

DEMOCRATIC REGRESSION IN BRAZIL UNDER THE JAIR BOLSONARO PRESIDENCY

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Abstract

In this paper we analysed the quality of democracy during the presidency of Brazilian President Jair Bolsonaro between 2018 and 2022. Our research question was whether an erosion of democracy, or more precisely a reduction of the quality of Brazilian's democracy, took place during that time or not. To answer these questions, we used relevant democracy criteria as analytical tools. Methodologically, in this study we conducted qualitative research through literature reviews and an expert interview with a Brazilian social scientist to analyze comprehensively the democratic conditions in Brazil. As a result, we concluded that based on the findings in the fields of vertical accountability, political rights, civil liberties, and horizontal accountability there was indeed a decline of democratic quality during Bolsonaro's presidency.

Keywords: "Democracy", "Brazil", "Bolsonaro", "Presidency", "Authoritarianism"

Abstrak

Pada makalah ini kami menganalisis kualitas demokrasi pada era kepresidenan Presiden Brasil Jair Bolsonaro antara tahun 2018 hingga 2022. Pertanyaan penelitian dalam makalah ini adalah: apakah terjadi pengikisan demokrasi, atau lebih tepatnya penurunan kualitas demokrasi Brasil, pada masa tersebut atau tidak? Untuk menjawab pertanyaan ini, kami menggunakan kriteria demokrasi yang relevan sebagai alat analisis. Secara metodologis, penelitian ini kami melakukan pendekatan penelitian kualitatif dalam menganalisis secara komprehensif mengenai kondisi demokrasi di Brazil melalui tinjauan literatur secara menyeluruh dan wawancara ahli dengan seorang ilmuwan sosial dari Brasil. Hasilnya, kami menyimpulkan bahwa berdasarkan temuan di bidang akuntabilitas vertikal, hak politik, kebebasan sipil, dan akuntabilitas horizontal memang terdapat penurunan kualitas demokrasi pada masa kepresidenan Bolsonaro.

Kata Kunci: "Demokrasi", "Brasil", "Bolsonaro", "Kepresidenan", "Otoritarianisme",

1. INTRODUCTION

In October 2018, Jair Messias Bolsonaro, was elected as President of Brazil and after only one term in office lost in the presidential elections in October 2022 against current President Lula da Silva. His four years in office were remarkable in many ways. Jair Bolsonaro tried to change the political structures of Brazilian democracy, fought the global COVID-19 pandemic with unorthodox means, and caused a high political polarization in Brazilian society. His political opponents, but also many scholars

criticized his leadership style and decisions as authoritarian and lamented an erosion of democracy in the country.

In this article, we would like to take closer look in the political developments in Brazil during the four years of Jair Bolsonaro's presidency (October 2018 – October 2022) and analyse the quality of Brazilian democracy at that time. Our research question is whether an erosion of democracy, or more precisely a reduction of the quality of Brazilian's democracy, took place during that time or not. Our case study shall be a part of the general academic debate on the erosion of democracy worldwide in the last 20 years.

As will be explained in more detail later, we will apply relevant democracy criteria of German scholar Wolfgang Merkel and Argentinian political Scientist Guillermo O'Donnell as the theoretical framework for our assessment. Both developed a set of criteria to identify and measure various aspects of a full-fledged democracy and the deviations from the ideal type of democracy.

2. RESEARCH METHODOLOGY

In terms of methodology, this study follows a qualitative research approach. First and foremost, we relied on a careful and thorough literature review, mostly from academic sources but in some cases also from journalistic articles. There is a widespread academic debate about the recent political developments in Brazil among the global academic community. These developments in Brazil are not only relevant for the South American region, but also on a global scale. Brazil is the 5th most populous country and one of the largest democracies worldwide. In addition, and in order to receive first-hand information, we conducted an online interview with Brazilian social scientist Larissa Barbosa da Costa on February 27, 2024. We submitted the manuscript later to her and she agreed that all her statements could be published.

3. RESULT AND DISCUSSION

In our analysis of democracy quality during the Bolsonaro presidency, we will focus on four criteria, which are essential for an ideal form of democracy: a) vertical accountability meaning free, fair, and competitive elections, b) political rights, c) civil liberties, and d) horizontal accountability. In the following, we will explain shortly these criteria.

Most academics would agree that elections are the most decisive element of a democracy. However, the mere holding of elections alone does not automatically mean that a country is democratic. In a full-fledged democracy it must be ensured that the

elections are free, fair, and competitive. Or, as Wolfgang Merkel put it, “*open pluralistic competition over central power positions is the distinguishing difference between democracy and authoritarianism*” (Merkel 2004: 38). In democracies, winning an election is the only legal way to get into top executive positions. At the same time, electoral loss means that your given time to rule is over and that power needs to be transferred in a peaceful way to the candidate/party that has won the election.

Besides elections, political rights are essential for a democracy, since the right to political participation is a prerequisite for free, fair, and competitive elections. The right to both political communication and political organization are vital parts of a full-fledged democracy. Political communication includes the right to freedom of speech and opinion. An important indicator for the implementation of freedom of speech is media freedom. Journalists and social media users are allowed to criticize government actions and to voice alternative views. Free Political organization means that “no political party following the procedures of a democratic constitution can be denied the right to political organization” (Merkel 2004: 39). Citizens should be able to freely form interest groups and political parties and act freely within those parties/groups, independent of state interference.

Another important element of an ideal democracy is the guaranteeing of civil rights by the state. Civil rights refer to constitutionally guaranteed rights, which protect the individual against the state and its executive organs such as military and police. Civil rights are closely related to human rights, which in an ideal democracy should be applied to all citizens beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from discrimination as well as freedom from slavery and torture. Thus, ethnic, religious, and other minorities must be protected by the state/courts from discrimination and persecution from state and private actors.

The fourth democracy principle, which we will apply in this study is that of horizontal accountability, which refers to checks and balances between state institutions. According to Latin American scholar Guillermo O’Donnell, horizontal accountability is about limiting executive power by a network of relatively autonomous state institutions and can be pinned down to constitutionally defined, lawful action (O’Donnell 1998).

The most important state institutions for the monitoring of the executive branch of government include the national parliament and the highest institution of the judiciary, for example the Supreme Court. In addition, other state institutions such as independent electoral commissions, auditing agencies, anti-corruption bodies, and ombudsmen also contribute to horizontal accountability (Ziegenhain 2015: 54). If a head of government is weakening the supervisory functions or the independence of other state institutions, then the system of checks and balances is damaged. This, in turn, leads to weaker horizontal accountability and, in general, to a weakening of democracy.

Vertical Accountability (Elections)

The 2018 elections in Brazil were unique compared to previous elections. They took place amidst major turmoil in Brazilian politics. President Dilma Rousseff of the left-leaning Workers' Party (PT), which has dominated Brazilian politics since 2002, was accused of breaking the Brazilian budget laws. Public confidence in the Workers' Party, but also into politicians in general was at an all-time low.

The political momentum was beneficial as never before for a candidate of the political right, who could promise a political turnaround, easy solutions for complex problems and to drain the swamp in the capital Brasilia. Among the conservative candidates nobody matched better with this winning strategy than Jair Bolsonaro. The former army officer was already an illustrious public figure known for his far-right political standing. Among others he praised the time of the authoritarian military rule in Brazil (1964-1985), promoted conservative Christian values, and suggested expanding gun ownership for ordinary citizens and the re-introduction of the death penalty. His conservative campaign platform focused on tackling corruption, pro-market economic policies, law and order, anti-socialism, and defending family values (Neto and Pimenta 2020). Social scientists like Raquel de Caria Patricio considered Bolsonaro's campaign openly racist, homophobic, and misogynistic (Patricio 2022). Consequently, women activists from 144 cities across Brazil organized a demonstration called #EleNao (not him) that warned Brazilians of the dangers of electing Bolsonaro as president. However, conservative officials especially conservative jurists countered these demonstrations by creating the slogan #EleSim (yes, he is) as response (Meyer 2023).

Bolsonaro chose an army general as his vice-presidential candidate and promised that members of the military would occupy high positions in government (Larres 2022). He also encouraged public security agents, police, and soldiers to enter politics, implying that Bolsonaro was reviving the power of the military authoritarian regime. Bolsonaro is a charismatic and bluntly speaking person, who managed to build a cult around his personality and created something like a sect, the *Bolsonaristas*. His leadership style is attractive for two kinds of groups: a) The conservatives who like his religious and moral-based politics, b) the business elites who like his neo-liberal economic policies (Neto and Pimenta 2022). Some of the Brazilian elites were happy that Bolsonaro did the hard job (such as dismantling several laws, changing public policies, etc.) in the frontline, so that they could hide behind him.

The election campaign took place in a highly polarized environment, supporters of the leftist Workers' Party and Bolsonaro clashed on several occasions. Bolsonaro was even attacked with a knife in the middle of his campaign in the city of Juiz de Fora (Dias/Teles 2018). Both sides spread fake news in social media and demonized the other side. In the presidential run-off election on 22nd October 2018, Jair Bolsonaro was elected with a total vote of 55,13% over his opponent Fernando Haddad from the Workers' Party

(Filho et al. 2022). Popular former President Lula da Silva from the Workers' Party was imprisoned "in a clear political manoeuvre to avoid him running"¹, so that relatively unknown Fernando Haddad had to run as the Workers' Party candidate.

Despite several administrative short-comings, violence, and a degree of polarization, the 2018 presidential elections can be described as free, fair and competitive. The transition of power was smoothly and on 1st January 2019, Jair Bolsonaro was sworn in as new President of Brazil. This was very different when Jair Bolsonaro was narrowly not re-elected in the October 2022 presidential elections. Already two years before the elections, he started to make regular statements that if he loses the 2022 elections it must be because of manipulations. He regularly questioned the validity of the automated voting machines and even tried to reintroduce the ballot paper vote as only voting mechanism by a constitutional amendment, but his proposal was rejected by Congress.

Bolsonaro did not acknowledge his defeat in the 2022 elections but only stated that he would "comply with the Constitution". On the streets all over Brazil his supporters organized mass demonstrations and blocked roads. While Bolsonaro left Brazil for several months, his supporters attacked the buildings of the Supreme Court of Brazil, the National Congress of Brazil and the Presidential Palace on 8 January 2023. Generally, it was interpreted that this was an attempt to instigate a military coup d'état and reinstate Bolsonaro as president.

Political Rights

As explained above, political rights consisting of political communication and political organization are essential for a working democracy. During the presidency of Bolsonaro, freedom of expression and press freedom came under attack. Bolsonaro had a deep mistrust against traditional media such as newspapers, newspapers, and TV> Instead he preferred to communicate directly with his supporters via social media. Everybody who criticized him was attacked. He build up a troll/digital army, directed by one of his sons, to attack other politicians, journalists, judges, etc.² At various occasions he encouraged his followers to commit verbal and physical attacks on journalists (Ozawa et al.).

Bolsonaro portrayed himself as the victim of a hate campaign/fake news directed against him. A lot of his supporters do not believe any news from traditional media anymore, except news coming from their own bubble.³ At the same time, he produced a lot of announcements which can be rated as fake news and slander against his political opponents. Social activists and journalists who criticized him were subjected to economic

¹ Interview with Larissa Barbosa da Costa on 27 February 2024

² Interview with Larissa Barbosa da Costa on 27 February 2024

³ Interview with Larissa Barbosa da Costa on 27 February 2024

pressure, harassment, hacking, and intimidation (Ganter/Paulino 2020). Bolsonaro and person close to him like his sons particularly targeted female journalists, activists, artists, and indigenous people who advocated for human rights (Igarape Institute 2020).

During Bolsonaro's presidency, violence against media persons increased by over 100 percent, including a total of 152 attacks on journalists (Nicoletti/Flores 2022). Particularly Globo TV, the largest commercial TV network in Latin America, became the target of Jair Bolsonaro's attacks, when they reported critically about his government policies and his handling of the covid-19 pandemic. Bolsonaro labelled journalists of Globo TV and other big media companies as communists, spreaders of fake news, and leftists (Ibid.). Furthermore, educational institutions, including universities and state schools, were subjected to censorship because they criticized the government and were deemed to be spreading leftist and gender ideology. In many cases, government officials reported teachers for opposing the Jair Bolsonaro administration's agenda (Igarape Institute 2020). In general, political rights and in particular the freedom of speech were significantly reduced during the Bolsonaro presidency.

Civil Liberties

The overall situation concerning human rights and minority protection have been a long enduring problem in Brazil. Widespread poverty, exclusion, inequality, and violence are typical features within the country since decades (Neto 2021).

Nevertheless, the human rights situation became worse during the Bolsonaro presidency and the decisive factor for this development was the president's populist and authoritarian leadership style (Da Silva/Larkins 2019). On many occasions, Bolsonaro, himself a person with white skin colour used racist statements against Brazilians with black skin colour (Treece 2021). For example, he compared Afro-Brazilians with livestock and said "The lightest Afro-descendant there weighed seven arrobas [a colonial measure for cattle]. They don't do a thing. I reckon he's no use anymore even for breeding" (Da Silva/Larkins 2019). These racist statements were copied by millions of his followers so that the open expressions of black racism have become a common social phenomenon in Brazil during the Bolsonaro presidency (Treece 2021). Bolsonaro's government also removed black activists from the National Council of Racial Equality Promotion (CNPPIR). In addition, the government also stopped the National Plan for the Promotion of Racial Equality monitoring committee, the National Affirmative Action Program evaluation committee, and many other executive branch-controlling participatory channels" (Ibid.).

The number of people killed by police raised during Bolsonaro's presidency from 2,212 fatal incidents in 2013 to 6,375 in 2019, one of the highest numbers worldwide. The majority of the victims were black (Funari 2022). Bolsonaro can be made responsible personally for this increase, since he promoted impunity for police forces who killed

alleged perpetrators while doing their job. In addition, Bolsonaro liberalized gun ownership for ordinary people and promoted the spread of shooting practice clubs (Ibid.). The black community in Brazil did not just remain silent, they also formed the Black Coalition for Rights Movement which combined more than 150 women's, cultural community, legal, and academic organizations that aimed to impeach Bolsonaro for human rights violations and hold him accountable for negligence in managing the Covid-19 pandemic (Costa et. al 2023). The speakers of this movement argued that there have been more than 100,000 recorded deaths caused by government inactivity during the pandemic as well as an enormous rise of unemployment which particularly impacted black and poor communities (Treece 2021).

Bolsonaro also scrapped many of the social reforms regarding the protection of ethnic minorities, which were introduced by previous governments. The quota for black people for university access was abolished as well as protection zones for indigenous people in the Amazonas rainforest. He allowed (supported by the agribusiness sector) large deforestations to the detriment of the local people in the rainforest. He argued that the reservation of around 15 percent of the national land for indigenous people was too much and that it would be for the economic benefit of all Brazilians if this land would be used for plantations or mines (Savarese 2019).

A huge number of land conflicts between land claimers and indigenous people emerged (Ferrante et. al, 2021), many of them violent. For example, Paulino Guajajara, a leader of the indigenous "forest rangers" from the Guajajara ethnic minority protecting the remaining area on the eastern edge of the Amazon rainforest, was killed in an ambush of farmers in November 2019 (Neto 2021).

Horizontal accountability

During his leadership, Bolsonaro tried to reduce horizontal accountability to other state institutions. According to him, he was unable to deliver the policies that he promised because of the systematic obstacles of the corrupt elite who occupied Congress and the judiciary (Aguilar/Azul 2020). Consequently, he had a series of conflicts with other state institutions. The opposition in the Brazilian National Congress started more than 130 motions to impeach the president mostly for his responsibility for human rights violations, but also his mismanagement when handling the COVID-19 pandemic. All of them, however, were stopped in the House of Representatives, whose speaker Artur Lila, a Bolsonaro supporter, blocked them and did not allow them to be decided by a plenary vote (Ferrante et. al 2021).

Bolsonaro's cabinet included both populist extremists and idealistic reformists (Foa 2021) and in the first year of his administration, Bolsonaro vetoed more legislative proposals than all prior Brazilian presidents in the same time span. Bolsonaro also had the lowest legislative success rate than any previous president (Avritzer and Renno

2021). Directly at the beginning of his leadership, Bolsonaro issued a decree to classify much information related to his presidential activities as confidential. This reduced government transparency and weakened the ability of the other state institutions to check and monitor his actions (Lagunes et al. 2021). Particularly during the COVID-19 pandemic, many government actions were not disclosed to the public, what also led to a conflict with Brazil's Supreme Court (Ibid.).

In general, Bolsonaro had a series of conflicts with the judiciary, particularly with the before-mentioned Supreme Court. This led to an unprecedented jousting between the executive and judicial branches that has added a new layer of complexity to Brazil's already thorny judicial politics" (Da Ros and Taylor 2021). The Supreme Court tried to intervene on cases of human rights violations and impunity for policemen killings (Funari 2022). In general, the relationship with President and the judiciary was conflict-ridden and, on many occasions, Bolsonaro attacked the Supreme Court and other supervisory state institutions as being biased against him. After his loss in the 2022 elections, Bolsonaro stated that the Supreme Court was involved in election fraud (Tanscheit and Barbosa 2023) and was partly responsible for his electoral defeat. During his presidency, he described the judiciary as a hindrance for the implementation of his election promises. Among these promises was also a clean and corruption-free government. However, several of his ministers and Bolsonaro's deputy leader in the Senate were convicted of misuse of public funds (Lagunes et al. 2021).

In contrast to his distrust in democratic institutions, Bolsonaro always puts a lot of trust in the national military. After the end of the military dictatorship in Brazil in 1985, there was a common understanding that the military has stay out of politics. Bolsonaro has brought them back and gave them many government positions. Also, the interpretation of the time of military dictatorship has changed. Before Bolsonaro came to power a lot of military leaders refrained from talking about this time, but now it was promoted as a glorious time of heroes who saved the country from communism.⁴ One example was Bolsonaro's frequent praise for the most famous torturer of the dictatorship times, Colonel Carlos Brilhante Ustra, whom he lauded as a national hero (Reuters 2019).

In general, Bolsonaro openly undermined the structure of democratic institutions, suppressed the structure of checks and balances, and was in permanent conflict with the other state institutions. His confrontative leadership style, his controversial policies and his lack of cooperation turned the three major institutional actors (executive, legislative, and judicial branch of government) into political enemies (Couto 2023).

⁴ Interview with Larissa Barbosa da Costa on 27 February 2024

Conclusion

Our analysis of four main elements of democracy (elections, political rights, civil liberties, and horizontal accountability) during Jair Bolsonaro's presidency revealed that deficiencies occurred in all criteria. Consequently, Brazil experienced a decline in the quality of democracy between 1999 and 2022.

Both elections, in which Bolsonaro took part, the one in 1998 which he won and the one in 2022, which he lost, were, despite smaller shortcomings largely free, fair, and competitive. The reason why we nevertheless regard this criterion as an element of democratic erosion is due to the fact that until today Jair Bolsonaro did not admit his electoral defeat and constantly voices conspiracy theories about electoral fraud. Similarly to his American counterpart Donald Trump, Bolsonaro mobilized his supporters to attack other political institutions after his electoral defeat. In addition to this, the credibility of elections and the stability of the whole democratic system are undermined if the electoral loser does not accept the result of the elections.

During his presidency, Bolsonaro has also slowly eroded political rights, especially with regards to freedom of speech. His hostility towards the media and violent attacks of his supporters against critical journalists contributed to the decline of democracy.

Probably the most negative aspect of his presidency was the massive increase of human rights violations, the impunity for extra-judicial killings by police forces, and the reduction of the protection of ethnic and other minorities. This reduction of civil liberties combined with Bolsonaro's racist attitude contributed not only to a decline of democracy but will be an ongoing threat for the unity and equality of Brazilian society in general.

In terms of horizontal accountability, Bolsonaro's permanent attempts to undermine the authority of other state institutions such as the Congress and the Supreme Court confirm our hypothesis that Brazil under Bolsonaro moved from a democratic political order towards a more authoritarian system. Bolsonaro's sympathy for military officers in high government positions, his admiration for the authoritarian military rule from 1964 to 1980, and the coup attempt after his electoral loss are further indicators for an erosion of Brazilian democracy.

His governance style, sometimes called *Bolsonarismo* is a combination of authoritarianism, religious moralism, neoliberalism, and freewheeling conspiracy theory (Larres 2022). This approach is not new but can also be found currently in many other Western democracies. Bolsonaro's governance style was successful in so far, as he became the idol of millions of Brazilians, who nearly elected him for a second term in 2022. At the same time, however, he polarized Brazil to a great extent: either you love him, or you hate him. National reconciliation is unlikely to happen in the coming years (Mesquita 2021).

Under such conditions, democracy has a difficult stand and an uncertain future in Brazil. If the Brazilian voters prefer *Bolsonarismo* over any other form of governance, democracy will be in seriously endangered. Bolsonaro himself, might not so soon re-emerge as the Superior Electoral Court decided to make the former president ineligible for eight years in March 2023.

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