies considerably harsher in the future. Beyond this, however, his policy prescriptions are vague, and he released no details of new immigration proposals during his campaign.

Bolsonaro has tweeted that Brazil’s policy toward Venezuela “WILL change” and vowed to “do whatever is possible to see that government deposed.”<sup>22</sup> His son, Eduardo, stated in one interview that his father would sever all ties and refuse to recognize the Venezuelan government, as well as “play tough,” by backing US-led sanctions against it.<sup>23</sup> He has also suggested that the crisis could be dealt with by an investigation led by Brazil’s new minister of justice, Sérgio Moro, into alleged criminal financial connections between PT and Venezuela’s government, without advancing any evidence as to the existence of such links.<sup>24</sup>

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Simone Preissler Iglesias and Rachel Gamarski, “Brazil Should Shun Venezuela and Embrace Israel, Bolsonaro’s Son Says,” *Bloomberg*, 10 October 2018.

<sup>24</sup> Júlia Zaremba, “Bolsonaro’s Son Travels to the US to Strengthen Ties with Washington,” *Folha de São Paulo*, 27 November 2018.

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Both Bolsonaro and his son have repeatedly stated that the option of using force against Venezuela should not be discarded.<sup>25</sup> In October 2018, a Brazilian newspaper stated that the Colombian government had pledged to support Brazil if it sought to overthrow Maduro's government, although both governments quickly denied the report.<sup>26</sup>

General Hamilton Mourão, Bolsonaro's vice president, stated during the election campaign that "in one of the latest meetings of the army high-command, I said that our next peace operation would be in Venezuela."<sup>27</sup> He clarified that he was referring to the establishment of a peacekeeping operation after the fall of Maduro's regime rather than an invasion to depose it. In December 2018 he further stated that "it is the Venezuelans who must solve Venezuelans' problems."<sup>28</sup> In the same month, however, Ernesto Araújo, Bolsonaro's new foreign minister, called on "all of the world's countries" to "come together to liberate Venezuela."<sup>29</sup> Bolsonaro responded to Guaidó's January 2019 declaration that he had assumed the presidency of the country by tweeting that "Brazil will politically and economically support the transition process."

Most analysts have concluded that Brazil would be unlikely to act unilaterally in taking military action against Venezuela. Bolsonaro has, however, made strengthening ties with the Trump administration in the United States a key foreign policy priority, and, as noted above, President Trump has mused about US-led military intervention to promote regime change in Venezuela. Given Bolsonaro's strong support for Trump's other foreign policy pronouncements, there is considerable doubt about how the Bolsonaro government would react if a US-led multinational military intervention were to take place.

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<sup>25</sup> "Filho de Bolsonaro conversa com grupo que quer banir comunismo na Venezuela, *Estado de São Paulo*, 18 June 2018.

<sup>26</sup> Sylvia Colombo, "Colômbia sugere aliança com Bolsonaro para derrubar Maduro," *Folha de São Paulo*, 29 October 2018.

<sup>27</sup> *Globo News*, Entrevista com Mourão, Hamilton.

<sup>28</sup> Fabio Victor, "O Vice a Cavalô," *Piauí*, December 2018.

<sup>29</sup> "Liberate Venezuela from Maduro Urges Bolsonaro Ally," *Guardian*, 16 December 2018.

## 7. SOCIAL CLASSES AND THE FAR RIGHT IN BRAZIL

SÉRGIO COSTA AND RENATA MOTTA<sup>1</sup>

The election of Jair Bolsonaro as president of Brazil forms part of a global wave in which the extreme Right secured important electoral victories, such as the election of Donald Trump in the United States, the rise of the Alternative for Germany (AfD) party in Germany, and the growth of far-right populist groups across Europe. These neoconservative forces appeal mostly to white, male, lower-middle-class voters with less-qualified jobs, who feel threatened by the process of economic globalization and unprotected by national policies. They express their angst and experience of lack of rights in contexts of rising income inequality and the implementation of neoliberal policies by voting for the Far Right. The right-wing politicians provide a narrative with culprits for their lost position—the “other”—which, according to the context, assumes racial, cultural, class, and gender ascriptions (Hochschild 2016).

While these patterns are also discernible in Brazil, support for Bolsonaro was actually higher among the *established classes*, not the lower middle class.<sup>2</sup> We argue that to understand the rise of the extreme Right, one must look at the social and political changes during the governments formed by

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<sup>1</sup> This chapter builds on and expands previous work that has been published in Costa 2015.

<sup>2</sup> “Datafolha de 25 de outubro para presidente por sexo, idade, escolaridade, renda, região, religião e orientação sexual,” Globo.com, 25 October 2018.

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the Workers' Party (PT) between 2003 and 2016. Indeed, one of the main drivers of Bolsonaro's campaign was *anti-petismo*—that is, the construction of the PT as the “other,” as the culprit behind the country's maladies.

What are the changes associated with the PT governments that the voters of the extreme Right opposed? We will examine the shifts in the social structure and power positions associated with the PT governments against which Bolsonaro mobilized voters, in addition to his use of the banner of anticorruption. Between 2003 and 2013, PT governments implemented a successful double strategy that maintained an orthodox economic policy while strongly expanding social spending. Brazil's GDP grew 64 percent, poverty was cut in half, the minimum wage increased by 75 percent in real terms, and millions of new formal jobs were created every year.<sup>3</sup>

Since 2014, however, Brazil has faced a political and economic crisis, generating recession, lower formal employment, and higher household debt. While corruption investigations paralyzed the political system, the GDP annual growth rate fell from 7.6 percent in 2010 to 0.1 per cent in 2014 and contracted further by 3.5 percent in 2015 and 3.6 percent in 2016. In 2017 Brazil's GDP grew by only 1 percent, and analysts expect growth of 1.3 to 1.6 percent for 2018, showing that it will take a long time to return to pre-crisis levels. President Dilma Rousseff was removed from office in August 2016 for allegedly violating budgetary accounting laws. In April 2018, former president Lula, the most charismatic political leader in contemporary Brazil, was sentenced to twelve years of imprisonment for alleged corruption. Vice President Temer, who assumed the presidency in April 2016, was suspected of corruption and was not able to reestablish political and economic stability.

Thus, in the political public sphere a deep rift emerged between those supporting *anti-petismo* and those who argued that *anti-petismo* aims to preserve privileges of the elites. This chapter explains this new situation by

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<sup>3</sup> Ricardo Bielschowsky, “O modelo de desenvolvimento proposto por Lula e Dilma,” *Brasil Debate*, 26 September 2014, <http://brasildebate.com.br/o-modelo-de-desenvolviment-to-proposto-por-lula-e-dilma/>.

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combining socio-structural and political power analysis. We argue that the election of the far-right candidate Bolsonaro represents the culmination of a distributive conflict combining different vectors of social inequality.

### *Approaching Brazilian Social Structure*

Drawing on classical and contemporary attempts to reconcile Marxist and Weberian analysis of social structures and especially on Kreckel (2004), we can identify at least five vectors that are crucial for structuring social hierarchies in contemporary Brazil:

1. *Material wealth*, including property, means of production, income, and other assets that can be converted into money.
2. *Positions in hierarchical organizations and socially valuable spaces*. This includes both ranks in the labor sphere and positions in social life that, following the “meritocratic ideology”, are linked to prestige, power, and compensation. Particularly relevant are leisure spaces (recreational clubs, concert halls, and the like) and contexts for consumption of goods and services (shopping malls, airports) in which discretionary criteria for access (economic or informal) are applicable. Consequently, limiting access to such spaces represents a form of social closure.
3. *Socially valued knowledge*. This includes skills required in contemporary capitalism (usually degrees and titles) that are translated, for statistical purposes, into *years of schooling*. In Brazil, the extremely heterogeneous quality of education functions as an instrument of social closure, as the socially more valued education received by the wealthiest guarantees them better positions in the social hierarchies (Quadros et al. 2013). Furthermore, social networks play a crucial role in the transition from education to work life.
4. *Access to exclusive associations*. These are formally or informally established associations that guarantee privileges to their members (Weber 1992 [1956]; Kreckel 2004). In Brazil, class privilege intersects with the social categories of race, ethnicity, and gender.

5. *Existential rights.* Hierarchies in existential guarantees correspond to the “unequal allocation of personhood, i.e., of autonomy, dignity, degrees of freedom, and of rights to respect and self-development” (Therborn 2013, 49). The significant percentage of the population working in the informal sector without any labor guarantees, the systematic violation of civil rights by state and private actors, and unequal access to justice justify addressing the existential hierarchies as a separate dimension of the existing inequalities in Brazil.<sup>4</sup> Rights violations particularly affect black and indigenous populations, women, people in the LGBT community, and youth.

The positions within the hierarchy based on possessing or having access to each of these five features determine (at least generally) the classes and strata in Brazil. They also define fairly clear groups based on ethno-racial categories (Guimarães 2002; Costa 2017). Gender hierarchies are not, however, equally applicable. While men commonly have larger incomes, participate more frequently in exclusive associations, and hold advantages in hierarchical organizations, women have more years of schooling. As for existential rights, while black and poor men are preferential victims of police violence, women are more affected by domestic and sexual violence (IPEA 2015). Without implying an entire overlap of strata arising from these vectors, they nevertheless define a vertical system of social structuring that is reasonably consistent with the vectors of inequality. Thus, the stratum with the fewest material resources occupies the lowest position in all other dimensions of inequality.

### **Social Structure in Brazil: Recent Changes**

The five vectors of inequality guide the identification of social strata whose upward or downward mobility help explain the crisis: the *poor*, the *outsiders (newcomers)*, the *established* (middle class), and the *millionaires* (Table 1). These positions reflect the entanglements between the local, national, and

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<sup>4</sup> Strictly speaking, one would have to include a sixth vector of inequality—the socioecological inequalities. This chapter does not consider this sixth dimension, given the difficulties in estimating its impact on the social structure.

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global, as well as intersections between hierarchies of class, gender, and race/ethnicity.

### *The Poor*

The poor are those who occupy the lowest positions in the social hierarchies. Accordingly, they live below the poverty line, depend on social aid and other social transfers, and hold the least valued jobs, such as domestic labor. There had been a significant improvement in their income: 36.4 percent of the population was poor or indigent in 2002, falling to 13.3 percent in 2016 (CEPAL 2017). Yet, since 2016 poverty has clearly grown again (FGV 2018).

This population mostly benefited from the sustained increase in minimum wage, on which social benefits are indexed. The program Bolsa Família covered 85 percent of the targeted poor, especially benefiting rural populations where (extreme) poverty prevails. In 2013, the constitutional Amendment 72 granted formal labor rights to domestic workers, regulating maximum working hours and mandating time to rest and extra pay for night shifts. This transformed their precarious working conditions and benefited mostly women and black populations. However, during the Temer administration (2016–2018), a constitutional amendment froze social spending on health and education, and the recession stopped the increase in minimum wage. A labor reform cut workers' rights in 2017, and the negative impact of pension reform proposed the same year would have particularly affected women and the poor.

If one considers *years of schooling* to measure the knowledge vector, between 2003 and 2013 the poorest 40 percent of the population increased an average of 1.5 years, reaching 5.9 in 2014, while the richest 20 percent added close to one year, averaging 10.8 years (IBGE 2015). Not only did the situation of the poor improve, but the distance in years of schooling between the poor and the rich also decreased. However, especially since 2016, cuts in social programs limited the educational upward mobility of the poor.

As to *exclusive associations*, there is no reason to believe that the poor gained new forms of special access to goods or socially coveted spaces.

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Nevertheless, poverty reduction was slightly higher among blacks and women, which indicates a lower impact of the exclusive associations of whites and men on inequality (IPEA 2015).

The expansion of social and housing programs and the formalization of labor relations represent a considerable broadening of the *existential rights* of the poorest during the PT administrations. At the same time, however, the homicide rate continued to increase. There were 553,000 violent deaths between 2008 and 2018, with the poorest regions showing the highest increase (IPEA and FBSP 2018). There were also age, race, and gender differences. Homicides accounted for 56.5 percent of deaths among men aged fifteen to nineteen in 2016. While death rates decreased by 6.8 percent for non-black individuals, among blacks it increased by 23.1 percent. Between 2006 and 2016, the murder rates for black women were 71 percent higher than for non-black women, and femicides increased by 6.4 percent, reaching 4.5 per 100,000. Moreover, indigenous women were more victimized in states like Roraima, considered the most dangerous for girls and women in Brazil. According to the first national survey on victimization, 14.3 percent of the population suffered violence against the *person* in the past year, especially the youth (20 percent), the poorest from class E (23 percent), women, and blacks.<sup>5</sup>

### *Outsiders (Newcomers)*

The term “outsiders” is not a self-ascription. It refers to an “established-outsider” figuration (Elias and Scotson 1994 [1965]) when formerly poor people move upward socially, laying claims to spaces and goods previously reserved for those in the established class.

As to *wealth*, according to Neri (2012), an impressive number of at least 39.6 million Brazilians transitioned from being poor to being “the new middle class”<sup>6</sup> between 2003 and 2011. The consumer power of this contingent

<sup>5</sup> *Datafolha/CRISP/SENASP*, Pesquisa Nacional de Vitimização, 2013.

<sup>6</sup> In line with a rhetoric adopted by international organizations (World Bank 2013) and by the PT, Neri (2012) uses the expression “new middle class” to celebrate the income.

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explains the enormous access to durable consumer goods observed in the last decade, broadly sustained by the expansion of credit (Lavinias 2016).

Regarding *knowledge*, the outsiders benefited since 2003, when enrollment at institutions of higher education jumped from 3.9 million to 7.3 million (MEC 2014). The expansion of their university attendance is due, *inter alia*, to the quota system for blacks, indigenous people, and lower-income groups at public universities as well as grant and loan programs such as PROUNI and FIES for study at private institutions. Since budgetary cuts in 2014, however, the FIES program went from benefiting about 732,000 students in 2014 to only 223,000 in 2016 (Kuzuyabu 2017).

Yet, *schooling* does not guarantee higher positions in the labor market. Because of the labor market structure and the limited “social value” of their certificates, even outsiders with degrees continue occupying less-qualified jobs (Scalon and Salata 2012, 397; Quadros et al. 2013). Nevertheless, if we consider the positions in *hierarchical social spaces*, the increase in the outsiders’ consumer power shifts their position within these spheres formerly dominated by the established.

Regarding *exclusive association*, there is no evidence that the outsiders created organizations which guarantee them any privileges, yet the reduction of gender and racial disparities in this segment reduced male and white privilege.

As to *existential rights*, the outsiders, like the poor, still suffer physical violence and discrimination. Moreover, the outsiders, who study at universities, also worked, accumulated debt, and had to cover larger distances by public transport. Despite increased consumption, the overall quality of life hardly improved. Notwithstanding this, the growing consumption power between 2003 and 2013 experienced by the newcomers and the poor seems to have increased substantially their self-esteem and existential confidence.

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improvements of groups that counted as the poor strata at the beginning of PT administrations. Later, different Brazilian social scientists criticized the rushed enthusiasm about the “new middle class,” pointing to the conceptual limits of basing a definition of classes only on income criteria (e.g., Scalon and Salata 2012).

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Accordingly, the economic losses suffered by these groups since 2014 have also represented existential losses.

### *Established*

The established middle class is the counterpart of the outsiders within an interdependent web as defined by Elias and Scotson (1994). As to *income*, this group includes those who already belonged to class C (four to ten minimum wages) and class B (ten to twenty minimum wages) in 2003. The established class saw significant absolute gains in *wealth* between 2003 and 2011 (Neri 2012; Pochmann 2014). Between 2011 and 2014, the number of Brazilians who belonged to classes B and C increased, as did their total income share. There was also a clear increase in property and other assets among the middle and high-income groups (Castro 2014).

The average number of years of *schooling* for the richest 40 percent grew by nearly a year between 2003 and 2013, reaching 9.4 years in 2014. The growing university attendance of the poor and newcomers resulted in a decline in participation among the richest in this group. In 2004, the richest 20 percent constituted 54.5 percent of the enrollments in public institutions and 68.4 percent in private ones; in 2014, this group constituted 36.4 percent and 40.9 percent, respectively.<sup>7</sup>

There is no evidence that the established middle class descended to inferior positions in the labor market during the PT administrations (Scalon and Salata 2012). Nevertheless, the loss of their positions from 2003 to 2013 is evident in socially segmented spaces such as shopping malls, airports, and leisure spaces, and in their labor relation to domestic workers. Since 2003, the increase in minimum wage and new labor rights challenged the model of the exclusive domestic worker at the employer's permanent disposal at an extremely low cost. Without their services, the established middle class must revise their family arrangements.

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<sup>7</sup> IBGE 2014.

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The relative efficacy of *exclusive associations* of the established for social closure diminished during the period from 2003 to 2013 because, even though they were rejected and ridiculed, outsiders and newcomers achieved greater access to those exclusive social spaces. Starting in 2014, the economic crisis led to economic losses among the established middle class, while their position in hierarchal social spaces increased as newcomers lost access to these spaces.

The established felt threatened in their existential rights in terms of victimization, as crimes against *property* are higher among those with more years of schooling and higher incomes. Among all car owners, 8.8 percent had their car stolen once, and 4.2 percent were threatened by violence during the theft; these crimes were experienced more often by the more educated (12.4 percent and 6.3 percent) and the richer (17.7 percent and 7.5 percent).<sup>8</sup> About 25 percent of people experienced the theft of their cell phones. Among those who had their phone stolen with violence, 69 percent were young, 66 percent were from class A, 59 percent had a high school education, and 58 percent were women.

### *Millionaires*

There is surely a certain sociological arbitrariness in treating the richest 1 percent as a specific class or stratum. However, their importance in international debates on inequality, the extraordinary percentage of wealth they appropriated, and their resilience to crises justify treating them as a separate group in Brazil. Their proportion of income reached 27 percent of the total; in contrast, in Europe the top 1 percent super rich appropriate less than 10 percent (CEPAL 2017). The concentration of wealth is even greater: the Gini coefficient for property and other assets was at 0.860 in 2006 and 0.849 in 2012 with little more than four hundred thousand tax payers (0.2 percent of the total population) concentrating about 47 percent of the total declared wealth in Brazil (Castro 2014).

The variations of *schooling* have remained slightly lower than the average rise of schooling among all Brazilians due to the previous high level of schooling of the rich.

<sup>8</sup> Datafolha/CRISP/ SENASP 2013.

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Even the loss of positions in *hierarchical social spaces* and the variations of the domestic labor market do not directly affect the millionaires, given the great social and even spatial distance between them and the outsiders and the established middle class—the average monthly income of the millionaires reaches almost one hundred times the minimum wage.

Informal agreements and criminal networks among politicians, parties, and large entrepreneurs have traditionally constituted an effective strategy for social closure, guaranteeing millionaires *exclusive associations*: privileged access to public funds through concessions in infrastructure projects, high interest rates, lending programs for “national champions,” subsidies for particular industries, and, above all, the absence of any major structural tax reform. Since the economic recession, the millionaires have faced material losses and losses in their access to the state and to politicians because of the Lava Jato investigation, as many prominent chief executive officers were arrested and sued. Indeed, as Eugenio Aragão discusses in chapter 3, PT governments strengthened the power and independence of public institutions, yet the party faced judicial and political consequences when caught in corruption schemes, which were exploited by the media with particular partisanship.

Finally, there is no indication of the reduction of *existential rights* for millionaires, although the increase of violence and public insecurity affects the whole society. Table 1 illustrates the shifts in the Brazilian social structure.

**Table 1. Changes in Brazilian Social Structure from 2003 to 2013 and since 2014**

	Wealth		Position		Knowledge		Exclusive Association		Existential Rights	
	2003–2013	Since 2014	2003–2013	Since 2014	2003–2013	Since 2014	2003–2013	Since 2014	2003–2013	Since 2014
The Poor	↑	↓	→	↓	↑	↓	→	→	↑	↓
Outsiders	↑	↓	↑	↓	↑	↓	→	→	↑	↓
Established	↑	↓	↓	↑	↑	→	↓	↑	→	↓
Millionaires	↑	↓	→	→	→	→	→	↓	→	↓

Legend: ↑: upward mobility; ↓: downward mobility; →: stability

## SOCIAL CLASSES AND THE FAR RIGHT IN BRAZIL

In short, between 2003 and 2013 the established, whites, males, and the middle class lost their power to exclude outsiders, women, and blacks due to inclusion policies and the upward economic mobility of the poor and the outsiders. The resentment of the established against PT during this period increased although their wealth improved, as described next. From 2014, when economic crisis started affecting all social groups, the discontentment with the PT spread, reaching the outsiders, the millionaires, and even sectors of the poor.

### **Conclusion: New Lines of Conflict and the Rise of the Far Right**

Lula was elected president in 2002 with a program emphasizing the fight against inequality. His votes were distributed across the country and among income groups, with impressive results in larger cities and among better-educated groups, which historically had been electoral bases of the PT. With his reelection in 2006, PT's electoral bases started shifting toward poorer groups, moving from the southeast toward the northeast and from larger to smaller cities. The party's discourse focused more on expanding the possibilities of consumption, individual social mobility, and the "new middle class." In 2018, the party revised its strategy by prioritizing the problem of social inequality; Haddad's program addressed a combination of class, racial, and gender asymmetries, and focused on the working class instead of "the new middle classes."

Yet, the recent power and social structure shifts in Brazil led to new lines of conflict between the different social groups. Already before 2013, the discourses and actions favoring the underprivileged were considered a threat to the established. Early on, some media began vocalizing their fears, constructing the discourse of the established as a victim left behind by PT governments. As one columnist in the notoriously anti-PT magazine *Veja* bemoaned: "Nowadays, the middle class is the real 'black' of Brazil: It pays abusive taxes, it does not use our terrible public services and is forced to assume its health, education and security costs alone. ... Let me

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remind you: Nobody protects the middle class, neither the state nor NGOs, churches . . . nothing.”<sup>9</sup>

The critique from the established has gained huge public resonance since the protests in June 2013. Although subsequent protests in 2015 and 2016 included reactions against Dilma’s impeachment, the social mobilization and politicization of the established against the PT prevailed (Singer 2018). An anticorruption discourse and new “patriotic” social movements, such as Movimento Brasil Livre (Free Brazil Movement) and Vem Pra Rua (Come to the Streets), mobilized for a smaller state, fewer taxes, and fewer social rights. The established who blamed the PT for their loss in class position and corruption in Brazil provided a social basis for critiquing Dilma. With a biased media coverage linking corruption more to PT than to any other party or government, the middle class developed both a feeling of hate toward PT and a more general rejection of the entire political system and the established parties in the name of “anti-politics.”

The *anti-petismo* movement also gained adherents beyond the middle class as the crisis directly affected the outsiders as well. Millions of newcomers lost their jobs and returned to poverty (Singer 2018, 30), and the former pride associated with increasing consumer power transformed into a feeling of disempowerment and indignation against politicians and institutional politics. This sensation seems to prevail among men because of the recent expansion of feminist ideals among popular classes, which causes men to experience a “loss of social protagonism and a sensation of destabilization of hegemonic masculinity” (Pereira-Machado and Scalco 2018, 57).

Millionaires adhered to *anti-petismo*, unsatisfied with Dilma’s inability to lead Brazil out of the economic crisis and with the restriction of their access to state resources. Temer’s administration was perceived as part of a political arrangement to which PT also belongs. When the electoral campaign of 2018 started, it was unclear who would be able to capitalize on these

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<sup>9</sup> “O movimento dos sem-bolsa,” *Veja*, no. 2020 (2007).

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political frustrations. Because Lula, despite being incarcerated, was leading the polls, it was possible that he could present himself as an antisystem candidate. After Lula's candidacy was disallowed, Bolsonaro, a retired army captain and member of the Brazilian parliament since 1991, convinced most voters that he could fix "all political errors" of his predecessors.

With his discourse against human rights filled with misogyny, homophobia, and racism, Bolsonaro exploited the scapegoat rhetoric that resonates most with the established, who are fearful of recognizing that the poor, women, blacks, and members of the LGBT community also have rights. With a military performance and discourse involving war on crime and implicit claims for extrajudicial "elimination" of supposed criminals, he addressed the feelings of insecurity among allegedly "decent people"—disregarding that the main victims of physical violence in Brazil are precisely the poor, black, women, and LGBT people. Finally, he won many who were fascinated by his "courage" to speak prejudices and insults as a protest against "the system"—what one newspaper columnist described as the "self-truth."<sup>10</sup> The early nomination of the ultra-liberal Paulo Guedes as his advisor and future minister of the economy assured Bolsonaro the confidence of the many millionaires who declared their support before the second round of the election.

The election of the extreme Right can be understood as a reaction to shifts concerning the five dimensions of inequality mentioned above. Although Bolsonaro won votes across all strata, there are important differences. According to the polls,<sup>11</sup> when we consider *wealth*, voting for Bolsonaro increased with family income. Haddad only won within the segment of those earning up to two minimum wages (49 percent versus 35 percent for Bolsonaro), while Bolsonaro captured 54 percent of the votes of those earning two to five minimum wages, 63 percent in the segment of five to ten minimum wages, and 62 percent of those earning more than ten minimum

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<sup>10</sup> Eliane Brum, "Bolsonaro e a autoverdade: Como a valorização do ato de dizer, mais do que o conteúdo do que se diz, vai impactar a eleição no Brasil," *El País*, 16 July 2018.

<sup>11</sup> Datafolha 2018.

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wages.<sup>12</sup> As to *knowledge*, Haddad won voters with basic schooling (48 percent versus 38 percent), and Bolsonaro won voters with secondary school (51 percent versus 36 percent) and high school (55 percent versus 34 percent). In terms of gender, Bolsonaro won more votes among men (55 percent versus 37 percent) compared to women (41 percent versus 42 percent). Clearly, the poor and part of the outsiders voted for Haddad, yet Bolsonaro achieved an enormous victory among the established middle class (millionaires are not measured as a separate group). Women, in contrast, were divided.

Based on our social structure and power analysis, we conclude that Bolsonaro was not elected to fix “all political errors” but simply to redistribute power, wealth, and prestige in favor of whites, men, millionaires, and, by chance, the established middle class. His first actions as Brazil’s president have consistently confirmed this prediction.

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<sup>12</sup> This is also reflected in regional differences in Brazil: the Northeast, with a higher proportion of poor, would have elected Haddad with the highest margin of difference over Bolsonaro than in any other region (70 percent versus 30 percent); the difference that Bolsonaro achieved was higher in wealthier regions: South (68 percent versus 32 percent), Center-East (67 percent versus 33 percent), Southeast (65 percent versus 35 percent). Source: Valor Econômico (2018).

## 8. THE POLITICAL CRISIS, THE JUDICIARY, AND THE DEMOCRATIC RECONSTRUCTION OF JUSTICE

GLÁUCIA FOLEY AND RUBENS R R CASARA

Brazil's formal redemocratization process, which culminated in the proclamation of the Federal Constitution of 1988, was the result of mobilizing various social movements to give normative force to fundamental human rights and guarantees. It was not by chance that democracy was conceived at this historical moment as capable of encompassing not only effective popular participation in political decision-making but also the realization of the material content of democracy. The role of the judiciary in this constitutional project was clearly understood to guarantee the rules of democracy and fundamental rights. Our new democratic justice system was meant to be literally that: a system that would protect the rights of the people against arbitrary state power and defend the powerless against the powerful.

Unfortunately, this process was frustrated because of the various political problems associated with our entrenched inequality and social stratification. The dominant paradigm continued to favor punitive policing and the use of force to resolve societal ills. Historical issues such as “slavery” and “dictatorship,” which were fundamental to explaining our present, were not welcomed by either the state or civil society and were reinterpreted to lessen their significance. State agents—especially

NOT FOR SALE OR  
REDISTRIBUTION

## IN SPITE OF YOU

members of the judiciary—revealed their authoritarian traditions, conservative profiles, and ideological dogmatism. Constitutional texts with what could have been innovative approaches to democracy, such as the “social function of property,” were interpreted timidly at best, through a sterile and reactionary lens. The democratic potential of the original texts was eventually transformed by their legal and judicial interpreters into backward-looking norms that preserved the status quo in the interests of those who hold political and economic power—that is, in the interests of the Brazilian elite.

The Brazilian judiciary, which carried out this constitutional interpretation, does not reflect the plurality of Brazilian society in terms of race, ethnicity, or social class. Its overwhelmingly white male face, which is discussed further below, is one of the most visible legacies of almost four hundred years of slavery, dictatorship, and stark inequality in Brazil. Despite its power, as a part of the Brazilian state, with immense potential strength and influence, the judiciary has proved itself incapable of promoting the rights of the majority of the population, and this inability is the root of the serious legitimization crisis it has subsequently faced.

In recent years, this legitimization crisis, evidenced by increasing popular criticism of the judiciary’s role and performance, has led some judges to seek short-term popularity by adopting a populist and punitive judicial bias, as discussed further by Eugenio Aragão in chapter 3. These so-called judicial populists appear to be motivated by a desire to please as many people—or businesses—as possible. This should be understood as a political response to the social and economic fallout of neoliberal rationality, which has led to everything and everyone being treated as negotiable objects.

The judiciary has also presided over what we describe as a “spectacularization” of its procedures, whereby the delivery of just and fair decisions, based on long-established constitutional norms and protections, has been replaced by public “spectacles” staged as part of a “crusade” against crime and corruption. Far from solving the crisis facing the justice system in Brazil,

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however, this response has deepened it. This chapter reflects on current responses, based on a critical analysis of the role of the judiciary in the worsening of the political crisis, and indicates possible avenues for the democratic reconstruction of justice in Brazil.

Given the current confusion and mystification surrounding the constitutional role of the judiciary, it is important to reaffirm the obvious. The primary function assigned constitutionally to the judiciary is to limit excesses of state power and guarantee respect for fundamental and constitutional rights rather than to combat crime and to impose public policies in the area of security. We seek to show in this chapter that the Brazilian judiciary has failed in this task.

### **The Political Crisis Is Also a Crisis of Justice**

The vagueness and imprecision that surrounds the use of the word “crisis” today is a function of its political use by adherents of neoliberalism. The word has lost its original meaning and has been used as an authorization to sweep away democratic limits to the exercise of state power. It is currently being used as part of a deliberate strategy, almost a “weapon of war,” for the growth of authoritarian thinking. It is, therefore, first of all necessary to unveil the undemocratic function that lies behind the discourse of the “crisis” facing the justice system, which some argue necessitates the relativization of fundamental human rights. Members of the judiciary, whose very function is to act as guarantors of fundamental rights, feel entitled to relativize or simply remove them when a “crisis” is evoked. The “crisis,” defined in a vague and imprecise way, has become a justification for arbitrariness and oppression.

As has been discussed in earlier chapters, in several cases the concept of a “crisis” in the Brazilian justice system has been manipulated to shore up the violation of fundamental rights and guarantees as well as of democracy itself. This has taken place by increasing the use of pretrial detention, curtailing procedural protections against unjust detentions, weakening the fundamental presumption of innocence, and interfering with the rights of defendants

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at all stages of the criminal prosecution process. Fundamental rights that had come to be thought of as insurmountable limits to capriciousness and tyranny, and that are enshrined in both the 1988 Constitution and the jurisprudence of national and international law developed since the Second World War, have been relativized by the judiciary using the discourse of “crisis” and the need for exceptional measures in exceptional moments.

This discourse, often mobilized in the name of “ethics” and the need to combat “corruption,” has in fact sought to remove guarantees against oppression in order to facilitate increased state power and greater market efficiency. While the main focus of this book has been on the political crisis in Brazil, this is part of a broader crisis in the justice system whose main victims are the poor, the young, Afro-Brazilians, and the marginalized. This can be seen in the spiraling increase in Brazil’s prison population, the appalling conditions of those prisons, and the continued use of excessive force with impunity by our police forces. Simply put, our justice system is failing to hold the powerful to account and failing to protect the rights of the weakest and most vulnerable. It has instead become an instrument of majoritarianism, whereby the “common sense” of public opinion, as interpreted by the media, has eroded fundamental human rights.

Judges committed to democracy who seek to protect, uphold, and realize fundamental human rights have attempted to deconstruct the discourse of this “crisis” within the scope of the justice system, through their own decisions and public statements. As a result, many have faced demonization by the mass media and punitive action through the judiciary’s own administrative procedures. The notion of “crisis” has thus been used as a way of governing, in the absence of democratic legal structures, while attempting to hide efforts to place the independent portion of the judiciary under ideological control.

The current political crisis in Brazil reveals here the promiscuity between economic and political power. From this—and from the relativization of democratic values, such as “truth” and “freedom”—Brazil has

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witnessed the reemergence of a punitive and inquisitorial “anger.” This has manifested itself in a variety of ways, including a selective bias with which the justice system has been operating in the political arena and a demonization of some political parties, as discussed in previous chapters. It has also manifested itself in growing judicial tolerance of misogyny and racism in public discourse and a rolling back of the rights of sexual minorities; the deconstruction of Brazilian labor law, and a “deification” of meritocracy, individual entrepreneurship, and competition rather than social solidarity, welfare, and protection.

The judiciary, as one of the spheres of the state, has also been one of the protagonists of this process. In recent years, the justice system has sought to recover its legitimacy under the shelter of neoliberal rationality. It has done so by adopting highly questionable procedures under the constitution and by aligning itself with a hegemonic narrative guided by sections of the right-wing populist media. The judiciary has presented itself as a solution to the “crisis.” It has offered itself up to those who believe that politics should be replaced by an “impartial” power without any popular control but with the strength to stabilize the economy and guide public policies. It has also sought to conform to those who demand a media-driven punitive system in which trials become public spectacles, capable of ensuring “victory over impunity,” rather than being what they should be: independent and impartial adjudicative tribunals, based on justice and due process. According to this view, the main function of the judiciary is to reinforce its own authority in regulating social life, supporting a stable economy, assuring public security, and maintaining the existing order.

In the field of criminal law, sections of the media, right-wing populist political parties, and some parts of the judiciary itself have constructed a new interpretation of reality in the public imagination under a supposed logic of the struggle between good against evil. This fits the same mold as the hegemonic theological conception in some Evangelical churches, discussed by Vanessa Castro and Márcia Tiburi in other chapters. Any voice that distances

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itself from this narrative, and instead stresses the need for the judiciary to preserve fundamental rights and guarantees, is demonized and automatically associated with the enemies of the “nation” who are “soft on crime” or “weak on corruption.” The premise is that society—formed by “citizens of good”—needs to be preserved, even if this involves a violation of constitutional rules and principles. Social problems, aggravated in moments of crisis, become a “police matter,” and the “pro-society” law allows for flexibility in overriding constitutional guarantees to ensure success in the fight against crime.

The Brazilian civil law system gives judges both the responsibility to oversee the investigative stages of a judicial process and ultimate adjudicative responsibility. Ensuring due process in this system is one of the most basic judicial functions, but increasingly this has been sacrificed by confusion between the “prosecution” and “judgement” stages, transforming the process into a rite aimed at the formal confirmation of the accusatory hypothesis (Semer 2018). The selectivity with which the Brazilian penal system operates reproduces the patterns of exclusion and structural violence against the poor and Afro-Brazilians, as well as against the perceived political “enemies” of the neoliberal project. All are transformed into “undesirables” in the eyes of those who hold economic power. The judiciary, as one of the institutions absorbed in the oligarchic tradition, adopts criminal policy without any critical effort. This reinforces social, racial, and political exclusions and maintains those deemed to be undesirable in what the Brazilian state has historically perceived as their predestined place: prison. This violence practiced by judicial bodies is based on social and racial inequality, derived from slavery, whose role constituted the formation of Brazilian society (Souza 2017).

The right-wing populist agenda of the Brazilian justice system has manifested itself in three main ways:

- An artificial construction of popular support for a campaign promoted by the public prosecutor’s office to collect signatures for an initiative providing new legal instruments to combat corruption by diminishing the rights of defendants within the criminal justice system

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- Flexibility in enforcing or overriding constitutional guarantees, as in the case of imprisoning defendants before final judgment, despite this being explicitly prohibited by Article 283 of the Criminal Procedure Code
- The use of the criminal system to produce political-electoral effects, such as the “spectacular” use of coercive questioning and other criminal procedures against certain defendants and the “timely” announcement of judicial proceedings with significant electoral implications

### **Judiciary: From Democratic Hope to Agent of Post-democracy**

Law, understood as both a normative system and a set of theories and practices, often presents itself as an obstacle to social transformation (Montreal 1988). In producing the norm to be applied to a particular case, legal actors are (or should be) guided by legal texts, which are cultural products shaped by the dominant and conservative values in the context in which they were produced.

The application of the law, which is always a creative process, is conditioned by the tradition in which it is interpreted and the person doing the interpretation. Even when national laws have been drafted to be fully in line with international human rights standards, their application will be compromised if those charged with interpreting them distrust the notion of liberty, favor the use of force by the police, and are not fully reconciled to democracy.

The authoritarian judicial tradition in Brazil was not significantly disrupted after the country’s formal redemocratization with the 1988 Constitution. Brazil has a long tradition of substantial inequality and strict social hierarchy, one of the legacies of slavery that still has a profound impact on our society. Judges, prosecutors, and lawyers who served under the military dictatorship remained in the justice system after the formal redemocratization of the country, with the same values and the same beliefs.

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The courts had continued to function during the dictatorship, and judges had continued to hand out sentences against opponents of the military regime, despite its well-known use of torture and its other human rights violations. Those same judges remained in place after the return to democracy and continued to oversee the criminal justice system. The police forces also remained in place with no personnel changes and no accountability for crimes committed during the military era. The abusive use of force by the police, which influenced the application of the law during the dictatorship, continues largely unchecked in our democracy.

The hierarchical structures of the Brazilian justice sector have also remained largely unchanged. The selection, competition, and promotion systems are still deemed to be “internal matters” for these agencies, which also contributes to the reproduction of values and practices from the past. Even when these bodies consider themselves to apply the rule of law neutrally, they are interpreting it through their own conservative values.

The importance of state agencies in the Brazilian justice system substantially increased after the Second World War. The judiciary, in particular, came to be presented as the state body in charge of guaranteeing the democratic rule of law, characterized by rigid limits to the exercise of power in order to avoid barbarism. It did not work. The democratizing tendency of the constitution was ignored. And, in a short time, the limits that characterized the democratic state were relativized. Post-democracy was installed.

It is not possible, therefore, to think about the performance of judges and other legal actors disassociated from the tradition in which they operate. There is a historical and ideological relationship between the process by which Brazilian society was formed and the practices analyzed here. A tradition marked by colonialism and slavery—in which legal knowledge and positions in the judiciary were used to impose the heirs of the ruling class on society without any form of democratic control—was created. The justice system was impregnated by a patriarchal and patrimonial ideology that

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excluded those with little social power and that created a confusion between the public and the private sphere.

The hope placed in the justice system as an arena that would guarantee democracy faded quickly after the return to democracy in the 1980s. The separation between the expectations of those seeking justice and the actual effects of legal actors in the democratic environment grew. In order to respond to the growing demands, agencies of the justice system resorted to a pragmatic politics that sometimes makes use of technical expedients to decontextualize conflicts and deny rights, and sometimes employs typical authoritarian instruments to keep order.

As the space in which the judiciary is acting grows through “judicial activism,” political space is diminished. This has led to an increase in the influence of judges and courts in Brazilian life, a phenomenon related to the crisis of legitimacy of all state agencies. The justice system has become a privileged locus of political struggle. By distancing themselves from the population, the judiciary and public prosecutor’s office are increasingly seen as agencies in the service of those holding power and wealth. Democratic segments of the population do not recognize the justice system as an instrument for building democracy; in contrast, conservative actors applaud judges and other political agents who act from an authoritarian epistemology. It is not surprising that a portion of the mass media constructs a representation of the “good judge” from their prejudices and from their uncompromising view of democracy. The media has a crucial role in “fixing” meanings and strengthening ideologies, thus shaping public opinion through the construction of the social imaginary.

The increasingly conservative tendencies of some actors within the justice system and their adoption of practices explicitly linked to political actors on the “new Right” have brought the ethics of neoliberal rationality into the justice sector (Dardot and Laval 2016). To see how far the system violates the rights of the accused, one only need consider the large number

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of people being held in pretrial detention in order to induce them to accept plea bargains.

Neoliberalism is a way of seeing and acting in the world that is appropriate to any conservative and traditional ideology. The neoliberal project is presented and sold as a policy of innovation, of modernization, if not of rupture with old practices. Neoliberal propaganda, with its magical and revolutionary formulas, is captured by the popular imagination as the new reference point for transformation and progress. Neoliberalism, however, proposes changes with the purpose of restoring an “original” and “pure” situation, where capital can circulate and be accumulated without limits (Laval 2018). Neoconservative movements therefore appear fundamental to the neoliberal project because authoritarian control of the unwanted population is required to “compensate” for the perverse (and destructive) effects of neoliberalism.

Neoliberal rationality also changes expectations about the judiciary itself. The belief in a power committed to realizing fundamental rights and guarantees disappears. The judiciary, in the light of neoliberal reason, merely gives legal endorsement to market expectations or serves as an instrument of control over both the poor, who have no power of consumption, and people identified as political enemies of the neoliberal project. Democracy is undermined by this type of judicial activism directed at restricting human rights in the name of market efficiency.

### **The Constitutional Role of the Judiciary**

As stated above, the task of the judiciary is neither to combat crime nor to implement public policies in the area of security. Its constitutional function is to protect fundamental rights and guarantees against abusive state power. The relevance of its contramajoritarian role demands that there be no compromise or subservience to majorities.

It is true that the judiciary is sometimes called upon to represent the demands of civil society where the legislature has failed to fulfill

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this function. This was the case, for example, with the legalization of gay marriage in 2011, and this could also potentially happen with the decriminalization of abortion. However, this representation does not have the same lineage as the political representation proper to formal democracy, whose majority dictates the “rules of the game.” In this sense, in specific situations, the Supreme Court has constitutional authorization to counter hegemonic voices, provided that its purpose is to affirm the constitution materially.

In fact, in these argumentative spaces both the Supreme Court and society have the opportunity to promote plural dialogues with competing narratives, the reciprocal convincing and the formation of convictions. It is imperative, however, that whenever there is an outcry in society, issues precious to democracy—such as imprisonment after second-instance conviction—be put on the agenda based on transparent criteria. As Fabio de Sá e Silva discusses in chapter 2, the Supreme Court’s handling of this issue in the case of former President Lula remains deeply controversial and divisive in Brazilian society. As one of the pillars of the democratic state of law, the judiciary has the duty to collaborate with the country’s redemocratization, starting with its democratic reinvention.

### **The Democratic Reinvention of Justice**

The democratic deficit of the judiciary is an expression of the tradition in which legal actors are inserted into the reproduction of authoritarian practices and the adhesion to neoliberal rationality. A “legal Right” has emerged, along with legal caricatures repeating neoconservative mantras on social media. In view of this situation, competing narratives and projects are needed as instruments in the political struggle for the conquest of hegemony.

While recognizing the need for democratization in many other fields of law, we emphasize here the deficit of democracy that reveals itself in three dimensions that challenge profound transformations. They are (a) a profile of the magistrates, (b) the criminal system, and (c) access to justice.

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### (a) Magistrates should reflect the population and engage in dialogue with society

It is, first of all, necessary to democratize access to the career of the judiciary—as well as the public prosecutor’s office and the public defender’s office—so that the justice system can represent all segments of Brazilian society. Affirmative action mechanisms must be implemented so that the underrepresented segments of the Brazilian population have the same opportunities to access legal careers and so that those judging the rest of society should more adequately reflect the profile of those being judged.

According to data from the “Justice in Numbers” survey of the National Council of Justice (CNJ), 64.1 percent of judges are men compared to 35.9 percent who are women, and 80.9 percent are whites compared to 19.1 percent who are Afro-Brazilians or indigenous people. Given that Afro-Brazilians and indigenous people make up more than half the population of Brazil, white men dominate the ranks of the judiciary while making up significantly less than 25 percent of the population as a whole. Judges are primarily drawn from the ranks of the most privileged classes in Brazil and live lives that are very privileged when compared to most Brazilians. Judges who have never had to travel by public transport, never suffered harassment or discrimination because of the color of their skin, and never lived with the threat of forcible eviction from their home can have little instinctive empathy with the ordinary people who appear before them and over whose lives they have such power and influence.

This underrepresentation is even more significant at the top of the judiciary, which is overwhelmingly dominated by white men from privileged backgrounds. Aggravating this underrepresentation is the lack of transparency in the appointment process and choice of nominees, which makes it difficult for society to analyze the criteria used to determine promotions and career advancement. The appointment process for a democratic judiciary should include consultation with civil society over all senior judicial appointments to all upper courts in Brazil.

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The judiciary must also be constantly open to dialogue with social organizations and universities so that the discursive spheres that permeate judicial decisions do not merely reproduce the dominant ideology but result from plural and socially inclusive narratives. Universities—arenas with a natural vocation for the debate of ideas, free of any coercion or censorship—can play a strategic role in this regard. In addition to being spaces devoted to the debate of fundamental rights, departments of law should ensure that students receive experiences beyond the classroom as part of their training to become future legal professionals.

As our famous singer, songwriter, playwright, and poet Chico Buarque once put it, “Our own pain does not appear in a newspaper.” Law professionals will rarely find solutions to this pain, in all its complexity and contradictions, in legal textbooks or in academic discourses and doctrines. It is necessary to understand the world through the eyes of real people in real society with all its plurality and multifaceted nature. Law students should receive mandatory training on human rights as part of their compulsory curriculum that stresses humanism, empathy, citizenship, and social solidarity. A judge grounded in the democratic tradition of dialogue with differences will always be willing to open the doors of the judiciary to mediate issues with a significant social impact, such as those involving a reintegration of tenure. Engaging with social movements can never be a punishment. Rather, judges should desire to disengage themselves from their palaces and seek to understand reality through eyes other than their own.

**(b) The criminal system should institute a policy for the release and social inclusion of “undesirable” people**

Brazil has developed a bad habit of formulating public policy through the penal code. Too often when social problems are reported in the media, the “common sense” of public opinion focuses on criminalizing the conduct and punishing the supposed perpetrators. Everyone appears to be satisfied: the representatives of the state demonstrate efficiency by acting quickly and

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rigorously, and the population feels protected and “avenged.” But what gets lost from the discussion is the formulation of sustainable and systematic institutional solutions that will actually tackle problems at their root cause. As a result, while other countries in the world are closing down prisons and seeing reductions in crime, Brazil is heading in the opposite direction.

While this short chapter does not provide sufficient space for analyzing such a complex issue, the results of these policies are clear enough in the exponential increase of Brazil’s prison population. There are now well over seven hundred thousand prisoners in Brazil, of whom around 35 percent are being held in pretrial detention (World Prison Brief 2018), and the numbers are continuing to grow rapidly.

In 2011 CNJ conducted a national review of the cases of the five hundred thousand prisoners in Brazil. It found that over thirty-six thousand prisoners were being detained unlawfully, and over seventy-two thousand were being held in excessively high levels of security in relation to the prison sentence that they received. This means that over one hundred thousand people—one in five people in the prison population—were suffering violations of their fundamental rights to liberty and human dignity (Foley, C 2011). The review also found that across the country people were being detained in inhumane conditions, which violated Brazil’s own laws and constitution, as well as international human rights standards. At the time, around 40 percent of these prisoners were being held in pretrial detention, not yet convicted of any crime.

There have been various initiatives of judicial system agencies since that time to implement custody hearings and ensure that imprisonment is used only as a last resort. As the statistics show, the proportion of pretrial detainees has fallen ever so slightly; while this is to be welcomed, it is overshadowed by the stunning increase in the absolute number of prisoners that continue to be crammed into our massively overcrowded prisons. As Fiona Macaulay notes in chapter 4, the criminal justice policies of our new government could increase these numbers even further.

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The judiciary's task is to reflect on the mechanisms of the prison system "gateway" and whether prisons are fulfilling their legally required functions of rehabilitation and reintegration or have instead become mere social dumping grounds. The punitive escalation of Brazilian penal policy is not merely an expression of the political choices of the state organs; it is also related to the loss of social solidarity and the rise of judicial populism. The selectivity of criminal law operates as an efficient state mechanism in the containment, exclusion, and even elimination of undesirable individuals—based on race, class, and political discrimination (Casara 2017).

Those who oppose the intensification of criminal penalties seek instead the rescue and improvement of penal alternatives by fostering restorative practices that promote accountability rather than punishment, by creating community mediation practices capable of transforming each citizen into a peace-promoting agent, by strengthening the movement for disarmament, and by decriminalizing the use of drugs. Such measures, which will undoubtedly trigger the mass release of a very specific social segment—the young, the black, and the poor in the periphery—will challenge the implementation of a comprehensive and efficient policy to promote the social inclusion of those emancipated from the correctional system.

### **c) Mechanisms for accessing justice should be expanded inside and outside the judiciary**

Ensuring that access to justice is universal requires a double movement. On the one hand, there is a need to overcome the explosion of lawsuits filed by the institutions that colonize the judiciary—governments, banks, and telephone companies, which cry out for the state to support the economy. On the other hand, the significant exclusion of the poorest sections of the Brazilian population has to be faced, given the numerous obstacles that impede access to justice. The poorer the citizen, the less their access to the system, as they tend to know less about their rights and therefore have more difficulty recognizing a problem that affects them as a legal problem (Sousa Santos, et al 1996).

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In this sense, the search for universal access to justice must increase the channels that ensure access to the formal system, whenever necessary, alongside mechanisms that limit the demands that colonize and inflame the judiciary. But that's not all. Although indispensable, the inclusion of the excluded and the search for efficiency within the system are not sufficient for the universalization of access to justice. Judicial democratization demands the "dejudicialization" of life by enlarging the locus and means for achieving justice. Society must be able to manage resources to promote people's rights and to fulfill their needs through collaborative processes that reconstruct the social fabric, empower individuals, and generate social emancipation, all the while protecting the vulnerable against coercion. For this, we need democracy to be practiced locally by individuals who build their social, work, and affective relations throughout their lives.

Faced with the limitations of formal democracy, it is necessary to refund politics as the space for the art of conducting the polis, a process in which all citizens must be intensely and directly involved. Although representative democracy serves legitimate interests—free elections, universal suffrage, and freedom of thought—it has limitations for promoting an ethically and materially democratic society. "Democratizing democracy" requires adopting participatory social practices at the community level in order to foster new forms of political deliberation. The dialogue between both sides of democracy—representative and participatory—will generate the democracy of the future (Sousa Santos 2002).

The concept of community used here includes all groups that, contrary to the individualism of neoliberalism, share a "common unity" in the most diverse spheres: rural, urban, religious, territorial, virtual, family, school, sexual, and artistic, among others. At its core is the idea of shared identity, with potential to develop social cohesion through popular mobilization and involvement with local problems and solutions.

The degree of social cohesion—which does not exclude diversity—is based on the combination of several elements: a sense of belonging and

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reciprocal recognition, commitment and responsibility for community interests, conflict management, and access to material, social, and cultural resources. At the local level, it is possible to construct participatory democracy and a feminist and emancipatory justice (Foley, G 2018) through a communicative action practiced in public spaces geared to the exercise of autonomy, cooperation, mutual care, and individual and collective empowerment.

This, moreover, is the ideology of community mediation, which is not only a technique of conflict resolution but also a transformative practice through which the community appropriates resources that generate social emancipation, distancing this strategy from colonizing approaches that use either repression or dependency.

### **Conclusion**

There will be no full restoration of democracy without a democratic project clearly aimed at promoting justice, either in the exercise of the organs that make up the justice system or in the political arenas of daily life. The crisis of the justice system is not one of authority, but of alter-ness. Because of its relevance for a civilizing project that contemplates plurality, freedom, affection, dignity, and solidarity, the judicial system must be called upon to participate in the process of its democratic reinvention.

## 9. THE FUNCTIONALITY OF GENDER IDEOLOGY IN THE BRAZILIAN POLITICAL AND ECONOMIC CONTEXT<sup>1</sup>

MÁRCIA TIBURI

In his inaugural speech on 1 January 2019, newly elected president Jair Bolsonaro vowed to “liberate” Brazil from “socialism,” “gender ideology,” and “political correctness.” The following day a video emerged on social media of his new minister for women, families, and human rights, Damares Alves, an Evangelical lay preacher, leading a chant of “boys must dress in blue and girls must dress in pink.” When questioned about this on the next day’s television news, Alves explained that it had been a metaphor for her government’s opposition to “gender ideology.”<sup>2</sup> This, she explained, was a doctrine perpetrated by some academic thinkers which posited that children are born “gender neutral” and can later choose their own sexual identity, depending on the cultural context, such that girls should not be called girls and boys should not be called boys. This doctrine, she claimed, was being forced on children in schools, causing huge confusion for both parents and

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<sup>1</sup> Translated by Pedro Henrique Peres. This chapter is based on an article that originally appeared in *Revista Nueva Sociedad* (Portuguese), July 2018.

<sup>2</sup> “Entrevista com a ministra Damares Alves de Direitos Humanos,” *Globo News* JN10, 3 January 2019.

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children in Brazil. President Bolsonaro had, therefore, promised to combat “gender ideology” and the indoctrination of children in schools.

The term “gender ideology” has only come to prominence in very recent years, although its roots go back further. In this chapter I question what I call the “functionality of the gender denial discourse” in the context of the socioeconomic and political system of Brazil. I argue that, it is a false debate and that the expression “gender ideology,” has been used to promote the non-critical repetition of a fallacy that needs to be disassembled.

### Locating the Problem

Each and every fallacy is inserted into speech, discourse, language, and writing with an objective, hidden or not, of achieving symbolic power. Through the fallacy of “gender ideology,” the term “gender” is treated as something abstract, and the aspects of its foundation related to the history of oppression of women and intersexual subjects are erased. The fallacy of “gender ideology” has a moralizing character that depends on the support of those who intend to deploy it against women’s minds and bodies. Churches exert this “function of power” structurally and institutionally over the subjective and objective lives of people in present-day Brazil. Biopower (Foucault 1988, 2008)—that is, the power of control over life—has always been exerted by churches over thinking and acting in everyday life and over public space. The church has historically claimed this right based on a conception of spirituality that served mostly for its own maintenance. In our present day, the relationship between the church and this spirituality has been increasingly trespassed upon by other forms of power within capitalist society, which has lessened the ideological hold of spirituality based on automatic deference to the church’s teachings.

The term “gender ideology” establishes a link between systems of class oppression, gender oppression, and the little analyzed “religious oppression” by placing gender in the center of a debate in which it makes no sense abstractly. In the expression “gender ideology,” there is a brutal inversion of

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meaning by placing an excessive moral importance on gender, which is an analytical category, not a moral one. We should analyze this inversion from the moral play contained in the fallacious proposition of a “gender ideology.”

In recent years, a profusion of websites and social network pages have arisen that claim the term “gender” is being transformed into “an ideological concept which tries to annul the natural differences and aptitudes of each sex.”<sup>3</sup> According to one site: “The population is divided among men and women, not into homosexuals and heterosexuals. This last classification is dangerous, for it tends to place on an equal footing an abnormality (homosexuality) with sexual normality, as if it was all a matter of legitimate option.”<sup>4</sup> Those responsible for propagating this alleged view are said to include academic theorists, professors, scholars, curators, artists, progressive politicians, and even some religious leaders who are not considered sufficiently rigorous in their opposition to feminism and abortion. Indeed, for groups such as Pró-Vida e Pró-Família, opposition to “gender ideology,” or any attempt to debate the issue of gender in a critical or analytical fashion, has become as much an obsession as their opposition to abortion in all circumstances. Hermes Rodrigues Nery, for example, the president of the National Pro-Life and Pro-Family Association, referred to gender scholars as the “ideologists of a death culture.”<sup>5</sup>

The decision by Brazil’s Supreme Court in 2011 to grant legal recognition to the union of same-sex couples led to a strong reaction by the religious Evangelical lobby in congress. The strength of this lobby, along with that of the agribusiness and security lobbies, increased significantly in the 2014 congressional elections, as discussed in other chapters of this book. Under

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<sup>3</sup> See, for example, the home page for Sempre Família, <https://www.semprefamilia.com.br>; the home page for Comunidade Católica Shalom, <https://www.comshalom.org>; and the home page for Pró-Vida de Anápolis, <https://www.providaanapolis.org.br/index.php>.

<sup>4</sup> “Ideology de genero neo tototitarianismo e morte de familia,” Pró-Vida de Anápolis, 9 June 2012.

<sup>5</sup> “Brasil diz não retumbante à ideologia de gênero,” *Comissão Episcopal Laicado e Família*, 9 May 2014.

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the banner of combating “gender ideology,” the Evangelical lobby has waged an increasingly vigorous religious and cultural campaign against women’s rights and the rights of sexual minorities.

Caving to pressure from parliamentary and extra-parliamentary groups, in 2015 the Brazilian Chamber of Deputies specifically deleted the words “incorporation of a gender perspective” contained in a bill dealing with the work of the now-extinct Ministry of Women, Racial Equality, Youth, and Human Rights. In the same year, the city council of Nova Iguaçu, a small city close to Rio de Janeiro, passed an ordinance that prohibits the distribution and promotion of didactic material containing descriptions of sexual diversity or material “combating homophobia and [promoting the] rights of homosexuals.” Also in 2015, the National Plan of Education, as well as state and municipal plans, removed the discussion of gender identity and sexuality in schools.<sup>6</sup> Perhaps most dramatically, in 2017, during her visit to Brazil, the leading North American gender theorist, Judith Butler, was pursued and assaulted in the São Paulo city airport, and a picture of her was burned in front of the cultural center where she had been invited to speak.<sup>7</sup>

The freedom of teachers to teach is being circumscribed by authoritarian conservative state and federal legislators and by school principals, thus breaking down a democratic, lucid, plural, and open education system. Priests, pastors, and political representatives (who are often also pastors) are using the discourse of “gender ideology” to gain a moral advantage, disqualifying the opinion of gender scholars, whom they brand as “moral trash.”<sup>8</sup> The discourse of “gender ideology” allows patriarchs to hide their own political and ideological prejudices under a tone of moralism. Nery, for example, has accused the Brazilian government of wanting to introduce “ideological

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<sup>6</sup> Renata Mariz and Eduardo Barretto, “Pais interferem em escolas que abordam questão de gênero nos livros e vetam conteúdo,” *O Globo*, 29 July 2017.

<sup>7</sup> “Judith Butler: ‘O ataque ao gênero emerge do medo das mudanças,’” *Carta Capital*, 6 November 2017.

<sup>8</sup> “Deputado detona Ideologia de Gênero na Câmara: ‘Lixo moral,’” *Visão Cristã*, 22 June 2017.

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indoctrination” in schools and having a “gender agenda” whose objective is to “destroy the family.”<sup>9</sup>

With this agenda...backed by feminist and Marxist non-governmental organizations, the government turns against the Brazilian people and wants to practice the liberal Marxist indoctrination of radical feminism. So the people are in the streets. To position itself against the gender agenda . . . children are the biggest victims of gender ideology and the PT government has tried to diminish parental authority in regards to these issues, by encouraging artificial androgyny, and combating what is natural and human. . . . [T]his is a perversion of human rights. . . . [T]here is an illusion of autonomy in sexual matters, which aims to subvert sexuality. This ideology aims to supplant the reality of nature.<sup>10</sup>

Churches have invented for themselves the function of administering “belief,” regardless of whether this belief is transcendental. A system of beliefs is constituted from this broad field in which we witness the birth of peoples’ worldview without knowing that this worldview is, in great measure, preprogrammed.

Churches serve as bases of meaning, values, and principles for other institutions such as the family, the state, and even corporations. Just as publicity agencies are “content creators” for television and other media, churches do the same for other social institutions. Indeed, they are a fundamental part of this market. Churches invent themselves as institutions associated with families, guaranteeing that the system of belief on which the economy depends will be sustained.

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<sup>9</sup> “Associação Pró-Vida acusa governo de promover doutrinação ideológica de gênero nas escolas,” *JusBrasil*, 10 November 2015.

<sup>10</sup> *Ibid.*

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### The Theoretical Production of “Gender Ideology” and the Denial of Gender

The term “gender ideology” was reportedly first used during the Episcopal Conference of the Catholic Church that took place in 1998 in Lima, Peru. The theme of this conference was “Gender Ideology—Its Dangers and Reach.”<sup>11</sup> Its tone is well conveyed in the following passage:

It does not take much reflection to realize how revolutionary this position is, and the consequences of the denial that there is a given nature to each human being because of his genetic capital. The difference between the sexes is diluted as something conventionally attributed by society, and each one can “invent” himself. All morality is left to the decision of the individual and the difference between the permitted and the prohibited in this matter disappears. The religious consequences are also obvious. It is convenient that the public in general realize clearly what all this means, because the proponents of this ideology systematically use an equivocal language to be able to infiltrate more easily into the environment, while accustoming people to think like them. This little book can help a lot in specifying concepts and calling a position on the aforementioned ideology.

The author of the text, Monsignor Oscar Alzamora Revoredo, understands what is at stake and has created an intentional ambiguity by neither hiding nor completely declaring the religious interests in play. This ambiguity is important to win over the reader, who must neither have access to the subtext nor feel like a fool for being treated with excessive simplicity. From the church’s perspective, an epistemological monopoly over the theme of sexuality is sustained through the idea of a sexual nature that the term “gender” calls into question.

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<sup>11</sup> “La ideología de género. Sus peligros y alcances,” *Aciprensa*, April 1998.

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In response to efforts to make gender equality a central focus of program and policy-making, particularly within the UN system, during the 1994 Cairo International Conference on Population and Development and the Preparatory and Committee Meetings for the IV World Conference on Women (Beijing, 1995), the Catholic Church led a counterattack against what had by then come to be known as “gender mainstreaming.”<sup>12</sup> These confrontations gained a wider audience through publications by conservative Catholic groups based in the United States, such as *The Gender Agenda* by the Catholic pro-life journalist Dale O’Leary and other Vatican documents prepared by Cardinal Joseph Ratzinger prior to his papacy. For the Vatican, the term “gender” deconstructed sex differences and led to the dismantling of traditional family values, fostering “a war between the sexes, the devaluation of motherhood, the promotion of contraception and abortion, the acceptance of homosexual partnerships and parentage, and the decline of marriage.”<sup>13</sup>

Instead of treating gender as a question of scientific analysis, religious ideologues regarded the term itself as a threat. According to this view, to even mention gender is to advocate changing it. To teach gender studies, by this logic, is to teach people to change their own gender. Stated in this way, the proposition is clearly absurd, but the clear and fallacious conclusion of the argument is that teaching—or simply discussing—gender studies necessarily advocates a “transsexual” position.

What appears in the text under the term “religious consequences” is nothing other than the criticism that the church cannot take on, under penalty of hurting its own interests. The church then rebels against a field that promoted research, rehabilitating the worst types of obscurantism. It took until 1992 for the church, under Pope John Paul II, to acknowledge that it had

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<sup>12</sup> For further discussion see Mariana Prandini Assis and Ana Carolina Ogando, “Gender Ideology and the Brazilian Elections,” *Public Seminar*, 13 November 2018, <http://www.publicseminar.org/2018/11/gender-ideology-and-the-brazilian-elections/>.

<sup>13</sup> *Ibid.*

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been wrong about heliocentrism and that Galileo, whom it persecuted and convicted, had been right: the earth moves around the sun and not the other way around. When, then, will the church admit it committed the same errors about women that it did about science? As Uta Ranke Heinemann reminds us, the church has been able to release discussions about the earth and the sun from its meaningless theories but still has not been able to release the body of a woman from the false doctrine of virginal conception (Ranke-Heinemann 1996). Mary remains a symbol used to violate both human intelligence and Christian faith itself.

The church clearly depends on the idea of “nature” to sustain its power, but not an idea of nature that contains any truth in the analytical sense. Power itself is based on a faith without nuance. At the same time, the text on gender ideology, quoted above, speaks of a “war on nature” and continues by saying, “It is clear then that for this new ‘gender perspective,’ the reality of nature bothers, hinders, and therefore, must disappear.” The implications of this must be fully grasped: “gender studies” is diabolical simply for taking a scientific approach to its field of study. This tactic of inversion and intimidation has been used for millennia.

One should not expect internal self-criticism from the Christian religion, an institution averse to the dialectical perspective. However, no church would stop being a church because its adherents understand or question their sexual identities—except for those churches that sustain themselves on a paradigm of sexual identity based on an earlier idea of nature. In this case, faith in God is intimately related to faith in sex treated as a question of “nature.” The monopoly on the idea of God and nature puts God and natural sex at the same level. Here, one cannot avoid raising a question that, sadly, this chapter cannot answer: Is sex a theological question, or has theology been reduced by many priests and pastors (over the centuries and in current times) to a question of sexuality?

### A Dangerous Deconstruction

With this line of thought, I would like to argue that the term “gender” came to deconstruct the fundamental idea through which the theological thought of a controlling bias was erected. In other words, there is a metaphysical idea of nature within which the term “gender ideology” arose. Its function has been to demobilize an epistemological disassembling over the course of centuries through various female and male theorists that culminated in the term “gender” becoming a category for critical analysis.

The development of the field of “gender studies” as a category of academic research was stimulated in the twentieth century by the work of a number of pioneering female academic theorists, particularly in North America. These include anthropologist Gayle Rubin with her article “The Traffic in Women: Notes on the ‘Political Economy’ of Sex,” published in 1975; historian Joan Scott, whose book *Gender: A Useful Category of Historical Analysis* became a reference in the 1980s; and Judith Butler, through her famous work *Gender Trouble: Feminism and the Subversion of Identity*.

Gender studies is often confused with feminist theory because of their common methodological perspective, and it has been attacked as such by the religious Right. Gender is not, however, a “new truth,” as some fundamentalist, moralist theologians try to convince us, but rather the disassembly of all previous truths. The gender debate generates another subject of thought and belief precisely by valuing the singular and unique condition of human beings.

Human progress is achieved by constant analysis, debate, and criticism. By disassembling belief systems, we can verify or disprove them. Debate and critique open the eyes of students, professors, and researchers interested in demystifying dogmatically established truths. Those who have raised the term “gender ideology” are proposing the opposite. Orthodox stances cannot withstand the presence of those studies and push them away without internal criticism by appealing to abstract attacks that demonize the category of gender

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and thus annihilate its liberating potential. Instead of rational inquiry, they are seeking a “theoretical jerry-rigging” of the debate. With their “elaborate machines” and “cutting-edge technology” stripped away in theoretical and discursive terms, they have nothing more to offer more than a caricature of the old dogmatism.

The term “gender,” as an analytical category, does indeed jeopardize the structure of the church, but only because that structure is sustained through essentialisms that do not match the diversity of the human experience regarding sex. In that sense, the creative defenders of the church who today deplore the notion of “gender ideology” are trying to blur the real questions that demonstrate the weakness of their cause. The specter of “gender ideology” is raised because to debate issues of gender would challenge inequalities and abuses of power. Thus, even to call for rational debate is portrayed as a “diabolic” threat, much as debating Galileo’s scientific theories was once deemed “sinful.”

The reason this question is raised relates to the historical problem of a political economy that had its sustenance in the branding of women. The oppression of women, be it sexual or emotional, symbolic or physical, has depended on the construction of the gender “woman” with the social aspects “feminine.” To question these structures leads us to questioning patriarchy, the system of gender oppression in which men are privileged subjects.

The discourse on “gender ideology” falls into a tradition of psychological manipulation that has lasted for centuries. What men have always done to women, including during the Inquisition, what industrialists did to laborers, what white men did to those they enslaved is what many priests and pastors still do to their believers. Down through the history of organized religion, churches and their male leaders have psychologically exploited their followers for profit. The exploitation of belief is concomitant and complementary to the capitalist exploitation of our bodies. Through psychological manipulation a type of psycho-power has been established that openly practices fraud and is based on the manipulation of people through propaganda and promise but

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also through threats and fear and what we can call a harassment culture. The bad faith is the truth of this believer-producing machine administered by the churches, the Foucauldian “device” through which power relations are enacted.

### **The Place of Gender**

When gender started becoming part of mainstream academic research, scholars sought to render the “social organization of the relation between sexes” problematic rather than natural. This simple act of research challenged the “natural” condition of any object, be it material or immaterial. Since Kant’s *Critique of Pure Reason* in the eighteenth century, we know that there are no divinely ordained laws in nature, but we nevertheless project our own laws into it to understand it. A fundamentalist stance is based on the idea that knowledge is not constructed by human beings and their rationality or irrationality inside complex language games, but looms over the air or comes from another world in the form of a divine spark.

What we call religious fundamentalism is in effect the denial of investigation in the hard sciences or the humanities that leads to the concomitant denial of the self-reflection that characterizes the human condition. The desperate attempt to sustain dogma, incapable of rational debate, shows its fragility. The fundamentalists resort to aggression because of their own impotence, which cannot withstand critique. Underpinning this stance is the church’s fear of losing power.

No one who proposes a critical analysis of the philosophical-theological idea of gender is intending to cause the destruction of the church and the entire corpus of religious faith, as such an expectation would be an unreasonable exaggeration. Rather, we seek to provide lucid analysis of the epistemological terrain of power in which decisions and actions are taken, reflecting the power and interests of these institutions over the life of people. People have a right to undertake such reflection, which is a healthy thought process in itself, concerning their own faith and beliefs. To raise such questions does not

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challenge the actual existence of organized religion. Churches can continue to exist, and priests, nuns, pastors, and churchgoers who engage in sexual and gender perspectives should become accustomed to debating such issues in line with the democratic values of our time.

Moreover, gender as a category of analysis loses its meaning when treated in isolation. One must analyze it in the context of race and social class, which constitute fundamental parts of a system of oppression. This too cannot be thought of abstractly; every system of oppression ultimately has an economic-political meaning related to a concrete form of power. “Moral” and “ethical” aspects, as well as “psychological” and “aesthetic” questions, are part of a “big program” that connects everything. For us, the system’s critics, that system is one of oppression.

Hence, the field of gender studies is constituted by broadening relations between disciplines and opening space for the interfaces that can advance society’s understanding of gender. This is less a central category of the debate than a guiding axis of investigation. As Judith Butler and so many others make clear, gender could never be a fundamentalist category unsurpassed by any other. What is at stake, therefore, is understanding the epistemological fact through which gender is captured by a discourse that downgrades it to an “ideology” that can be opposed, even by threats, harassment, and violence. When a fallacy takes over the debate, what dimension takes on the historical task of thinking, criticizing, and analyzing?

It is important to highlight here the difference between theoretical investigation and ideology. While they are complex terms and countless volumes have been written to discuss them, we can offer the following summary for our own specific discussions: the mental and linguistic act that establishes a *theory* refers to a type of thought that exposes its assumptions; *ideology*, on the other hand, is a type of thought that hides assumptions and survives at the expense of deceit. Between these two poles there is a hybrid—*ideological theories*—which, for our purposes here, we can define as “exposing with the intent to hide.”

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There are “popular theories” that constitute “common sense,” the discourse of opinions expressed after having been read in newspapers and magazines. There are also “scientific theories,” which are always being questioned and can be disassembled, but which drip into common sense and are there transformed and simplified. Ideology, on the other hand, is a set of theories and opinions that serve to hide something instead of promoting enlightenment, investigation, and ponderation.

The term “gender ideology,” in the way that we have discussed it here, therefore, does not refer to research that discusses and questions gender but rather refers to a direct appeal that, allied to common sense, tries to define what is not. Those who use the term “gender ideology” seek to combat what the term “gender” elucidates by using the term “ideology” to delegitimize discussion of gender. In this case, it is not just about a maneuver in which the performative self-contradiction is hidden by the force of the expression, but about an evident case of bad faith. When bad faith comes from people—especially men—who claim that their own views and beliefs are supported by their religious faith, then we are in an even greater danger because the faith of the people has been used diabolically, appealing to God to justify their own interests.

The ethical and political role of those who research, teach, and fight for lucidity in a society in which the traces of obscurantism become more and more intense is to show that we notice what is happening and that we will continue to critically promote dialogue, and respect for rights, considering the symbolic violence to which we are subject. The debate on “gender ideology” is another one of the pseudo-debates, an effect of unsustainable dogmatic propositions. It is a discourse that prevents women and other sexual minorities from claiming themselves and their singularities, something fundamentalist priests and pastors do not wish for anyone. Gender ideology functions to discard the voice, the need, and the desire of beings who do not fit the parameters of the authoritarian, limitless, and perverse religious fundamentalism that attempts to sustain what has no basis.

# 10. BRAZILIAN FOREIGN POLICY AND THE GLOBAL SOUTH

MICHELLE MORAIS DE SÁ E SILVA

At a global summit meeting in London in 2009, President Barack Obama called Luiz Inácio Lula da Silva “the most popular politician on Earth,” encapsulating the respect, prestige, and sympathy that Lula had gained for Brazil from leaders around the world.<sup>1</sup> Three years later, in 2012, Brazil’s then-President Dilma Rousseff opened that year’s United Nations General Assembly with a widely regarded speech on the dilemmas surrounding “humanitarian interventions” and again showed that Brazil was at the center of debates about the development of an independent foreign policy by the Global South.<sup>2</sup>

In 2018, by contrast, Brazil’s newly elected President Jair Bolsonaro, whom even the neoliberal *Economist* magazine has called “Latin America’s latest menace,” was threatening to pull Brazil out of the UN altogether.<sup>3</sup> President Bolsonaro’s new foreign minister, Ernesto Araújo, believes climate change to be part of a plot by “cultural Marxists” to stifle Western economies and promote the growth of China, and blogs about the “criminalization” of red meat, oil,

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<sup>1</sup> “Good looking Lula’s revenge,” *Guardian*, 11 April 2009.

<sup>2</sup> Brazilian Ministry of Foreign Affairs, “Speech by President Dilma Rousseff on the Occasion of the Opening of the General Debate of the 67th Session of the United Nations General Assembly—New York, September 25th, 2012,” 25 September 2012.

<sup>3</sup> “Jair Bolsonaro: Latin America’s Latest Menace, He Would Make a Disastrous President,” *Economist*, 20 September 2018.

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and heterosexual sex.<sup>4</sup> All the signals given by Bolsonaro and his new ministers suggest that Brazil will dramatically shift its foreign policy from independence and South-South cooperation to an almost slavish support for the foreign policy whims of US President Donald Trump.

How did this happen? How did the country that won bids for both the World Cup and the Olympics go from global fame to global mockery? The other chapters in this book address the many factors behind Brazil's democratic backsliding. The international repercussions of this process, however, go beyond Brazilian politics and have the potential to impact the entire international system. While the extremist views of Brazil's new foreign minister may eventually be kept in check by the traditional principles of Brazilian diplomacy, Brazil's role as a leader in the Global South may never be recovered.

The narrative of a Global South, which bundles together countries with diverse economic capabilities and societal traditions, is historically marked and politically constructed. In the words of Arturo Escobar (2011), it derives from "the creation of the Third World" immediately after the Second World War ended and as the Cold War was beginning to unfold. The essentialization of poor countries created a shared image of otherness, in a dichotomy that William Easterly calls "the West and the Rest" (Easterly 2006).

Importantly, the construction of a collective identity in the South is also the result of direct advocacy by some of the countries located in that geopolitical "other half" of the globe. During the Cold War years, that was manifest in the formation of the G77 in the UN, the creation of the Non-Aligned Movement, and the organization of the Bandung Conference in 1955, during which, for the first time in history, Asian and African countries convened without the presence or intermediation of their European colonizers. Later on, as the fall of the Berlin Wall removed Cold War constraints from international relations, the South reemerged as a meaningful collective

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<sup>4</sup> "Brazil's New Foreign Minister Believes Climate Change Is a Marxist Plot," *Guardian*, 15 November 2018.

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label for developing countries. The failures of traditional North-to-South cooperation for development, connected to the social damages produced by structural adjustment programs, paved the way for the idea, in international debate and dialogue, that South-South cooperation might be able to fix the many development gaps and failures produced in the South.

It took many parties to sustain the promise and practice of South-South cooperation. It certainly took the recognition by rich countries that their traditional methods of development cooperation had largely failed over many decades. It also took the buy in from the UN system, which managed to get agreement around the Millennium Development Goals in 2001 but had no clear plans about how those goals would be achieved in the developing world. Last, but most important, a handful of countries in the South provided leadership through which they decided, just like in the Bandung Conference, to engage in South-South relations without the intermediation of the industrialized world. Brazil was a crucial entrepreneur and role model in this process.

Genuine interest in engaging in productive relations with other countries of the Global South did not emerge in Brazil before the early 2000s. Some initiatives of technical cooperation started during the second term of President Fernando Henrique Cardoso (1995–2002). These were mainly small-scale projects with African and Latin American countries, many of them with the involvement of nongovernmental organizations funded by the state, such as Alfasol (Morais 2005). At that moment, however, Brazil did not yet have a political discourse around South-South cooperation, and the existing efforts were based on promoting Brazilian experiences as best practices for other countries to adopt.

It was only in 2003, with the election of President Lula and the appointment of his minister of foreign affairs, Celso Amorim, that an official political stance emerged around South-South relations. Brazil's case for South-South cooperation was linked to the principles of solidarity and non-indifference, both of which were important features of Lula and Amorim's Active and Bold Foreign Policy:

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South-South cooperation is a diplomatic strategy that originates from an authentic desire to exercise solidarity toward poorer countries. At the same time, it helps expand Brazil's participation in world affairs. Cooperation among equals in matters of trade, investment, science and technology and other fields reinforces our stature and strengthens our position in trade, finance and climate negotiations. Last but not least, building coalitions with developing countries is also a way of engaging in the reform of global governance in order to make international institutions fairer and more democratic. (Amorim 2010, 231)

The political discourse around South-South cooperation was translated into important new initiatives. The first of these came on the second day of Lula's first term of office with the establishment of the India-Brazil-South Africa (IBSA) Forum. Others followed during Lula's first term in office, including the strengthening of regional cooperation in the framework of the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR); the opening of twenty-three new Brazilian embassies in Africa; and the creation of the Summit of South American–Arab Countries (Amorim 2010). These initiatives gave concrete expression to a new foreign policy view according to which Brazil would intensify its relations with other developing countries at the economic, political, commercial, and humanitarian levels. In the post–Cold War era of globalization, Brazil's interests were not limited to attracting capital from resource-rich countries and multinational giants. Brazil cared about and was interested in connecting with all countries in the South, however poor or far away they were.

Brazil's closer ties to other developing countries were formalized in the Brazilian proposition of the so-called Commercial G20 in the framework of negotiations in Geneva for the 2003 organization of the ministerial meeting of the World Trade Organization (WTO). The Commercial G20 (which should not to be confused with the Financial G20) gathered developing

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countries with different—and, at times, conflicting—interests when it came to trade negotiations, particularly regarding agriculture. The creation of the Commercial G20 deconstructed the myth that the interests of developing countries were so opposed that they would not be able to negotiate a common platform. Brazil's leadership in forming the group represented a diplomatic turn toward increasing integration with other countries of the South.

In South America, that vision was translated into what Marco Aurelio Garcia, the international relations advisor to the presidency from 2003 to 2016, called “the South-American Option” (Gaspar and Spina 2018). During the governments of both President Lula and President Dilma, Brazil actively promoted regional integration in South America and also participated in creating further South-South linkages, such as the Community of Latin American and Caribbean States (CELAC). Brazil spent significant political effort and economic resources to strengthen ties among countries in its region.

Of note here is a second aspect of Brazil's focus on the South: the country's commitment to multilateralism. Instead of negotiating a plethora of bilateral trade agreements with neighboring countries and other countries of the Global South, Brazil promoted multilateral initiatives through new and existing international organizations, including the aforementioned IBSA Forum, UNASUR, and CELAC, as well as the Community of Portuguese Speaking Countries (CPLP), the United Nations Development Programme (UNDP), and the Food and Agriculture Organization (FAO).

One example of Brazil's commitment to multilateralism during the period from 2003 to 2016 period is the number of Brazilian nationals elected to leadership positions in large international organizations. These include Roberto Azevedo as director general of the World Trade Organization (WTO) and José Graziano as director general of the Food and Agriculture Organization (FAO). Other important elections include Paulo Vannuchi as commissioner at the Inter-American Commission on Human Rights (IASC), Wanderlino Nogueira Neto as a member of the UN Committee on the Rights of the Child, and Renato Zerbini in the Committee on Economic, Social, and Cultural Rights. Electing

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nationals to these positions in international bodies takes significant diplomatic effort and commitment to multilateral institutions.

Brazil's future foreign policy is likely to move in a very different direction, with different values, priorities, and dimensions. During his campaign, Bolsonaro declared that Brazil would withdraw from the UN entirely; he made this declaration in response to a preliminary measure requested by the UN Human Rights Committee that, pending their own hearing of his case, former President Lula should be able to exercise his political rights until all his appeals had been considered by the Brazilian justice system. Additionally, Bolsonaro's strong emphasis on the primacy of bilateral relations with the United States makes it very likely that Brazil will side with the recent US challenge to multilateralism. Examples include the decision by the Trump administration to withdraw from the UN Educational, Scientific and Cultural Organization (UNESCO) and the UN Human Rights Council; to pull funding from the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); and to unilaterally reimpose sanctions on Iran in violation of an agreement brokered by the previous US administration, the European Union, and other world powers in 2015.

For thirteen years, Brazil's vision toward the South was not simply born out of the good heart of the country's leaders and diplomats. Closer ties with the country's peers in the South brought Brazil various positive benefits, including increased trade and commercial relations. For example, trade with Africa multiplied fivefold throughout Lula's eight years in government (Amorim 2010). The policy also increased Brazil's "soft power" and its international status in multilateral negotiations, as reflected in the country's role as an important intermediary in the nuclear negotiations between the United States and Iran. Finally, and perhaps most fundamentally, Brazilian foreign policy was aimed at a subtle but significant "reorganization" in the international balance of power, giving more prominence and influence to middle-income countries in the world order.

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Brazil's strong willingness to promote South-South relations at the political level was accompanied by new and increasing initiatives of technical cooperation for development in the South. In other words, the principle of solidarity was not limited to the country's political discourse and speeches given at multilateral forums. It became reality through numerous initiatives funded by Brazil for the promotion of South-South cooperation for development.

Brazil's "offer" of technical cooperation was met with great interest by other countries of the South. For instance, Lula's foreign minister stated that "Africa is 'thirsty' for Brazil. Why? Because . . . Africa sees in Brazil part of its contribution" (Amorim 2010, 481). Along the same lines, late Harvard professor Calestous Juma once stated: "For every African problem there is a Brazilian solution."

Following this "thirst," Brazil started organizing South-South cooperation (SSC) initiatives that took the form of technical cooperation projects based on Brazilian public policies. Most SSC projects that have been funded by Brazil share a Brazilian policy experience in a certain field, which could be education, health, human rights, or food security. In the period from 2003 to 2016, Brazil had no shortage of good policies to share: from Bolsa Família to the School Feeding Program, from Breast Milk Banks to Family Farming. The South was eager to learn from the Brazilian experiences, which had been yielding very positive results, as reflected in the country's impressive success at reducing poverty.

In Brazil, all international cooperation initiatives—both "received" and "offered"—fall under the auspices of the Brazilian Cooperation Agency (Agência Brasileira de Cooperação, ABC), which is part of the Ministry of Foreign Affairs. Before the Lula government, ABC had been mostly dedicated to cooperation projects established between Brazil and traditional donors, whereby the country was more of a "beneficiary" of international cooperation. There were only a handful of initiatives dedicated to "technical

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cooperation between developing countries.” Since Lula’s first term, the term “South-South cooperation” was adopted, and such projects multiplied.

According to the ABC, “technical South-South cooperation is understood as the horizontal exchange of knowledge and experience originated in developing countries. The idea is to share learned lessons and best practices available in Brazil, which have been generated and tested to face similar challenges in terms of socio-economic development” (ABC 2013, 13). This is in contrast to the model of development guiding agencies located in the Global North, which is governed by policies and strategies developed by donors and then imposed on each country in the South in accordance with these donors’ geographical and thematic priorities.

The principle of horizontality, expected to be a feature of South-South cooperation, is a consequence of noninterference and self-determination, both traditional principles in Brazilian diplomacy. The idea was that Brazil would not evaluate, criticize, or intervene in other countries’ domestic affairs, nor would it classify partner countries according to their GDP, political regime, or situation of peace or conflict. Unstable peacebuilding or so-called failed states were not treated differently, except for Haiti, which became a foreign policy priority because of Brazil’s leadership of the UN Stabilization Mission (MINUSTAH).

Moreover, project funding for Brazilian cooperation was not tied to the acceptance of any policy prescription made by Brazil. To those familiar with traditional development cooperation conducted by countries of the North, Brazil’s stance was very unusual, almost radical in an international system that only comes to the aid of poor countries with a strict “to-do list” in hand.

Though the demand-driven reality of some projects could be questioned or criticized, most South-South cooperation projects were characterized by engagement and dialogue. The success of domestic social policies in Brazil at the time, such as Bolsa Família, drove the curiosity, interest, and excitement of other countries around collaborations with Brazil. Brazil’s own experiences in reducing poverty and inequality, which had become internationally

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famous, gave it a model that other countries could adopt and adapt for their own purposes (Morais de Sa e Silva 2017).

Two elements were crucial in this process, particularly during Lula's two terms: the leadership provided by the president and the immediate willingness of the federal administration to follow the president's call and share the country's policies with others in the South. Most traditional donors and development agencies located in the Global North work separately from government institutions that do domestic policy and mostly employ consultants. Brazil, by contrast, mobilized its own civil servants and government officials who worked directly with the public policies that were to be shared with other countries of the South. The president would visit a country and offer many possibilities for cooperation with Brazil, then government officials would follow up, making sure that the president's promises were kept.

President Lula repeatedly stated that every poor country deserved the same chances that Brazil had to develop the economy and make social progress that reached all people. The Brazilian federal bureaucracy and its civil service responded with enthusiasm and dedication in realizing his vision. For many years, the international offices of Brazil's ministries, especially those working with social policies, would be constantly welcoming delegations from a wide range of developing countries. Interest and demand for contacts with the Ministry of Social Development and Fight Against Hunger, for instance, were so great that the Brazilian government, with the support of the World Bank and the UNDP, decided to organize an online platform—World Without Poverty—where information could be easily accessed by anyone interested in Brazilian social policies (Plech 2018). The combination of Lula's leadership, successful domestic policies, and the hard work of government personnel who went beyond their duties to cooperate with the South made Brazil's practice of South-South cooperation a new experiment in the field of development cooperation.

The international multilateral system and the countries of the North recognized Brazil's leadership. A number of specialized UN centers were created

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and headquartered in Brazil, such as the International Policy Centre for Inclusive Growth (IPC-IG) and the World Centre for Sustainable Development (RIO+ Centre). Both centers have promoted Brazil's experiences in social policy and in environmental policy, therefore facilitating connections among countries of the South, often with Brazil as one of the vertices of the relationship. Developed countries such as Japan have also acknowledged and funded South-South initiatives involving Brazil, including the somewhat controversial ProSAVANA project in Mozambique.

Lula's priority for South-South cooperation created momentum that outlived his presidency. President Dilma expressed concern about ABC's operational limitations and the country's insufficient institutional capacity to realize projects with substantial international impact. Dilma wanted to improve the quality and impact of South-South cooperation, rather than just do more of it. Unfortunately, her second term was short-lived, and the possibilities for reforming and strengthening Brazil's capacity for South-South cooperation never became a reality. The following two years of a Temer government still benefited from the previous momentum. As Temer had no agenda other than remaining in power, he did not actively promote South-South cooperation but did not terminate existing initiatives either. In some areas, large South-South cooperation projects continued in operation even during the Temer administration, such as in the case of technical cooperation with Haiti in sanitary health policy or in the case of "received" South-South cooperation from Cuba through the More Doctors (Mais Médicos) program.

Will this momentum continue past Brazil's incoming far-right government led by President Bolsonaro? Will the practice of South-South cooperation continue through Brazil's bureaucracy regardless of the new president's conservative and racist discourse? While it is too early to answer these questions definitively, there are strong reasons for doubt. In November 2018, shortly after the election, the president-elect's son, Eduardo Bolsonaro, traveled to Washington, D.C., to hold meetings with the White House. The rapprochement continued later that month when John Bolton, Trump's national

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security advisor, made a stopover in Brazil to meet the president-elect on his way to the G20 meeting in Buenos Aires. Bolsonaro is said to have greeted Bolton with a military salute, a deeply symbolic gesture that reflected both Bolsonaro's conflation of the civil and military relations in Brazil's new government and his conception of Brazil's overt subservience to its American imperial masters.

If anyone is trying to create a slogan for the foreign policy of Brazil's new president, "America First" seems most appropriate. While Trump uses the slogan to convey nationalist pride that places the interests of the United States above all other considerations, for Bolsonaro it means the explicit abandonment of an independent foreign policy. Even on its own terms, however, this policy is unlikely to be successful. Tying Brazil to an isolationist US president who has repeatedly shown that he will not make concessions even to traditional allies, such as European countries in NATO and neighboring NAFTA countries, will not bring any immediate economic or political dividends to Brazil. The United States is not likely to offer preferential treatment to Brazil based on appeals to political affinity. Bolsonaro will learn that Trump is a businessman, not an ideologue or military officer.

Brazil's retreat from partnerships with the rest of the global South conforms to Bolsonaro's conservative prejudices in which there is nothing to be gained from collaborating with poor countries, despite the fact that Brazil's recent history emphatically disproves this point. The loss of Brazil as a strong advocate for South-South cooperation in the international system, however, will do irreparable, long-lasting harm to any chances for pro-South global governance.

# CONCLUSION: VIVA BRAZIL

FERNANDO HADDAD

The 2018 presidential election was the culmination of a long period in which Brazil's democratic institutions were tested and strained. It started in 2016, when we had the unconstitutional impeachment of President Dilma Rousseff. This was followed by the unjust trial and imprisonment of President Luis Inácio Lula da Silva and the blocking of his candidacy for the presidency. Immediately before and after the election, there were deadly attacks against those who supported Lula and me. The election itself was marked by intimidation and the propagation of "fake news" through hundreds of millions of messages on WhatsApp and other social media platforms.

Democracy itself is under threat in Brazil, as other chapters in this book have demonstrated. Our democratic institutions are being corroded and weakened. What has happened in Brazil also needs to be seen in the context of a growing tide of authoritarianism sweeping the globe. From Donald Trump's presidency in the United States to the electoral advances of anti-immigrant parties in Europe, it is clear that the forces of the conservative Far Right and neofascism are spreading across the world, advancing a common platform based on institutional racism, sexism, homophobia, religious fanaticism, and denial of climate change. The terror that the Trump administration has unleashed on undocumented immigrants in the United States is seen as a

NOT FOR SALE OR  
REDISTRIBUTION

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model by parties enjoying increasing electoral success in countries such as France, Germany, Spain, Hungary, Poland, and the Netherlands.

The advance of obscurantism is a worldwide agenda, and we need to debate the best ways to face and oppose it. This battle cannot be fought just in Brazil. We need to counter the forces of reaction with our own international progressive alliances and a common agenda of human rights—encompassing economic, social, and cultural rights as well as civil and political ones. We need to understand democracy, not only in its formal and procedural sense, although this is very important, but also as a civil and political right. Indeed, in defying the United Nations Human Rights Committee's requirement that Lula be allowed to exercise his political rights by contesting and campaigning in the 2018 election, our Supreme Court flouted not just the will of the Brazilian people, but an international treaty ratified by Brazil that enshrines provisions of international human rights law.

We also recognize the fundamental importance of the full range of human rights—among them labor rights, the right to education, the rights of indigenous people, and the right to an adequate standard of living—that informed our work in government and have always guided my own political beliefs. We have fought to defend our nation's patrimony and believe that the wealth of Brazil should be put at the disposal of the Brazilian people and not handed over to foreign multinationals and global and local elites. These assets belong to us all and should not be sold off to the highest bidder.

We must remember that the roots of the current global political crisis lie in the global economic crisis that occurred a decade ago, in 2008, with the failure of US banks that had underwritten subprime lending in the housing market. This led to an almost complete collapse of the unregulated system of capitalist speculation. The banks were bailed out, but the poor were forced to pay the price in social cutbacks and rising unemployment. Although its effect was delayed for some years, this capitalist credit crisis engulfed peripheral economies such as Brazil and caused such hardship to our people. Because

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we still rely too heavily on commodity exports, we were directly hit by the sudden collapse of world commodity prices—an international phenomenon. Our critics who blame the economic crisis on PT's mismanagement of the economy and who continue to support neoliberal deregulation, privatization, and our economic subordination to countries of the Global North are deceiving themselves and the Brazilian people.

The alternative that we advance is based on multilateral cooperation to tackle challenges such as global warming and a recognition that we live in a multipolar world where progressive forces should work together to support emancipatory projects.

Our opponents still think we are living in a bipolar or unipolar world in which Brazil will somehow benefit from an unconditional alliance with the United States under President Trump. But even by its own logic this policy makes no sense. President-elect Jair Bolsonaro has slavishly copied Trump's edicts and pronouncements: whether proposing to move the Brazilian embassy in Israel from Tel Aviv to Jerusalem, denying climate change, or attacking environmental protection and indigenous land rights. But what has he gotten in return? When has Trump given any indication that his opinion of us Brazilians is any different from his opinion of Mexico and Mexicans? When has he demonstrated that he distinguishes us from the migrants from Central America whose children currently cram US detention facilities while their parents provide target practice for US soldiers and border guards? The one-sided diplomacy that Bolsonaro is proposing gets us nothing back in even the narrowest sense. Trump is making the world a more dangerous place, and Brazil should be ashamed to support him. He wants to build walls instead of bridges and spread hate instead of hope. Brazil has a proud tradition of independent diplomacy in our foreign policy, and that is part of the platform we defend.

Our opponents say that the 2018 presidential election result was a repudiation of the progressive political platform that PT fought for. We do not deny it was a victory for the extreme Right, but PT won thirty-one million

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votes in the first round of voting and forty-five million in the final runoff. There were ten other presidential candidates that the electorate could have voted for other than me. Our critics in those parties that were so comprehensively rejected by the voters need to analyze their own rejection before they criticize us. Our critics in the Brazilian media who say that PT must “apologize to the Brazilian people” might reflect on how they themselves never apologized for supporting the military coup d’état against democracy more than fifty years ago nor how they have been complicit in supporting a “slow motion” constitutional coup d’état over the last two years.

I know that among the forty-five million Brazilians who voted for us in the second round of the 2018 election were many people who were not aligned with PT and who were voting for democracy rather than a single political party. We saw, particularly in the last week of the campaign, a celebration of democracy in the streets of Brazil. People went to the streets with their friends, wives, husbands, and children. People took books with them to the polling stations to show that learning is always better than killing. People from all walks of life handed out leaflets or simply stood in public squares with signs around their necks saying, “Let us talk about what is happening in our country, Brazil.” People understood how important the election was and what was at stake. Because a lot was at stake in that election.

One important lesson that we can take from our election campaign is the need for the Left to reach beyond its own ranks. We must constantly be alert to the dangers of “left sectarianism” and reject such narrow dogmatism. People do not have to agree with us on everything to work with us around what we do agree on. We seek a broad alliance of progressive parties and must always be prepared to listen to and respond to the concerns of ordinary voters. Above all, we defend pluralist democracy because, as Dilma Rousseff so eloquently argues in the first chapter of this book: “Democracy still remains the best medicine against social retreat, the wounds to national sovereignty, and political manipulation. It is for democracy that we are fighting because, in Brazilian history, whenever democracy has been victorious,

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the people won their rights, the country grew, and Brazil affirmed itself internationally.”

While I recognize that our present political project is bigger than PT, I also want to thank the activists of PT and our political allies who took my candidacy from virtually nowhere at the start of the campaign through the first round of voting and into the second round. I want to thank them for every one of the forty-five million votes that we achieved in that final round. I also want to pay tribute to those people who voted for me, for whatever reason, and who have articulated a vision different than the one espoused by Bolsonaro, a vision that deserves to be respected in Brazil today.

It is still too early to fully know what the platform and policies of a Bolsonaro government will be. There is the neoliberal agenda of Paulo Guedes—still proud to be one of the original “Chicago Boys”—that seeks to cut social welfare provision, privatize large swathes of the economy, and further undermine labor rights. There is also the religious fundamentalist agenda of the Bible Bench, which other chapters of this book have discussed. They preach social intolerance and hostility to the rights of women, sexual minorities, indigenous people, and Afro-Brazilians. We have already seen the abolition of the ministries for human rights, women’s rights, and indigenous rights, which were replaced by a single ministry headed by Damares Alves, an Evangelical preacher who proselytizes among indigenous communities, takes their children from them in the name of “Christian salvation,” and then tries to tell us what color clothes our children must wear.

There is the military, whose role in our recent history is so troubling and whose generals now occupy so many important ministries. General Hamilton Mourão, our new vice president, sometimes gives the impression of a football player on the bench doing warm-ups because he is so anxious to enter the game himself. We also have a foreign minister, Ernesto Araújo, who does not “believe” in climate change and who seems determined to tie Brazil’s previously independent foreign policy to the whims of US President Trump. Finally, and perhaps encompassing them all, there is an agenda where

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security and order trump justice and where our own constitutional protections of democracy and human rights are being deliberately weakened for reasons of political expediency. Perhaps here we might note the “interesting” career trajectory of our new minister for justice, Judge Sergio Moro, who, while serving as a member of the judiciary that is constitutionally required to maintain strict neutrality, independence, and impartiality, did so much to create the political complexion of the government that he now sits in.

Since the election campaign finished at the end of October 2018, I have placed myself at the disposal of my party, and I hope to live up to the new challenges that we will face together. I have been entrusted by PT’s National Directorate, and Lula himself, with the mission to bring our message of solidarity and resistance to international progressive forces throughout the world. I have traveled to the United States, where I attended a meeting of the Progressive International with Bernie Sanders, the Democratic senator and former presidential candidate, and with former Greek finance minister Yanis Varoufakis.

I also recently traveled to Uruguay to address a meeting of the Inter-union Plenary of Workers–National Convention of Workers (PIT-CNT), the country’s largest trade union center, in Montevideo. While I was there, I met with Uruguay’s inspirational former President Jose Mujica, who was himself imprisoned for thirteen years under a military dictatorship and who made an emotional declaration of support for our own imprisoned Lula, now also in his seventy-third year. As Mujica said: “Lula is a cause and not just a man. He lives in the hearts of the poor and needy, those who suffer poverty and inequality. This is the best of Lula. This present time of repression will pass. They are constructing a myth and it is against that myth that we need to fight. Long live Lula. Free Lula now.”

I have participated in seminars and international conferences to explain to the world what has happened in Brazil and to articulate our alternative to the neoliberal economic and social policies that underpin the political crisis that we all now face. My participation in this book is part of that project.

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Our efforts and message have been deliberately obscured by the Brazilian establishment and their friends in the media. They have lied about our record and efforts in government and have tried to conceal the truth about how we were removed. The same media outlets that supported the military coup that plunged Brazil into the dark decades of dictatorship fifty-five years ago have cheered on another conspiracy against democracy in the last two years.

But we will fight on. We hold our heads high and proceed with courage and determination. We will continue to take our message to every corner of our vast and beautiful country. We will raise our banners in the countryside and the city, from the peripheries to the centers. We will engage with students; the elderly; gay, lesbian, bisexual, and transgender people; men and women; white and black; Catholics and evangelicals; those who belong to Afro-Brazilian religions and atheists. We are proud to all be Brazilians together. We are committed to the prosperity and security of our country, committed to its democracy and diversity.

We need to rededicate ourselves to this commitment, to continue on our journey, talking to the people, reconnecting with the grassroots, building alliances with the social movements and the poor of this country, listening and learning, raising awareness and reaching out to hearts and minds. Four years from now we must be ready both to fight for the next election and to win it for our program. We will continue to exercise our rights as citizens even though there are some who would seek to deny us those rights. In spite of them, there will be another day.

During the 2018 election campaign I noted that a Brazilian teacher shows the same courage as a Brazilian soldier in fighting to defend our values, such as freedom of thought and the right to learn. Our activists have mounted a similar fight for Brazilian values and citizenship. We have a long history of militancy and of public life, we recognize citizenship in every Brazilian, and we will ensure that no one in our country is left behind or abandoned. We will defend our opinions while respecting the rights of our opponents to hold different points of view, fight for our values while respecting democracy, uphold

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the institutions of the Brazilian state while calling for its democratic overhaul. I would like to finish this chapter and this book by quoting directly from my own concession speech at our final rally at the end of the 2018 general election campaign:

I learned from my ancestors the courage to defend justice at any cost. I learned from my mother, from my father, I learned from the memory of my grandparents that courage is a great value when living in society. Because all other values depend on it. I put my life at the disposal of this country, I am sure I speak for millions of people who put the country above their own life, above their own well-being. And I want to say to those who, looking at the streets of this country, in all regions, I felt anguish and fear in the expression of many people, who sometimes sobbed so much. Do not be afraid. We will be here. We are together. We will be holding hands with you. We will embrace your cause. Viva o Brasil!

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